

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

HOUSE BILL 2443

AN ACT

AMENDING SECTIONS 9-831, 9-832, 9-833, 9-834, 9-835, 9-840, 11-1601, 11-1602, 11-1603, 11-1604, 11-1605, 11-1610, 48-3641, 48-3642, 48-3643, 48-3644 AND 48-3645, ARIZONA REVISED STATUTES; RELATING TO REGULATORY REVIEW.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-831, Arizona Revised Statutes, is amended to
3 read:

4 9-831. Definitions

5 In this article, unless the context otherwise requires:

6 1. "FIRE AND LIFE SAFETY INSPECTION" MEANS AN INSPECTION OF A
7 REGULATED PERSON OR FACILITY CONDUCTED TO ENSURE FIRE SAFETY COMPLIANCE.

8 ~~1-~~ 2. "Food and swimming pool inspection" means an inspection of a
9 regulated person OR FACILITY conducted to ensure the safety of food services,
10 swimming pools and other bathing places.

11 ~~2-~~ 3. "License" includes the whole or part of any municipal permit,
12 certificate, approval, registration, charter or similar form of permission
13 required by law. LICENSE DOES NOT INCLUDE A TRANSACTION PRIVILEGE TAX
14 LICENSE.

15 ~~3-~~ 4. "Licensing" includes the municipal process respecting the
16 grant, denial, renewal, revocation, suspension, annulment, withdrawal or
17 amendment of a license.

18 ~~4-~~ 5. "Municipal" or "municipality" means an incorporated city or
19 town.

20 ~~5-~~ 6. "Person" means an individual, partnership, corporation,
21 association, governmental subdivision or unit of a governmental subdivision
22 or a public or private organization of any character.

23 7. "REQUEST FOR CORRECTIONS" MEANS A REQUEST FOR TECHNICAL OR
24 CLARIFYING CORRECTIONS FROM AN APPLICANT WHO HAS SUBMITTED AN
25 ADMINISTRATIVELY COMPLETE APPLICATION FOR A LICENSE.

26 ~~6-~~ 8. "Substantive policy statement" means a written expression that
27 is only advisory and THAT informs the general public of a municipality's
28 current approach to, or opinion of, the requirements of the ordinances or
29 codes, including, ~~where~~ IF appropriate, the municipality's current practice,
30 procedure or method of action based on that approach or opinion. A
31 substantive policy statement does not include internal procedural documents
32 that only affect the internal procedures of the municipality and THAT do not
33 impose additional requirements or penalties on regulated parties or
34 confidential information.

35 ~~7-~~ 9. "Working day" means a twenty-four hour period excluding
36 weekends and legal holidays.

37 Sec. 2. Section 9-832, Arizona Revised Statutes, is amended to read:

38 9-832. Regulatory bill of rights

39 To ensure fair and open regulation by municipalities, a person:

40 1. Is eligible for reimbursement of fees and other expenses if the
41 person prevails by adjudication on the merits against a municipality in a
42 court proceeding regarding a municipality decision as provided in section
43 12-348.

44 2. Is entitled to receive information and notice regarding inspections
45 as provided in section 9-833.

1 3. Is entitled to have a municipality not base a licensing decision in
2 whole or in part on licensing conditions or requirements that are not
3 specifically authorized as provided in section 9-834, subsection A.

4 4. May have a municipality approve or deny the person's license
5 application within a predetermined period of time as provided in section
6 9-835.

7 5. Is entitled to receive written or electronic notice from a
8 municipality on denial of a license application **THAT**:

9 (a) ~~That~~ Justifies the denial with references to the statute,
10 ordinance, code or authorized substantive policy statements on which the
11 denial is based as provided in section 9-835.

12 (b) ~~That~~ Explains the applicant's right to appeal the denial as
13 provided in section 9-835.

14 6. Is entitled to receive information regarding the license
15 application process at the time the person obtains an application for a
16 license as provided in section 9-836.

17 7. May inspect all ordinances, codes and substantive policy statements
18 of a municipality, including a directory of documents, at the office of the
19 municipality or on the municipality's website as provided in section 9-837.

20 8. Unless specifically authorized, may expect municipalities to avoid
21 duplication of other laws that do not enhance regulatory clarity and to avoid
22 dual permitting to the maximum extent practicable as provided in section
23 9-834.

24 9. May file a complaint with the municipality concerning an ordinance,
25 code or substantive policy statement that fails to comply with this section.

26 **10. AS PROVIDED IN SECTION 9-834, IS ENTITLED TO HAVE A MUNICIPALITY**
27 **NOT REQUEST OR INITIATE DISCUSSIONS ABOUT WAIVING ANY OF THE RIGHTS**
28 **PRESCRIBED IN THIS SECTION.**

29 Sec. 3. Section 9-833, Arizona Revised Statutes, is amended to read:
30 **9-833. Inspections; applicability**

31 A. A municipal inspector or regulator who enters any premises of a
32 regulated person for the purpose of conducting an inspection shall:

33 1. Present photo identification on entry of the premises.

34 2. On initiation of the inspection, state the purpose of the
35 inspection and the legal authority for conducting the inspection.

36 3. Disclose any applicable inspection fees.

37 4. Except for a **FIRE AND LIFE SAFETY INSPECTION OF AREAS THAT ARE**
38 **ACCESSIBLE TO THE GENERAL PUBLIC OR A** food and swimming pool inspection,
39 afford an opportunity to have an authorized on-site representative of the
40 regulated person accompany the municipal inspector or regulator on the
41 premises, except during confidential interviews.

42 5. Provide notice of the right to have:

43 (a) Copies of any original documents taken from the premises by the
44 municipality during the inspection if the municipality is permitted by law to
45 take original documents.

1 (b) A split or duplicate of any samples taken during the inspection if
2 the split or duplicate of any samples, ~~where~~ IF appropriate, would not
3 prohibit an analysis from being conducted or render an analysis inconclusive.

4 (c) Copies of any analysis performed on samples taken during the
5 inspection.

6 6. Inform each person whose conversation with the municipal inspector
7 or regulator during the inspection is tape recorded that the conversation is
8 being tape recorded.

9 7. Inform each person interviewed during the inspection that
10 statements made by the person may be included in the inspection report.

11 B. On initiation of, or two working days before, an inspection of any
12 premises of a regulated person, except for a FIRE AND LIFE SAFETY INSPECTION
13 OF AREAS THAT ARE ACCESSIBLE TO THE GENERAL PUBLIC OR A food and swimming
14 pool inspection that has up to one working day after an inspection, a
15 municipal inspector or regulator shall provide the following in writing or
16 electronically:

17 1. The rights described in subsection A of this section.

18 2. The name and telephone number of a municipal contact person
19 available to answer questions regarding the inspection.

20 3. The due process rights relating to an appeal of a final decision of
21 a municipality based on the results of the inspection, including the name and
22 telephone number of a person to contact within the municipality and any
23 appropriate municipality, county or state government ombudsman.

24 C. A municipal inspector or regulator shall obtain the signature of
25 the regulated person or on-site representative of the regulated person on the
26 writing prescribed in subsection B of this section indicating that the
27 regulated person or on-site representative of the regulated person has read
28 the writing ~~prescribed in subsection B of this section~~ and is notified of the
29 regulated person's or on-site representative of the regulated person's
30 inspection and due process rights. The municipality shall maintain a copy of
31 this signature with the inspection report. Unless the regulated person at
32 the time of the inspection is informed how the report can be located
33 electronically, the municipality shall leave a copy with the regulated person
34 or on-site representative of the regulated person. If a regulated person or
35 on-site representative of the regulated person is not at the site or refuses
36 to sign the writing prescribed in subsection B of this section, the municipal
37 inspector or regulator shall note that fact on the writing ~~prescribed in~~
38 ~~subsection B of this section~~.

39 D. A municipality that conducts an inspection shall give a copy of, or
40 provide electronic access to, the inspection report to the regulated person
41 or on-site representative of the regulated person either:

42 1. At the time of the inspection.

43 2. Notwithstanding any other state law, within thirty working days
44 after the inspection.

45 3. As otherwise required by federal law.

1 E. The inspection report shall contain deficiencies identified during
2 an inspection. Unless otherwise provided by law, the municipality may
3 provide the regulated person an opportunity to correct the deficiencies
4 unless the municipality determines that the deficiencies are:

5 1. Committed intentionally.

6 2. Not correctable within a reasonable period of time as determined by
7 the municipality.

8 3. Evidence of a pattern of noncompliance.

9 4. A risk to any person, the public health, safety or welfare or the
10 environment.

11 F. If the municipality allows the regulated person an opportunity to
12 correct the deficiencies pursuant to subsection E of this section, the
13 regulated person shall notify the municipality when the deficiencies have
14 been corrected. Within thirty working days of receipt of notification from
15 the regulated person that the deficiencies have been corrected, the
16 municipality shall determine if the regulated person is in substantial
17 compliance and notify the regulated person whether or not the regulated
18 person is in substantial compliance, unless the determination is not possible
19 due to conditions of normal operations at the premises. If the regulated
20 person fails to correct the deficiencies or the municipality determines the
21 deficiencies have not been corrected within a reasonable period of time, the
22 municipality may take any enforcement action authorized by law for the
23 deficiencies.

24 G. A municipality's decision pursuant to subsection E or F of this
25 section is not an appealable municipal action.

26 H. At least once every month after the commencement of the inspection,
27 a municipality shall provide the regulated person with an update, in writing
28 or electronically, on the status of any municipal action resulting from an
29 inspection of the regulated person. A municipality is not required to
30 provide an update after the regulated person is notified that no municipal
31 action will result from the municipality's inspection or after the completion
32 of municipal action resulting from the municipality's inspection.

33 I. This section does not authorize an inspection or any other act that
34 is not otherwise authorized by law.

35 J. This section applies only to inspections necessary for the issuance
36 of a license or to determine compliance with licensure requirements. This
37 section does not apply:

38 1. To criminal investigations and undercover investigations that are
39 generally or specifically authorized by law.

40 2. If the municipal inspector or regulator has reasonable suspicion to
41 believe that the regulated person may be or has been engaged in criminal
42 activity.

