

REFERENCE TITLE: cities; counties; regulatory review

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

## **HB 2443**

Introduced by  
Representative Olson

AN ACT

AMENDING SECTIONS 9-461.05, 9-831, 9-833, 9-835, 9-840, 11-804, 11-1601, 11-1603, 11-1605 AND 11-1610, 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 9-461.05, Arizona Revised Statutes, is amended to  
3 read:

4 9-461.05. General plans; authority; scope

5 A. Each planning agency shall prepare and the governing body of each  
6 municipality shall adopt a comprehensive, long-range general plan for the  
7 development of the municipality. The planning agency shall coordinate the  
8 production of its general plan with the creation of the state land department  
9 conceptual land use plans under title 37, chapter 2, article 5.1 and shall  
10 cooperate with the state land department regarding integrating the conceptual  
11 state land use plans into the municipality's general land use plan. The  
12 general plan shall include provisions that identify changes or modifications  
13 to the plan that constitute amendments and major amendments. The plan shall  
14 be adopted and readopted in the manner prescribed by section 9-461.06.

15 B. The general plan shall be so prepared that all or individual  
16 elements of it may be adopted by the governing body and that it may be made  
17 applicable to all or part of the territory of the municipality.

18 C. The general plan shall consist of a statement of community goals  
19 and development policies. It shall include maps, any necessary diagrams and  
20 text setting forth objectives, principles, standards and plan proposals. The  
21 plan shall include the following elements:

22 1. A land use element that:

23 (a) Designates the proposed general distribution and location and  
24 extent of such uses of the land for housing, business, industry, agriculture,  
25 recreation, education, public buildings and grounds, open space and other  
26 categories of public and private uses of land as may be appropriate to the  
27 municipality.

28 (b) Includes a statement of the standards of population density and  
29 building intensity recommended for the various land use categories covered by  
30 the plan.

31 (c) Identifies specific programs and policies that the municipality  
32 may use to promote infill or compact form development activity and locations  
33 where those development patterns should be encouraged.

34 (d) Includes consideration of air quality and access to incident solar  
35 energy for all general categories of land use.

36 (e) Includes policies that address maintaining a broad variety of land  
37 uses, including the range of uses existing in the municipality when the plan  
38 is adopted, readopted or amended.

39 (f) For cities and towns with territory in the vicinity of a military  
40 airport or ancillary military facility as defined in section 28-8461,  
41 includes consideration of military airport or ancillary military facility  
42 operations. On or before December 31, 2005, if a city or town includes land  
43 in a high noise or accident potential zone as defined in section 28-8461, the  
44 city or town shall identify the boundaries of the high noise or