43 3. TO inspections by a county board of health or a local health
44 department pursuant to section 36-603.

1 K. If a municipal inspector or regulator gathers evidence in violation
2 of this section, the violation shall not be a basis to exclude the evidence
3 in a civil or administrative proceeding, if the penalty sought is the denial,
4 suspension or revocation of the regulated person's license or IS a civil
5 penalty of more than one thousand dollars.

6 L. Failure of a municipal employee to comply with this section:

7 1. Constitutes cause for disciplinary action or dismissal pursuant to
8 adopted municipal personnel policy.

9 2. Shall be considered by the judge and administrative law judge as
10 grounds for reduction of any fine or civil penalty.

11 M. A municipality may adopt rules or ordinances to implement this
12 section.

13 N. This section:

14 1. Shall not be used to exclude evidence in a criminal proceeding.

15 2. Does not apply to a municipal inspection that is requested AND
16 SCHEDULED by the regulated person.

17 Sec. 4. Section 9-834, Arizona Revised Statutes, is amended to read:

18 9-834. Prohibited acts by municipalities

19 A. A municipality shall not base a licensing decision in whole or in
20 part on a licensing requirement or condition that is not specifically
21 authorized by statute, rule, ordinance or code. A general grant of authority
22 does not constitute a basis for imposing a licensing requirement or condition
23 unless the authority specifically authorizes the requirement or condition.

24 B. Unless specifically authorized, a municipality shall avoid
25 duplication of other laws that do not enhance regulatory clarity and shall
26 avoid dual permitting to the maximum extent practicable.

27 C. This section does not prohibit municipal flexibility to issue
28 licenses or adopt ordinances or codes.

29 D. A MUNICIPALITY SHALL NOT REQUEST OR INITIATE DISCUSSIONS WITH A
30 PERSON ABOUT WAIVING THAT PERSON'S RIGHTS.

31 Sec. 5. Section 9-835, Arizona Revised Statutes, is amended to read:

32 9-835. Licensing time frames; compliance; consequence for
33 failure to comply with time frame; exemptions;
34 definitions

35 A. For any new ordinance or code requiring a license, a municipality
36 shall have in place an overall time frame during which the municipality will
37 either grant or deny each type of license that it issues. The overall time
38 frame for each type of license shall state separately the administrative
39 completeness review time frame and the substantive review time frame AND
40 SHALL BE POSTED ON THE MUNICIPALITY'S WEBSITE OR THE WEBSITE OF AN
41 ASSOCIATION OF CITIES AND TOWNS IF THE MUNICIPALITY DOES NOT HAVE A WEBSITE.

42 B. On or before December 31, 2012, a municipality that issues licenses
43 required under existing ordinances or codes shall have in place an overall
44 time frame during which the municipality will either grant or deny each type
45 of license that it issues. The overall time frame for each type of license

1 shall state separately the administrative completeness review time frame and
2 the substantive review time frame AND SHALL BE POSTED ON THE MUNICIPALITY'S
3 WEBSITE OR THE WEBSITE OF AN ASSOCIATION OF CITIES AND TOWNS IF THE
4 MUNICIPALITY DOES NOT HAVE A WEBSITE. Municipalities shall prioritize the
5 establishment of time frames for those licenses that have the greatest impact
6 on the public.

7 C. In establishing time frames, municipalities shall consider all of
8 the following:

9 1. The complexity of the licensing subject matter.
10 2. The resources of the municipality.
11 3. The economic impact of delay on the regulated community.
12 4. The impact of the licensing decision on public health and safety.
13 5. The possible use of volunteers with expertise in the subject matter
14 area.

15 6. The possible increased use of general licenses for similar types of
16 licensed businesses or facilities.

17 7. The possible increased cooperation between the municipality and the
18 regulated community.

19 8. Increased municipal flexibility in structuring the licensing
20 process and personnel including:

21 (a) Adult businesses and other licenses that are related to the first
22 amendment.

23 (b) Master planned communities.

24 (c) Suspension of the substantive and overall time frames for purposes
25 including DELAYS CAUSED BY THE NEED FOR public hearings, ~~or~~ state or federal
26 licenses OR APPROVALS FROM PUBLIC UTILITIES ON RESIDENTIAL OR COMMERCIAL
27 DEVELOPMENT PROJECTS.

28 9. THAT THE SUBSTANTIVE REVIEW TIME FRAMES AND OVERALL TIME FRAMES DO
29 NOT INCLUDE THE TIME REQUIRED FOR AN APPLICANT TO OBTAIN OTHER NONMUNICIPAL
30 LICENSES OR TO PARTICIPATE IN MEETINGS AS REQUIRED BY LAW.

31 D. A municipality shall issue a written or electronic notice of
32 administrative completeness or deficiencies to an applicant for a license
33 within the administrative completeness review time frame. If the permit
34 sought requires approval of more than one department of the municipality,
35 each department may issue a written or electronic notice of administrative
36 completeness or deficiencies.

37 E. If a municipality determines that an application for a license is
38 not administratively complete, the municipality shall include a comprehensive
39 list of the specific deficiencies in the written or electronic notice
40 provided pursuant to subsection D OF THIS SECTION. If the municipality
41 issues a written or electronic notice of deficiencies within the
42 administrative completeness time frame, the administrative completeness
43 review time frame and the overall time frame are suspended from the date the
44 notice is issued until the date that the municipality receives the missing
45 information from the applicant. The municipality may issue an additional

1 written or electronic notice of administrative completeness or deficiencies
2 based on the applicant's submission of missing information. If the permit
3 sought requires approval of more than one department of the municipality,
4 each department may issue an additional written or electronic notice of
5 administrative completeness or deficiencies based on the applicant's
6 submission of missing information.

7 F. If a municipality does not issue a written or electronic notice of
8 administrative completeness or deficiencies within the administrative
9 completeness review time frame, the application is deemed administratively
10 complete. If a municipality issues a timely written or electronic notice of
11 deficiencies, an application shall not be complete until all requested
12 information has been received by the municipality. A MUNICIPALITY MAY
13 CONSIDER AN APPLICATION WITHDRAWN IF, BY FIFTEEN DAYS OR MORE AFTER THE DATE
14 OF NOTICE, AS ESTABLISHED BY THE MUNICIPALITY, THE APPLICANT DOES NOT SUPPLY
15 THE DOCUMENTATION OR INFORMATION REQUESTED OR AN EXPLANATION OF WHY THE
16 INFORMATION CANNOT BE PROVIDED WITHIN THE ESTABLISHED TIME PERIOD.

17 G. During the substantive review time frame, a municipality may make
18 one comprehensive written or electronic request for ~~additional information~~
19 CORRECTIONS. IF THE MUNICIPALITY IDENTIFIES LEGAL REQUIREMENTS THAT WERE NOT
20 INCLUDED IN THE COMPREHENSIVE REQUEST FOR CORRECTIONS, THE MUNICIPALITY MAY
21 AMEND THE COMPREHENSIVE REQUEST FOR CORRECTIONS ONCE TO INCLUDE THE LEGAL
22 REQUIREMENTS AND THE LEGAL AUTHORITY FOR THE REQUIREMENTS. If the permit
23 sought requires approval of more than one department of the municipality,
24 each department may issue a COMPREHENSIVE written or electronic request for
25 ~~additional information~~ CORRECTIONS. ~~The municipality and applicant may~~
26 ~~mutually agree in writing or electronically to allow the municipality to~~
27 ~~submit supplemental requests for additional information.~~ IF THE APPLICANT
28 FAILS TO RESOLVE AN ISSUE IDENTIFIED IN A REQUEST FOR CORRECTIONS, THE
29 MUNICIPALITY MAY MAKE SUPPLEMENTAL WRITTEN OR ELECTRONIC REQUESTS FOR
30 CORRECTIONS THAT ARE LIMITED TO ISSUES PREVIOUSLY IDENTIFIED IN A
31 COMPREHENSIVE REQUEST FOR CORRECTIONS. If a municipality issues a
32 comprehensive written or electronic request or a supplemental request ~~by~~
33 ~~mutual written or electronic agreement~~ for ~~additional information~~
34 CORRECTIONS, the substantive review time frame and the overall time frame are
35 suspended from the date the request is issued until the date that the
36 municipality receives the ~~additional information~~ CORRECTIONS from the
37 applicant. IF AN APPLICANT REQUESTS SIGNIFICANT CHANGES, ALTERATIONS,
38 ADDITIONS OR AMENDMENTS TO AN APPLICATION THAT ARE CONSISTENT WITH THE
39 PURPOSES OF THE ORIGINAL APPLICATION AND THAT ARE NOT IN RESPONSE TO THE
40 REQUEST FOR CORRECTIONS, A MUNICIPALITY MAY MAKE ONE ADDITIONAL COMPREHENSIVE
41 WRITTEN OR ELECTRONIC REQUEST FOR CORRECTIONS AND MAY HAVE NO MORE THAN AN
42 ADDITIONAL FIFTY PER CENT OF THE SUBSTANTIVE REVIEW TIME FRAME AS ESTABLISHED
43 BY THE MUNICIPALITY FOR THAT LICENSE TO GRANT OR DENY THE LICENSE. NOTHING
44 SHALL PREVENT COMMUNICATION BETWEEN A MUNICIPALITY AND AN APPLICANT REGARDING
45 A COMPREHENSIVE WRITTEN OR ELECTRONIC REQUEST FOR CORRECTIONS OR A

1 SUPPLEMENTAL REQUEST FOR CORRECTIONS. A MUNICIPALITY MAY CONSIDER AN
2 APPLICATION WITHDRAWN IF, BY THIRTY DAYS OR MORE AFTER THE DATE OF NOTICE, AS
3 ESTABLISHED BY THE MUNICIPALITY, THE APPLICANT DOES NOT SUPPLY THE
4 DOCUMENTATION OR INFORMATION REQUESTED OR AN EXPLANATION OF WHY THE
5 INFORMATION CANNOT BE PROVIDED WITHIN THE ESTABLISHED TIME PERIOD.

6 H. NOTHING SHALL PREVENT THE MUNICIPALITY FROM CONTINUING TO PROCESS
7 THE APPLICATION DURING THE SUSPENSION OF THE SUBSTANTIVE REVIEW TIME FRAME
8 AND OVERALL TIME FRAME.

9 ~~H-~~ I. By mutual written or electronic agreement, a municipality and
10 an applicant for a license may extend the substantive review time frame and
11 the overall time frame. An extension of the substantive review time frame
12 and the overall time frame may not exceed ~~twenty-five~~ FIFTY per cent of the
13 overall time frame.

14 ~~I-~~ J. Unless a municipality and an applicant for a license mutually
15 agree to extend the substantive review time frame and the overall time frame
16 pursuant to subsection ~~H-~~ I OF THIS SECTION, a municipality shall issue a
17 written or electronic notice granting or denying a license to an applicant.
18 If a municipality denies OR WITHDRAWS an application for a license, the
19 municipality shall include in the written or electronic notice at least the
20 following information:

21 1. Justification for the denial OR WITHDRAWAL with references to the
22 statutes, ordinances, codes or substantive policy statements on which the
23 denial OR WITHDRAWAL is based.

24 2. An explanation of the applicant's right to appeal the denial OR
25 WITHDRAWAL. The explanation shall include the number of working days in
26 which the applicant must file a protest challenging the denial OR WITHDRAWAL
27 and the name and telephone number of a municipal contact person who can
28 answer questions regarding the appeals process.

29 3. AN EXPLANATION OF THE APPLICANT'S RIGHT TO RESUBMIT THE
30 APPLICATION, THE TOTAL AMOUNT OF FEES THAT WILL BE ASSESSED IF THE APPLICANT
31 RESUBMITS THE APPLICATION AND THE METHOD IN WHICH THOSE FEES WERE CALCULATED.

32 ~~J-~~ K. If a municipality does not issue the applicant the written or
33 electronic notice granting or denying a license within the overall time frame
34 or within the mutually agreed ~~upon~~ ON time frame extension, the municipality
35 shall refund to the applicant all fees charged for reviewing and acting on
36 the application for the license and shall excuse payment of any fees that
37 have not yet been paid. The municipality shall not require an applicant to
38 submit an application for a refund pursuant to this subsection. The refund
39 shall be made within thirty working days after the expiration of the overall
40 time frame or the time frame extension. The municipality shall continue to
41 process the application. Notwithstanding any other statute, the municipality
42 shall make the refund from the fund in which the application fees were
43 originally deposited. THE RIGHT TO RECEIVE A REFUND OF FEES CHARGED FOR
44 REVIEWING AND ACTING ON THE APPLICATION FOR THE LICENSE MAY NOT BE WAIVED BY
45 AN APPLICANT.

1 L. IF AN APPLICATION FOR A LICENSE IS DENIED AND THE APPLICANT
2 RESUBMITS THE APPLICATION FOR THE SAME PURPOSES WITH ONLY REVISIONS OR
3 CORRECTIONS TO THE ORIGINAL APPLICATION, THE MUNICIPALITY SHALL NOT ASSESS
4 ANY ADDITIONAL APPLICATION FEES THAT EXCEED THE COST OF PROCESSING THE
5 RESUBMITTED REVISIONS OR CORRECTIONS. THIS SUBSECTION DOES NOT APPLY TO
6 LICENSE APPLICATIONS THAT WERE DENIED FOR DISQUALIFYING CRIMINAL CONVICTIONS
7 OR THAT WERE SUBMITTED FRAUDULENTLY.

8 M. IF AN APPLICATION FOR A LICENSE IS WITHDRAWN AND THE APPLICANT
9 RESUBMITS THE APPLICATION FOR THE SAME PURPOSE, THE MUNICIPALITY SHALL NOT
10 ASSESS ANY ADDITIONAL APPLICATION FEES THAT EXCEED FIFTY PER CENT OF THE
11 ORIGINAL APPLICANT FEES THAT HAVE NOT BEEN REFUNDED TO THE APPLICANT. THIS
12 SUBSECTION DOES NOT APPLY TO LICENSE APPLICATIONS THAT WERE DENIED FOR
13 DISQUALIFYING CRIMINAL CONVICTIONS OR THAT WERE SUBMITTED FRAUDULENTLY.

14 ~~K.~~ N. This section does not apply to ~~licenses~~ A LICENSE THAT IS
15 EITHER:

16 1. Issued within seven working days after receipt of the initial
17 application or A permit that ~~expire~~ EXPIRES within twenty-one working days
18 after issuance.

19 2. NECESSARY FOR THE CONSTRUCTION OR DEVELOPMENT OF A RESIDENTIAL LOT,
20 INCLUDING SWIMMING POOLS, HARDSCAPE AND PROPERTY WALLS, SUBDIVISIONS OR
21 MASTER PLANNED COMMUNITY.

22 0. FOR THE PURPOSES OF THIS SECTION:

23 1. "MASTER PLANNED COMMUNITY" MEANS DEVELOPMENT BY ONE OR MORE
24 DEVELOPERS OF REAL ESTATE THAT CONSISTS OF RESIDENTIAL, COMMERCIAL,
25 EDUCATION, HEALTH CARE, OPEN SPACE AND RECREATIONAL COMPONENTS AND THAT IS
26 DEVELOPED PURSUANT TO A LONG RANGE, MULTI-PHASE MASTER PLAN PROVIDING
27 COMPREHENSIVE LAND USE PLANNING AND STAGED IMPLEMENTATION AND DEVELOPMENT.

28 2. "SUBDIVISION" MEANS IMPROVED OR UNIMPROVED LAND OR LANDS DIVIDED
29 FOR THE PURPOSES OF FINANCING, SALE OR LEASE, WHETHER IMMEDIATE OR FUTURE,
30 INTO FOUR OR MORE LOTS, TRACTS OR PARCELS OF LAND, OR, IF A NEW STREET IS
31 INVOLVED, ANY SUCH PROPERTY THAT IS DIVIDED INTO TWO OR MORE LOTS, TRACTS OR
32 PARCELS OF LAND, OR, ANY SUCH PROPERTY, THE BOUNDARIES OF WHICH HAVE BEEN
33 FIXED BY A RECORDED PLAT, WHICH IS DIVIDED INTO MORE THAN TWO PARTS.
34 SUBDIVISION INCLUDES ANY CONDOMINIUM, COOPERATIVE, COMMUNITY APARTMENT,
35 TOWNHOUSE OR SIMILAR PROJECT CONTAINING FOUR OR MORE PARCELS, IN WHICH AN
36 UNDIVIDED INTEREST IN THE LAND IS COUPLED WITH THE RIGHT OF EXCLUSIVE
37 OCCUPANCY OF ANY UNIT LOCATED THEREON, BUT PLATS OF SUCH PROJECTS NEED NOT
38 SHOW THE BUILDINGS OR THE MANNER IN WHICH THE BUILDINGS OR AIRSPACE ABOVE THE
39 PROPERTY SHOWN ON THE PLAT ARE TO BE DIVIDED.

40 Sec. 6. Section 9-840, Arizona Revised Statutes, is amended to read:
41 9-840. Exemptions

42 This article does not apply to:

43 1. An ordinance, code, regulation or substantive policy statement that
44 relates only to the internal management of a municipality and that does not

1 directly and substantially affect the procedural or substantive rights or
2 duties of any segment of the public.

3 2. An ordinance, code, regulation or substantive policy statement that
4 relates only to the physical servicing, maintenance or care of ~~a municipal~~
5 **MUNICIPALLY** owned or operated facilities or property.

6 3. An ordinance, regulation or substantive policy statement that
7 relates to inmates or committed youth, a correctional or detention facility
8 under the jurisdiction of the municipality or a patient admitted to an
9 institution or treatment center pursuant to court order.

10 4. An ordinance, code, regulation or substantive policy statement that
11 relates to a municipal contract.

12 5. **THE FUNCTION OR OPERATION OF A MUNICIPAL AIRPORT, PUBLIC SAFETY**
13 **DEPARTMENT, POLICE DEPARTMENT, TOWN MARSHAL'S OFFICE, FIRE DEPARTMENT,**
14 **AMBULANCE SERVICE OR ZONING ADJUSTMENT PROCESS PURSUANT TO 9-462.06.**

15 Sec. 7. Section 11-1601, Arizona Revised Statutes, is amended to read:
16 **11-1601. Definitions**

17 In this article, unless the context otherwise requires:

18 1. **"DESIGN-BUILD" MEANS A CONSTRUCTION PROJECT DELIVERY SYSTEM IN**
19 **WHICH THE DESIGN AND CONSTRUCTION ASPECTS ARE CONTRACTED FOR WITH A SINGLE**
20 **ENTITY KNOWN AS THE DESIGN-BUILDER OR DESIGN-BUILD CONTRACTOR, AND IN WHICH**
21 **THE SYSTEM IS USED TO MINIMIZE THE PROJECT RISK FOR AN OWNER AND TO REDUCE**
22 **THE DELIVERY SCHEDULE BY OVERLAPPING THE DESIGN PHASE AND CONSTRUCTION PHASE**
23 **OF A PROJECT ENTITY.**

24 2. **"FIRE AND LIFE SAFETY INSPECTION" MEANS AN INSPECTION OF A**
25 **REGULATED PERSON OR FACILITY CONDUCTED TO ENSURE FIRE SAFETY COMPLIANCE.**

26 ~~1-~~ 3. "Food and swimming pool inspection" means an inspection of a
27 regulated person conducted to ensure the safety of food services, swimming
28 pools and other bathing places.

29 ~~2-~~ 4. "License" includes the whole or part of any county permit,
30 certificate, approval, registration, charter or similar form of permission
31 required by law.

32 ~~3-~~ 5. "Licensing" includes the county process respecting the grant,
33 denial, renewal, revocation, suspension, annulment, withdrawal or amendment
34 of a license.

35 ~~4-~~ 6. "Person" means an individual, partnership, corporation,
36 association, governmental subdivision or unit of a governmental subdivision,
37 or a public or private organization of any character.

38 7. **"REQUEST FOR CORRECTIONS" MEANS A REQUEST FOR TECHNICAL OR**
39 **CLARIFYING CORRECTIONS FROM AN APPLICANT WHO HAS SUBMITTED AN**
40 **ADMINISTRATIVELY COMPLETE APPLICATION FOR A LICENSE.**

41 ~~5-~~ 8. "Substantive policy statement" means a written expression that
42 is only advisory and that informs the general public of a county's current
43 approach to, or opinion of, the requirements of the ordinances or
44 regulations, including, ~~where~~ **IF** appropriate, the county's current practice,
45 procedure or method of action based on that approach or opinion. A

1 substantive policy statement does not include internal procedural documents
2 that only affect the internal procedures of the county and THAT do not impose
3 additional requirements or penalties on regulated parties or confidential
4 information.

5 ~~6-~~ 9. "Working day" means a twenty-four hour period excluding
6 weekends and legal holidays.

7 Sec. 8. Section 11-1602, Arizona Revised Statutes, is amended to read:
8 11-1602. Regulatory bill of rights

9 To ensure fair and open regulation by counties, a person:

10 1. Is eligible for reimbursement of fees and other expenses if the
11 person prevails by adjudication on the merits against a county in a court
12 proceeding regarding a county decision as provided in section 12-348.

13 2. Is entitled to receive information and notice regarding inspections
14 as provided in section 11-1603.

15 3. Is entitled to have a county not base a licensing decision in whole
16 or in part on licensing conditions or requirements that are not specifically
17 authorized as provided in section 11-1604.

18 4. May have a county approve or deny the person's license application
19 within a predetermined period of time as provided in section 11-1605.

20 5. Is entitled to receive written or electronic notice from a county
21 on denial of a license application THAT:

22 (a) ~~That~~ Justifies the denial with references to the statute,
23 ordinance, regulation, delegation agreement or authorized substantive policy
24 statements on which the denial is based as provided in section 11-1605.

25 (b) ~~That~~ Explains the applicant's right to appeal the denial as
26 provided in section 11-1605.

27 6. Is entitled to receive information regarding the license
28 application process at the time the person obtains an application for a
29 license as provided in section 11-1606.

30 7. May inspect all ordinances, regulations and substantive policy
31 statements of a county, including a directory of documents, at the office of
32 the county or on the county's website as provided in section 11-1607.

33 8. Unless specifically authorized, may expect counties to avoid
34 duplication of other laws that do not enhance regulatory clarity and to avoid
35 dual permitting to the maximum extent practicable as provided in section
36 11-1604.

37 9. May file a complaint with the board of supervisors concerning an
38 ordinance, regulation or substantive policy statement that fails to comply
39 with this section.

40 10. AS PROVIDED IN SECTION 11-1604, IS ENTITLED TO HAVE A COUNTY NOT
41 REQUEST OR INITIATE DISCUSSIONS ABOUT WAIVING ANY OF THE RIGHTS PRESCRIBED IN
42 THIS SECTION.

1 Sec. 9. Section 11-1603, Arizona Revised Statutes, is amended to read:
2 11-1603. Inspections; applicability

3 A. A county inspector or regulator who enters any premises of a
4 regulated person for the purpose of conducting an inspection shall:

5 1. Present photo identification on entry of the premises.

6 2. On initiation of the inspection, state the purpose of the
7 inspection and the legal authority for conducting the inspection.

8 3. Disclose any applicable inspection fees.

9 4. Except for a FIRE AND LIFE SAFETY INSPECTION OF AREAS THAT ARE
10 ACCESSIBLE TO THE GENERAL PUBLIC OR A food and swimming pool inspection,
11 afford an opportunity to have an authorized on-site representative of the
12 regulated person accompany the county inspector or regulator on the premises,
13 except during confidential interviews.

14 5. Provide notice of the right to have:

15 (a) Copies of any original documents taken from the premises by the
16 county during the inspection if the county is permitted by law to take
17 original documents.

18 (b) A split or duplicate of any samples taken during the inspection if
19 the split or duplicate of any samples, ~~where~~ IF appropriate, would not
20 prohibit an analysis from being conducted or render an analysis inconclusive.

21 (c) Copies of any analysis performed on samples taken during the
22 inspection.

23 6. Inform each person whose conversation with the county inspector or
24 regulator during the inspection is tape recorded that the conversation is
25 being tape recorded.

26 7. Inform each person interviewed during the inspection that
27 statements made by the person may be included in the inspection report.

28 B. On initiation of, or two working days before, an inspection of any
29 premises of a regulated person, except for a FIRE AND LIFE SAFETY INSPECTION
30 OF AREAS THAT ARE ACCESSIBLE TO THE GENERAL PUBLIC OR A food and swimming
31 pool inspection that has up to one working day after an inspection, a county
32 inspector or regulator shall provide the following in writing or
33 electronically:

34 1. The rights described in subsection A of this section.

35 2. The name and telephone number of a county contact person available
36 to answer questions regarding the inspection.

37 3. The due process rights relating to an appeal of a final decision of
38 a county based on the results of the inspection, including the name and
39 telephone number of a person to contact within the county and any appropriate
40 municipality, county or state government ombudsman.

41 C. A county inspector or regulator shall obtain the signature of the
42 regulated person or on-site representative of the regulated person on the
43 writing prescribed in subsection B of this section indicating that the
44 regulated person or on-site representative of the regulated person has read
45 the writing ~~prescribed in subsection B of this section~~ and is notified of the

1 regulated person's or on-site representative of the regulated person's
2 inspection and due process rights. The county shall maintain a copy of this
3 signature with the inspection report. Unless the regulated person at the
4 time of the inspection is informed how the report can be located
5 electronically, the county shall leave a copy with the regulated person or
6 on-site representative of the regulated person. If a regulated person or
7 on-site representative of the regulated person is not at the site or refuses
8 to sign the writing prescribed in subsection B of this section, the county
9 inspector or regulator shall note that fact on the writing ~~prescribed in~~
10 ~~subsection B of this section.~~

11 D. A county that conducts an inspection shall give a copy of, or
12 provide electronic access to, the inspection report to the regulated person
13 or on-site representative of the regulated person either:

- 14 1. At the time of the inspection.
- 15 2. Notwithstanding any other state law, within thirty working days
16 after the inspection.

17 3. As otherwise required by federal law.

18 E. The inspection report shall contain deficiencies identified during
19 an inspection. Unless otherwise provided by law, the county may provide the
20 regulated person an opportunity to correct the deficiencies unless the county
21 determines that the deficiencies are:

- 22 1. Committed intentionally.
- 23 2. Not correctable within a reasonable period of time as determined by
24 the county.
- 25 3. Evidence of a pattern of noncompliance.
- 26 4. A risk to any person, the public health, safety or welfare or the
27 environment.

28 F. If the county allows the regulated person an opportunity to correct
29 the deficiencies pursuant to subsection E of this section, the regulated
30 person shall notify the county when the deficiencies have been corrected.
31 Within thirty working days of receipt of notification from the regulated
32 person that the deficiencies have been corrected, the county shall determine
33 if the regulated person is in substantial compliance and notify the regulated
34 person whether or not the regulated person is in substantial compliance,
35 unless the determination is not possible due to conditions of normal
36 operations at the premises. If the regulated person fails to correct the
37 deficiencies or the county determines the deficiencies have not been
38 corrected within a reasonable period of time, the county may take any
39 enforcement action authorized by law for the deficiencies.

40 G. A county decision pursuant to subsection E or F of this section is
41 not an appealable county action.

42 H. At least once every month after the commencement of the inspection
43 a county shall provide the regulated person with an update, in writing or
44 electronically, on the status of any county action resulting from an
45 inspection of the regulated person. A county is not required to provide an

1 update after the regulated person is notified that no county action will
2 result from the county's inspection or after the completion of county action
3 resulting from the county's inspection.

4 I. This section does not authorize an inspection or any other act that
5 is not otherwise authorized by law.

6 J. This section applies only to inspections necessary for the issuance
7 of a license or to determine compliance with licensure requirements. This
8 section does not apply:

9 1. To criminal investigations and undercover investigations that are
10 generally or specifically authorized by law.

11 2. If the county inspector or regulator has reasonable suspicion to
12 believe that the regulated person may be or has been engaged in criminal
13 activity.

14 3. TO inspections by a county board of health or a local health
15 department pursuant to section 36-603.

16 K. If a county inspector or regulator gathers evidence in violation of
17 this section, the violation shall not be a basis to exclude the evidence in a
18 civil or administrative proceeding, if the penalty sought is the denial,
19 suspension or revocation of the regulated person's license or IS a civil
20 penalty of more than one thousand dollars.

21 L. Failure of a county employee to comply with this section:

22 1. Constitutes cause for disciplinary action or dismissal pursuant to
23 chapter 2, article 10 of this title.

24 2. Shall be considered by the judge and administrative law judge as
25 grounds for reduction of any fine or civil penalty.

26 M. A county may adopt rules or ordinances to implement this section.

27 N. This section:

28 1. Shall not be used to exclude evidence in a criminal proceeding.

29 2. Does not apply to a county inspection that is requested AND
30 SCHEDULED by the regulated person.

31 Sec. 10. Section 11-1604, Arizona Revised Statutes, is amended to
32 read:

33 11-1604. Prohibited acts by county

34 A. A county shall not base a licensing decision in whole or in part on
35 a licensing requirement or condition that is not specifically authorized by
36 statute, rule, ordinance or delegation agreement. A general grant of
37 authority does not constitute a basis for imposing a licensing requirement or
38 condition unless the authority specifically authorizes the requirement or
39 condition.

40 B. Unless specifically authorized, a county shall avoid duplication of
41 other laws that do not enhance regulatory clarity and shall avoid dual
42 permitting to the maximum extent practicable.

43 C. This section does not prohibit county flexibility to issue licenses
44 or adopt ordinances or codes.

1 D. A COUNTY SHALL NOT REQUEST OR INITIATE DISCUSSIONS WITH A PERSON
2 ABOUT WAIVING THAT PERSON'S RIGHTS.

3 Sec. 11. Section 11-1605, Arizona Revised Statutes, is amended to
4 read:

5 11-1605. Licensing time frames; compliance; consequence for
6 failure to comply with time frame; exemptions;
7 definitions

8 A. For any new ordinance or ~~regulation~~ CODE requiring a license, a
9 county shall have in place an overall time frame during which the county will
10 either grant or deny each type of license that it issues. The overall time
11 frame for each type of license shall state separately the administrative
12 completeness review time frame and the substantive review time frame AND
13 SHALL BE POSTED ON THE COUNTY'S WEBSITE OR THE WEBSITE OF AN ASSOCIATION OF
14 COUNTIES IF THE COUNTY DOES NOT HAVE A WEBSITE.

15 B. On or before December 31, 2012, a county that issues licenses
16 required under existing ordinances or codes shall have in place an overall
17 time frame during which the county will either grant or deny each type of
18 license that it issues. The overall time frame for each type of license
19 shall state separately the administrative completeness review time frame and
20 the substantive review time frame AND SHALL BE POSTED ON THE COUNTY'S WEBSITE
21 OR THE WEBSITE OF AN ASSOCIATION OF COUNTIES IF THE COUNTY DOES NOT HAVE A
22 WEBSITE. Counties shall prioritize the establishment of time frames for
23 those licenses that have the greatest impact on the public.

24 C. In establishing time frames, counties shall consider all of the
25 following:

- 26 1. The complexity of the licensing subject matter.
- 27 2. The resources of the county.
- 28 3. The economic impact of delay on the regulated community.
- 29 4. The impact of the licensing decision on public health and safety.
- 30 5. The possible use of volunteers with expertise in the subject matter
31 area.
- 32 6. The possible increased use of general licenses for similar types of
33 licensed businesses or facilities.
- 34 7. The possible increased cooperation between the county and the
35 regulated community.
- 36 8. Increased county flexibility in structuring the licensing process
37 and personnel including:
 - 38 (a) Adult businesses and other licenses that are related to the first
39 amendment.
 - 40 (b) Master planned communities.
 - 41 (c) Suspension of the substantive and overall time frames for purposes
42 including DELAYS CAUSED BY THE NEED FOR public hearings, ~~or~~ state or federal
43 licenses OR APPROVALS FROM PUBLIC UTILITIES ON RESIDENTIAL OR COMMERCIAL
44 DEVELOPMENT PROJECTS.

1 9. THAT THE SUBSTANTIVE REVIEW TIME FRAMES AND OVERALL TIME FRAMES DO
2 NOT INCLUDE THE TIME REQUIRED FOR AN APPLICANT TO OBTAIN OTHER NONCOUNTY
3 LICENSES OR TO PARTICIPATE IN MEETINGS AS REQUIRED BY LAW.

4 D. A county shall issue a written or electronic notice of
5 administrative completeness or deficiencies to an applicant for a license
6 within the administrative completeness review time frame. If the permit
7 sought requires approval of more than one department of the county, each
8 department may issue a written or electronic notice of administrative
9 completeness or deficiencies.

10 E. If a county determines that an application for a license is not
11 administratively complete, the county shall include a comprehensive list of
12 the specific deficiencies in the written or electronic notice provided
13 pursuant to subsection D OF THIS SECTION. If the county issues a written or
14 electronic notice of deficiencies within the administrative completeness time
15 frame, the administrative completeness review time frame and the overall time
16 frame are suspended from the date the notice is issued until the date that
17 the county receives the missing information from the applicant. The county
18 may issue an additional written or electronic notice of administrative
19 completeness or deficiencies based on the applicant's submission of missing
20 information. If the permit sought requires approval of more than one
21 department of the county, each department may issue an additional written or
22 electronic notice of administrative completeness or deficiencies based on the
23 applicant's submission of missing information.

24 F. If a county does not issue a written or electronic notice of
25 administrative completeness or deficiencies within the administrative
26 completeness review time frame, the application is deemed administratively
27 complete. If a county issues a timely written or electronic notice of
28 deficiencies, an application shall not be complete until all requested
29 information has been received by the county. A COUNTY MAY CONSIDER AN
30 APPLICATION WITHDRAWN IF, BY FIFTEEN DAYS OR MORE AFTER THE DATE OF NOTICE,
31 AS ESTABLISHED BY THE COUNTY, THE APPLICANT DOES NOT SUPPLY THE DOCUMENTATION
32 OR INFORMATION REQUESTED OR AN EXPLANATION OF WHY THE INFORMATION CANNOT BE
33 PROVIDED WITHIN THE ESTABLISHED TIME PERIOD.

34 G. During the substantive review time frame, a county may make one
35 comprehensive written or electronic request for ~~additional information~~
36 CORRECTIONS. IF THE COUNTY IDENTIFIES LEGAL REQUIREMENTS THAT WERE NOT
37 INCLUDED IN THE COMPREHENSIVE REQUEST FOR CORRECTIONS, THE COUNTY MAY AMEND
38 THE COMPREHENSIVE REQUEST FOR CORRECTIONS ONCE TO INCLUDE THE LEGAL
39 REQUIREMENTS AND THE LEGAL AUTHORITY FOR THE REQUIREMENTS. If the permit
40 sought requires approval of more than one department of the county, each
41 department may issue a COMPREHENSIVE written or electronic request for
42 ~~additional information~~ CORRECTIONS. ~~The county and applicant may mutually~~
43 ~~agree in writing or electronically to allow the county to submit supplemental~~
44 ~~requests for additional information.~~ IF THE APPLICANT FAILS TO RESOLVE AN
45 ISSUE IDENTIFIED IN A REQUEST FOR CORRECTIONS, THE COUNTY MAY MAKE

1 SUPPLEMENTAL WRITTEN OR ELECTRONIC REQUESTS FOR CORRECTIONS THAT ARE LIMITED
2 TO ISSUES PREVIOUSLY IDENTIFIED IN A COMPREHENSIVE REQUEST FOR CORRECTIONS.
3 If a county issues a comprehensive written or electronic request or a
4 supplemental request ~~by mutual written or electronic agreement~~ for ~~additional~~
5 ~~information~~ CORRECTIONS, the substantive review time frame and the overall
6 time frame are suspended from the date the request is issued until the date
7 that the county receives the ~~additional information~~ CORRECTIONS from the
8 applicant. IF AN APPLICANT REQUESTS SIGNIFICANT CHANGES, ALTERATIONS,
9 ADDITIONS OR AMENDMENTS TO AN APPLICATION THAT ARE CONSISTENT WITH THE
10 PURPOSES OF THE ORIGINAL APPLICATION AND THAT ARE NOT IN RESPONSE TO A
11 REQUEST FOR CORRECTIONS AND MAY HAVE NO MORE THAN AN ADDITIONAL FIFTY PER
12 CENT OF THE SUBSTANTIVE REVIEW TIME FRAME AS ESTABLISHED BY THE COUNTY FOR
13 THAT LICENSE TO GRANT OR DENY THE LICENSE, A COUNTY MAY MAKE ONE ADDITIONAL
14 COMPREHENSIVE WRITTEN OR ELECTRONIC REQUEST FOR CORRECTIONS. NOTHING SHALL
15 PREVENT COMMUNICATION BETWEEN A COUNTY AND AN APPLICANT REGARDING A
16 COMPREHENSIVE WRITTEN OR ELECTRONIC REQUEST FOR CORRECTIONS OR A SUPPLEMENTAL
17 REQUEST FOR CORRECTIONS. A COUNTY MAY CONSIDER AN APPLICATION WITHDRAWN IF,
18 BY THIRTY DAYS OR LONGER AFTER THE DATE OF NOTICE, AS ESTABLISHED BY THE
19 COUNTY, THE APPLICANT DOES NOT SUPPLY THE DOCUMENTATION OR INFORMATION
20 REQUESTED OR AN EXPLANATION OF WHY THE INFORMATION CANNOT BE PROVIDED WITHIN
21 THE ESTABLISHED TIME PERIOD.

22 H. NOTHING SHALL PREVENT THE COUNTY FROM CONTINUING TO PROCESS THE
23 APPLICATION DURING THE SUSPENSION OF THE SUBSTANTIVE REVIEW TIME FRAME AND
24 OVERALL TIME FRAME.

25 ~~H-~~ I. By mutual written or electronic agreement, a county and an
26 applicant for a license may extend the substantive review time frame and the
27 overall time frame. An extension of the substantive review time frame and
28 the overall time frame may not exceed ~~twenty-five~~ FIFTY per cent of the
29 overall time frame.

30 ~~I-~~ J. Unless a county and an applicant for a license mutually agree
31 to extend the substantive review time frame and the overall time frame
32 pursuant to subsection ~~H-~~ I OF THIS SECTION, a county shall issue a written
33 or electronic notice granting or denying a license to an applicant. If a
34 county denies OR WITHDRAWS an application for a license, the county shall
35 include in the written or electronic notice at least the following
36 information:

37 1. Justification for the denial OR WITHDRAWAL with references to the
38 statutes, ordinances, regulations, substantive policy statements or
39 delegation agreements on which the denial OR WITHDRAWAL is based.

40 2. An explanation of the applicant's right to appeal the denial OR
41 WITHDRAWAL. The explanation shall include the number of working days in
42 which the applicant must file a protest challenging the denial OR WITHDRAWAL
43 and the name and telephone number of a county contact person who can answer
44 questions regarding the appeals process.

1 3. AN EXPLANATION OF THE APPLICANT'S RIGHT TO RESUBMIT THE
2 APPLICATION, THE TOTAL AMOUNT OF FEES THAT WILL BE ASSESSED IF THE APPLICANT
3 RESUBMITS THE APPLICATION AND THE METHOD IN WHICH THOSE FEES WERE CALCULATED.

4 ~~J.~~ K. If a county does not issue to the applicant the written or
5 electronic notice granting or denying a license within the overall time frame
6 or within the mutually agreed ~~upon~~ ON time frame extension, the county shall
7 refund to the applicant all fees charged for reviewing and acting on the
8 application for the license and shall excuse payment of any fees that have
9 not yet been paid. The county shall not require an applicant to submit an
10 application for a refund pursuant to this subsection. The refund shall be
11 made within thirty working days after the expiration of the overall time
12 frame or the time frame extension. The county shall continue to process the
13 application. Notwithstanding any other statute, the county shall make the
14 refund from the fund in which the application fees were originally deposited.
15 THE RIGHT TO RECEIVE A REFUND OF FEES CHARGED FOR REVIEWING AND ACTING ON THE
16 APPLICATION FOR THE LICENSE MAY NOT BE WAIVED BY THE APPLICANT.

17 L. IF AN APPLICATION FOR A LICENSE IS DENIED BECAUSE REVISIONS OR
18 CORRECTIONS WERE NOT SUBMITTED OR CONSIDERED WITHIN THE ALLOWED TIME FRAME,
19 OR WITHDRAWN, AND THE APPLICANT RESUBMITS THE APPLICATION FOR THE SAME
20 PURPOSES WITH ONLY REVISIONS OR CORRECTIONS TO THE ORIGINAL APPLICATION, THE
21 COUNTY SHALL NOT ASSESS ANY ADDITIONAL FEES THAT EXCEED FIFTY PER CENT OF THE
22 ORIGINAL APPLICATION FEES THAT HAVE NOT BEEN REFUNDED TO THE APPLICANT
23 PROVIDED THAT THE APPLICATION IS SUBMITTED BEFORE THE TIME OF DESTRUCTION OF
24 THE ORIGINAL APPLICATION FILE PURSUANT TO SECTION 41-151.15. THIS SUBSECTION
25 DOES NOT APPLY TO LICENSE APPLICATIONS THAT WERE DENIED FOR DISQUALIFYING
26 CRIMINAL CONVICTIONS OR THAT WERE SUBMITTED FRAUDULENTLY.

27 ~~K.~~ M. This section does not apply to ~~licenses~~ A LICENSE THAT IS
28 EITHER:

29 1. Issued within seven working days after receipt of the initial
30 application or A permit that ~~expire~~ EXPIRES within twenty-one working days
31 after issuance.

32 2. NECESSARY FOR THE CONSTRUCTION OR DEVELOPMENT OF A RESIDENTIAL LOT,
33 INCLUDING SWIMMING POOLS, HARDSCAPE AND PROPERTY WALLS, SUBDIVISIONS OR
34 MASTER PLANNED COMMUNITY.

35 N. FOR THE PURPOSES OF THIS SECTION:

36 1. "MASTER PLANNED COMMUNITY" MEANS DEVELOPMENT BY ONE OR MORE
37 DEVELOPERS OF REAL ESTATE THAT CONSISTS OF RESIDENTIAL, COMMERCIAL,
38 EDUCATION, HEALTH CARE, OPEN SPACE AND RECREATIONAL COMPONENTS AND THAT IS
39 DEVELOPED PURSUANT TO A LONG RANGE, MULTI-PHASE MASTER PLAN PROVIDING
40 COMPREHENSIVE LAND USE PLANNING AND STAGED IMPLEMENTATION AND DEVELOPMENT.

41 2. "SUBDIVISION" MEANS IMPROVED OR UNIMPROVED LAND OR LANDS DIVIDED
42 FOR THE PURPOSES OF FINANCING, SALE OR LEASE, WHETHER IMMEDIATE OR FUTURE,
43 INTO FOUR OR MORE LOTS, TRACTS OR PARCELS OF LAND, OR, IF A NEW STREET IS
44 INVOLVED, ANY SUCH PROPERTY THAT IS DIVIDED INTO TWO OR MORE LOTS, TRACTS OR
45 PARCELS OF LAND, OR, ANY SUCH PROPERTY, THE BOUNDARIES OF WHICH HAVE BEEN

1 FIXED BY A RECORDED PLAT, WHICH IS DIVIDED INTO MORE THAN TWO PARTS.
2 SUBDIVISION INCLUDES ANY CONDOMINIUM, COOPERATIVE, COMMUNITY APARTMENT,
3 TOWNHOUSE OR SIMILAR PROJECT CONTAINING FOUR OR MORE PARCELS, IN WHICH AN
4 UNDIVIDED INTEREST IN THE LAND IS COUPLED WITH THE RIGHT OF EXCLUSIVE
5 OCCUPANCY OF ANY UNIT LOCATED THEREON, BUT PLATS OF SUCH PROJECTS NEED NOT
6 SHOW THE BUILDINGS OR THE MANNER IN WHICH THE BUILDINGS OR AIRSPACE ABOVE THE
7 PROPERTY SHOWN ON THE PLAT ARE TO BE DIVIDED.

8 Sec. 12. Section 11-1610, Arizona Revised Statutes, is amended to
9 read:

10 11-1610. Exemptions

11 This article does not apply to:

12 1. A county function, power or duty to the extent that ~~they are~~ IT IS
13 subject to title 49, chapter 3, article 3.

14 2. An ordinance, regulation or substantive policy statement that
15 relates to only the internal management of a county and that does not
16 directly and substantially affect the procedural or substantive rights or
17 duties of any segment of the public.

18 3. An ordinance, regulation or substantive policy statement ~~relating~~
19 THAT RELATES to only the physical servicing, maintenance, OPERATION or care
20 of county owned or operated facilities or property.

21 4. An ordinance, regulation or substantive policy statement that
22 relates to inmates or committed youth, a correctional or detention facility
23 under the jurisdiction of the county or a patient admitted to an institution
24 or treatment center pursuant to court order.

25 5. An ordinance, regulation or substantive policy statement ~~relating~~
26 THAT RELATES to a county contract.

27 6. A DESIGN-BUILD PROJECT IN WHICH, AT THE REQUEST OF THE APPLICANT,
28 THE COUNTY AGREES TO EXEMPT THE PROJECT FROM THIS ARTICLE. IF THERE IS NO
29 SUCH AGREEMENT, ALL OF THE REQUIREMENTS OF THIS ARTICLE APPLY.

30 Sec. 13. Section 48-3641, Arizona Revised Statutes, is amended to
31 read:

32 48-3641. Definitions

33 In this article, unless the context otherwise requires:

34 1. "District" means a district organized pursuant to article 1 of this
35 chapter.

36 2. "Emergency" means a situation that creates an immediate threat to
37 the health or safety of a person or property caused by flood, earthquake,
38 hurricane, tornado, explosion, fire or other catastrophe.

39 3. "License" includes the whole or part of any district permit,
40 certificate, approval, registration, charter or similar form of permission
41 required by law.

42 4. "Licensing" includes the district process respecting the grant,
43 denial, renewal, revocation, suspension, annulment, withdrawal or amendment
44 of a license.

1 5. "Person" means an individual, partnership, corporation,
2 association, governmental subdivision or unit of a governmental subdivision
3 or a public or private organization of any character.

4 6. "REQUEST FOR CORRECTIONS" MEANS SEEKING A TECHNICAL OR CLARIFYING
5 CORRECTION FROM AN APPLICANT WHO HAS SUBMITTED AN ADMINISTRATIVELY COMPLETE
6 APPLICATION FOR A LICENSE.

7 ~~6-~~ 7. "Substantive policy statement" means a written expression that
8 is only advisory and THAT informs the general public of a district's current
9 approach to, or opinion of, the requirements of the ordinances or
10 regulations, including, ~~where~~ IF appropriate, the district's current
11 practice, procedure or method of action based on that approach or opinion. A
12 substantive policy statement does not include internal procedural documents
13 that only affect the internal procedures of the district and do not impose
14 additional requirements or penalties on regulated parties or confidential
15 information.

16 ~~7-~~ 8. "Working day" means a twenty-four hour period excluding
17 weekends and legal holidays.

18 Sec. 14. Section 48-3642, Arizona Revised Statutes, is amended to
19 read:

20 48-3642. Regulatory bill of rights

21 To ensure fair and open regulation by districts, a person:

22 1. Is eligible for reimbursement of fees and other expenses if the
23 person prevails by adjudication on the merits against a district in a court
24 proceeding regarding a district decision as provided in section 12-348.

25 2. Is entitled to receive information and notice regarding inspections
26 as provided in section 48-3643.

27 3. Is entitled to have a district not base a licensing decision in
28 whole or in part on licensing conditions or requirements that are not
29 specifically authorized as provided in section 48-3644.

30 4. May have a district approve or deny the person's license
31 application within a predetermined period of time as provided in section
32 48-3645.

33 5. Is entitled to receive written or electronic notice from a district
34 on denial of a license application:

35 (a) That justifies the denial with references to the statute,
36 ordinance, regulation, executive order, delegation agreement or authorized
37 substantive policy statement on which the denial is based as provided in
38 section 48-3645.

39 (b) That explains the applicant's right to appeal the denial as
40 provided in section 48-3645.

41 6. Is entitled to receive information regarding the license
42 application process at the time the person obtains an application for a
43 license as provided in section 48-3646.

1 7. May inspect all ordinances, regulations and substantive policy
2 statements of a district, including a directory of documents, at the office
3 of the district or a district website as provided in section 48-3647.

4 8. Unless specifically authorized, may expect districts to avoid
5 duplication of other laws that do not enhance regulatory clarity and to avoid
6 dual permitting to the maximum extent practicable as provided in section
7 48-3644.

8 9. May file a complaint with the board of review concerning an
9 ordinance, regulation or substantive policy statement that fails to comply
10 with this section.

11 10. AS PROVIDED IN SECTION 48-3644, IS ENTITLED TO HAVE A DISTRICT NOT
12 REQUEST OR INITIATE DISCUSSIONS ABOUT WAIVING ANY OF THE RIGHTS PRESCRIBED IN
13 THIS SECTION.

14 Sec. 15. Section 48-3643, Arizona Revised Statutes, is amended to
15 read:

16 48-3643. Inspections; applicability

17 A. A district inspector or regulator who enters any premises of a
18 regulated person for the purpose of conducting an inspection shall:

19 1. Present photo identification on entry of the premises.

20 2. On initiation of the inspection, state the purpose of the
21 inspection and the legal authority for conducting the inspection.

22 3. Disclose any applicable inspection fees.

23 4. Afford an opportunity to have an authorized on-site representative
24 of the regulated person accompany the district inspector or regulator on the
25 premises, except during confidential interviews.

26 5. Provide notice of the right to have:

27 (a) Copies of any original documents taken from the premises by the
28 district during the inspection if the district is permitted by law to take
29 original documents.

30 (b) A split or duplicate of any samples taken during the inspection if
31 the split or duplication of any samples, ~~where~~ IF appropriate, would not
32 prohibit an analysis from being conducted or render an analysis inconclusive.

33 (c) Copies of any analysis performed on samples taken during the
34 inspection.

35 6. Inform each person whose conversation with the district inspector
36 or regulator during the inspection is tape recorded that the conversation is
37 being tape recorded.

38 7. Inform each person interviewed during the inspection that
39 statements made by the person may be included in the inspection report.

40 B. On initiation of, or two working days before, an inspection of any
41 premises of a regulated person, a district inspector or regulator shall
42 provide the following in writing or electronically:

43 1. The rights described in subsection A of this section.

44 2. The name and telephone number of a district contact person
45 available to answer questions regarding the inspection.

1 3. The due process rights relating to an appeal of a final decision of
2 a district based on the results of the inspection, including the name and
3 telephone number of a person to contact within the district and any
4 appropriate municipality, county, district or state government ombudsman.

5 C. A district inspector or regulator shall obtain the signature of the
6 regulated person or on-site representative of the regulated person on the
7 writing prescribed in subsection B of this section indicating that the
8 regulated person or on-site representative of the regulated person has read
9 the writing ~~prescribed in subsection B of this section~~ and is notified of the
10 regulated person's or on-site representative of the regulated person's
11 inspection and due process rights. The district shall maintain a copy of
12 this signature with the inspection report. Unless the regulated person, at
13 the time of the inspection, is informed how the report can be located
14 electronically, the district shall leave a copy with the regulated person or
15 on-site representative of the regulated person. If a regulated person or
16 on-site representative of the regulated person is not at the site or refuses
17 to sign the writing prescribed in subsection B of this section, the district
18 inspector or regulator shall note that fact on the writing ~~prescribed in~~
19 ~~subsection B of this section~~.

20 D. A district that conducts an inspection pursuant to this section,
21 shall give a copy of, or provide electronic access to, the inspection report
22 to the regulated person or on-site representative of the regulated person
23 either:

24 1. At the time of the inspection.

25 2. Notwithstanding any other state law, within thirty working days
26 after the inspection.

27 3. As otherwise required by federal law.

28 E. The inspection report shall contain deficiencies identified during
29 an inspection. Unless otherwise provided by law, the district may provide
30 the regulated person an opportunity to correct the deficiencies unless the
31 district determines that the deficiencies are:

32 1. Committed intentionally.

33 2. Not correctable within a reasonable period of time as determined by
34 the district.

35 3. Evidence of a pattern of noncompliance.

36 4. A risk to any person, the public health, safety or welfare or the
37 environment.

38 F. If the district allows the regulated person an opportunity to
39 correct the deficiencies pursuant to subsection E of this section, the
40 regulated person shall notify the district when the deficiencies have been
41 corrected. Within thirty working days of receipt of notification from the
42 regulated person that the deficiencies have been corrected, the district
43 shall determine if the regulated person is in substantial compliance and
44 notify the regulated person whether or not the regulated person is in
45 substantial compliance, unless it is not possible due to conditions of normal

1 operations at the premises. If the regulated person fails to correct the
2 deficiencies or the district determines the deficiencies have not been
3 corrected within a reasonable period of time, the district may take any
4 enforcement action authorized by law for the deficiencies.

5 G. A district decision pursuant to subsection E or F of this section
6 is not an appealable district action.

7 H. At least once every month after the commencement of the inspection
8 a district shall provide a regulated person with an update, in writing or
9 electronically, on the status of any district action resulting from an
10 inspection of the regulated person. A district is not required to provide an
11 update after the regulated person is notified that no district action will
12 result from the district's inspection or after the completion of district
13 action resulting from the district's inspection.

14 I. This section does not authorize an inspection or any other act that
15 is not otherwise authorized by law.

16 J. This section applies only to inspections necessary for the issuance
17 of a license or to determine compliance with licensure requirements. This
18 section does not apply:

19 1. To criminal investigations and undercover investigations that are
20 generally or specifically authorized by law.

21 2. If the district inspector or regulator has reasonable suspicion to
22 believe that the regulated person may be or has been engaged in criminal
23 activity.

24 3. If the district inspector or regulator reasonably believes that an
25 emergency exists.

26 4. To inspections conducted pursuant to section 48-3609, subsection K
27 of persons not licensed by the district or which are not necessary for the
28 issuance of a license.

29 K. If a district inspector or regulator gathers evidence in violation
30 of this section, the violation shall not be a basis to exclude the evidence
31 in a civil or administrative proceeding, if the penalty sought is the denial,
32 suspension or revocation of the regulated person's license or a civil penalty
33 of more than one thousand dollars.

34 L. Failure of a district employee to comply with this section:

35 1. Constitutes cause for disciplinary action or dismissal pursuant to
36 adopted district personnel policy.

37 2. Shall be considered by the judge and administrative law judge as
38 grounds for reduction of any fine or civil penalty.

39 M. A district may adopt rules or ordinances to implement this section.

40 N. This section:

41 1. Shall not be used to exclude evidence in a criminal proceeding.

42 2. Does not apply to district inspections that are requested **AND**
43 **SCHEDULED** by the regulated person.

1 Sec. 16. Section 48-3644, Arizona Revised Statutes, is amended to
2 read:

3 48-3644. Prohibited acts by district

4 A. A district shall not base a licensing decision in whole or in part
5 on a licensing requirement or condition that is not specifically authorized
6 by statute, rule, regulation, ordinance, executive order or delegation
7 agreement. A general grant of authority does not constitute a basis for
8 imposing a licensing requirement or condition unless the authority
9 specifically authorizes the requirement or condition.

10 B. Unless specifically authorized, a district shall avoid duplication
11 of other laws or executive orders that do not enhance regulatory clarity and
12 shall avoid dual permitting to the maximum extent practicable.

13 C. This section does not prohibit district flexibility to issue
14 licenses or adopt ordinances or regulations.

15 D. A DISTRICT SHALL NOT REQUEST OR INITIATE DISCUSSIONS WITH A PERSON
16 ABOUT WAIVING THAT PERSON'S RIGHTS.

17 Sec. 17. Section 48-3645, Arizona Revised Statutes, is amended to
18 read:

19 48-3645. Licensing time frames; compliance; consequence for
20 failure to comply with time frame; exemptions;
21 definitions

22 A. For any new ordinance or regulation requiring a license, a district
23 shall have in place an overall time frame during which the district will
24 either grant or deny each type of license that it issues. The overall time
25 frame for each type of license shall state separately the administrative
26 completeness review time frame and the substantive review time frame AND
27 SHALL BE POSTED ON THE DISTRICT'S WEBSITE, IF THE DISTRICT MAINTAINS A
28 WEBSITE.

29 B. On or before December 31, 2012, a district that issues licenses
30 required under existing ordinances or codes shall have in place an overall
31 time frame during which the district will either grant or deny each type of
32 license that it issues. The overall time frame for each type of license
33 shall state separately the administrative completeness review time frame and
34 the substantive review time frame AND SHALL BE POSTED ON THE DISTRICT'S
35 WEBSITE, IF THE DISTRICT MAINTAINS A WEBSITE. Districts shall prioritize the
36 establishment of time frames for those licenses that have the greatest impact
37 on the public.

38 C. In establishing time frames, districts shall consider all of the
39 following:

- 40 1. The complexity of the licensing subject matter.
- 41 2. The resources of the district.
- 42 3. The economic impact of delay on the regulated community.
- 43 4. The impact of the licensing decision on public health and safety.
- 44 5. The possible use of volunteers with expertise in the subject matter
45 area.

1 6. The possible increased use of general licenses for similar types of
2 licensed businesses or facilities.

3 7. The possible increased cooperation between the district and the
4 regulated community.

5 8. Increased district flexibility in structuring the licensing process
6 and personnel including:

7 (a) Master planned communities.

8 (b) Suspension of the substantive and overall time frames for purposes
9 including DELAYS CAUSED BY THE NEED FOR public hearings, ~~or~~ state or federal
10 approvals OR APPROVALS FROM PUBLIC UTILITIES ON RESIDENTIAL OR COMMERCIAL
11 DEVELOPMENT PROJECTS.

12 9. THAT THE SUBSTANTIVE REVIEW AND OVERALL TIME FRAMES DO NOT INCLUDE
13 THE TIME REQUIRED BY THE APPLICANT TO OBTAIN OTHER NONDISTRICT LICENSES OR TO
14 PARTICIPATE IN MEETINGS AS REQUIRED BY LAW.

15 D. A district shall issue a written or electronic notice of
16 administrative completeness or deficiencies to an applicant for a license
17 within the administrative completeness review time frame. If the permit
18 sought requires approval of more than one department of the district, each
19 department may issue a written or electronic notice of administrative
20 completeness or deficiencies.

21 E. If a district determines that an application for a license is not
22 administratively complete, the district shall include a comprehensive list of
23 the specific deficiencies in the written or electronic notice provided
24 pursuant to subsection D OF THIS SECTION. If the district issues a written
25 or electronic notice of deficiencies within the administrative completeness
26 time frame, the administrative completeness review time frame and the overall
27 time frame are suspended from the date the notice is issued until the date
28 that the district receives the missing information from the applicant. The
29 district may issue an additional written or electronic notice of
30 administrative completeness or deficiencies based on the applicant's
31 submission of missing information. If the permit sought requires approval of
32 more than one department of the district, each department may issue an
33 additional written or electronic notice of administrative completeness or
34 deficiencies based on the applicant's submission of missing information.

35 F. If a district does not issue a written or electronic notice of
36 administrative completeness or deficiencies within the administrative
37 completeness review time frame, the application is deemed administratively
38 complete. If a district issues a timely written or electronic notice of
39 deficiencies, an application shall not be complete until all requested
40 information has been received by the district. A DISTRICT MAY CONSIDER AN
41 APPLICATION WITHDRAWN IF BY FIFTEEN DAYS OR LONGER AFTER THE DATE OF THE
42 NOTICE, AS ESTABLISHED BY THE DISTRICT, THE APPLICANT DOES NOT SUPPLY THE
43 DOCUMENTATION OR INFORMATION REQUESTED OR AN EXPLANATION OF WHY THE
44 INFORMATION CANNOT BE PROVIDED WITHIN THE ESTABLISHED TIME PERIOD.

1 G. During the substantive review time frame, a district may make one
2 comprehensive written or electronic request for ~~additional information~~
3 CORRECTIONS. IF THE DISTRICT IDENTIFIES LEGAL REQUIREMENTS THAT WERE NOT
4 INCLUDED IN THE COMPREHENSIVE REQUEST FOR CORRECTIONS, THE DISTRICT MAY AMEND
5 THE COMPREHENSIVE REQUEST FOR CORRECTIONS ONCE TO INCLUDE THE LEGAL
6 REQUIREMENTS AND THE LEGAL AUTHORITY FOR THE REQUIREMENTS. If the permit
7 sought requires approval of more than one department of the district, each
8 department may issue a COMPREHENSIVE written or electronic request for
9 ~~additional information~~ CORRECTIONS. ~~The district and applicant may mutually~~
10 ~~agree in writing or electronically to allow the district to submit~~
11 ~~supplemental requests for additional information.~~ IF THE APPLICANT FAILS TO
12 RESOLVE AN ISSUE IDENTIFIED IN A REQUEST FOR CORRECTIONS, THE DISTRICT MAY
13 MAKE SUPPLEMENTAL WRITTEN OR ELECTRONIC REQUESTS FOR CORRECTIONS THAT ARE
14 LIMITED TO ISSUES PREVIOUSLY IDENTIFIED IN A COMPREHENSIVE REQUEST FOR
15 CORRECTIONS. If a district issues a comprehensive written or electronic
16 request or a supplemental request ~~by mutual written or electronic agreement~~
17 ~~for additional information~~ FOR CORRECTIONS, the substantive review time frame
18 and the overall time frame are suspended from the date the request is issued
19 until the date that the district receives the ~~additional information~~
20 CORRECTIONS from the applicant. IF AN APPLICANT REQUESTS SIGNIFICANT
21 CHANGES, ALTERATIONS, ADDITIONS OR AMENDMENTS TO AN APPLICATION THAT ARE
22 CONSISTENT WITH THE PURPOSES OF THE ORIGINAL APPLICATION AND THAT ARE NOT IN
23 RESPONSE TO A REQUEST FOR CORRECTION, A DISTRICT MAY MAKE ONE ADDITIONAL
24 COMPREHENSIVE WRITTEN OR ELECTRONIC REQUEST FOR CORRECTIONS AND MAY HAVE NO
25 MORE THAN AN ADDITIONAL FIFTY PER CENT OF THE SUBSTANTIVE REVIEW TIME FRAME
26 AS ESTABLISHED BY THE DISTRICT FOR THAT LICENSE TO GRANT OR DENY THE LICENSE.
27 NOTHING SHALL PREVENT COMMUNICATION BETWEEN A DISTRICT AND AN APPLICANT
28 REGARDING A COMPREHENSIVE WRITTEN OR ELECTRONIC REQUEST FOR CORRECTIONS OR A
29 SUPPLEMENTAL REQUEST FOR CORRECTIONS. A DISTRICT MAY CONSIDER AN APPLICATION
30 WITHDRAWN IF, BY THIRTY DAYS OR MORE AFTER THE DATE OF NOTICE, AS ESTABLISHED
31 BY THE DISTRICT, THE APPLICANT DOES NOT SUPPLY THE DOCUMENTATION OR
32 INFORMATION REQUESTED OR AN EXPLANATION OF WHY THE INFORMATION CANNOT BE
33 PROVIDED WITHIN THE ESTABLISHED TIME PERIOD.

34 H. NOTHING SHALL PREVENT THE DISTRICT FROM CONTINUING TO PROCESS THE
35 APPLICATION DURING THE SUSPENSION OF THE SUBSTANTIVE REVIEW TIME FRAME AND
36 OVERALL TIME FRAME.

37 ~~H.~~ I. By mutual written or electronic agreement, a district and an
38 applicant for a license may extend the substantive review time frame and the
39 overall time frame. An extension of the substantive review time frame and
40 the overall time frame may not exceed ~~twenty-five~~ FIFTY per cent of the
41 overall time frame.

42 ~~I.~~ J. Unless a district and an applicant for a license mutually agree
43 to extend the substantive review time frame and the overall time frame
44 pursuant to subsection ~~H~~ I OF THIS SECTION, a district shall issue a written
45 or electronic notice granting or denying a license to an applicant. If a

1 district denies OR WITHDRAWS an application for a license, the district shall
2 include in the written or electronic notice at least the following
3 information:

4 1. Justification for the denial OR WITHDRAWAL with references to the
5 statutes, ordinances, executive orders, substantive policy statements or
6 delegation agreements on which the denial OR WITHDRAWAL is based.

7 2. An explanation of the applicant's right to appeal the denial OR
8 WITHDRAWAL. The explanation shall include the number of working days in
9 which the applicant must file a protest challenging the denial OR WITHDRAWAL
10 and the name and telephone number of a district contact person who can answer
11 questions regarding the appeals process.

12 3. AN EXPLANATION OF THE APPLICANT'S RIGHT TO RESUBMIT THE
13 APPLICATION, THE TOTAL AMOUNT OF FEES THAT WILL BE ASSESSED IF THE APPLICANT
14 RESUBMITS THE APPLICATION AND THE METHOD IN WHICH THE FEES WERE CALCULATED.

15 ~~J.~~ K. If a district does not issue to the applicant the written or
16 electronic notice granting or denying a license within the overall time frame
17 or within the mutually agreed upon time frame extension, the district shall
18 refund to the applicant all fees charged for reviewing and acting on the
19 application for the license and shall excuse payment of any fees that have
20 not yet been paid. The district shall not require an applicant to submit an
21 application for a refund pursuant to this subsection. The refund shall be
22 made within thirty working days after the expiration of the overall time
23 frame or the time frame extension. The district shall continue to process
24 the application. Notwithstanding any other statute, the district shall make
25 the refund from the fund in which the application fees were originally
26 deposited. THE RIGHT TO RECEIVE A REFUND OF FEES CHARGED FOR REVIEWING AND
27 ACTING ON THE APPLICATION FOR THE LICENSE MAY NOT BE WAIVED BY THE APPLICANT.

28 L. IF AN APPLICATION FOR A LICENSE IS DENIED BECAUSE REVISIONS OR
29 CORRECTIONS WERE NOT SUBMITTED OR CONSIDERED WITHIN THE ALLOWED TIME FRAME,
30 OR WITHDRAWN, AND THE APPLICANT RESUBMITS THE APPLICATION FOR THE SAME
31 PURPOSES WITH ONLY REVISIONS OR CORRECTIONS TO THE ORIGINAL APPLICATION, THE
32 DISTRICT SHALL NOT ASSESS ANY ADDITIONAL FEES THAT EXCEED FIFTY PER CENT OF
33 THE ORIGINAL PERMIT FEE THAT HAS NOT BEEN REFUNDED TO THE APPLICANT PROVIDED
34 THAT THE APPLICATION IS SUBMITTED BEFORE THE TIME OF DESTRUCTION OF THE
35 ORIGINAL APPLICATION FILE PURSUANT TO SECTION 41-151.15. THIS SUBSECTION
36 DOES NOT APPLY TO LICENSE APPLICATIONS THAT WERE DENIED FOR DISQUALIFYING
37 CRIMINAL CONVICTIONS OR THAT WERE SUBMITTED FRAUDULENTLY.

38 ~~K.~~ M. This section does not apply to ~~licenses~~ A LICENSE THAT IS
39 EITHER:

40 1. Issued within seven working days after receipt of the initial
41 application or a permit that expires within twenty-one working days after
42 issuance.

43 2. NECESSARY FOR THE CONSTRUCTION OR DEVELOPMENT OF A RESIDENTIAL LOT,
44 INCLUDING SWIMMING POOLS, HARDSCAPE AND PROPERTY WALLS, SUBDIVISIONS OR
45 MASTER PLANNED COMMUNITY.

1 N. FOR THE PURPOSES OF THIS SECTION:

2 1. "MASTER PLANNED COMMUNITY" MEANS DEVELOPMENT BY ONE OR MORE
3 DEVELOPERS OF REAL ESTATE THAT CONSISTS OF RESIDENTIAL, COMMERCIAL,
4 EDUCATION, HEALTH CARE, OPEN SPACE AND RECREATIONAL COMPONENTS AND THAT IS
5 DEVELOPED PURSUANT TO A LONG RANGE, MULTI-PHASE MASTER PLAN PROVIDING
6 COMPREHENSIVE LAND USE PLANNING AND STAGED IMPLEMENTATION AND DEVELOPMENT.

7 2. "SUBDIVISION" MEANS IMPROVED OR UNIMPROVED LAND OR LANDS DIVIDED
8 FOR THE PURPOSES OF FINANCING, SALE OR LEASE, WHETHER IMMEDIATE OR FUTURE,
9 INTO FOUR OR MORE LOTS, TRACTS OR PARCELS OF LAND, OR, IF A NEW STREET IS
10 INVOLVED, ANY SUCH PROPERTY THAT IS DIVIDED INTO TWO OR MORE LOTS, TRACTS OR
11 PARCELS OF LAND, OR, ANY SUCH PROPERTY, THE BOUNDARIES OF WHICH HAVE BEEN
12 FIXED BY A RECORDED PLAT, WHICH IS DIVIDED INTO MORE THAN TWO PARTS.
13 SUBDIVISION INCLUDES ANY CONDOMINIUM, COOPERATIVE, COMMUNITY APARTMENT,
14 TOWNHOUSE OR SIMILAR PROJECT CONTAINING FOUR OR MORE PARCELS, IN WHICH AN
15 UNDIVIDED INTEREST IN THE LAND IS COUPLED WITH THE RIGHT OF EXCLUSIVE
16 OCCUPANCY OF ANY UNIT LOCATED THEREON, BUT PLATS OF SUCH PROJECTS NEED NOT
17 SHOW THE BUILDINGS OR THE MANNER IN WHICH THE BUILDINGS OR AIRSPACE ABOVE THE
18 PROPERTY SHOWN ON THE PLAT ARE TO BE DIVIDED.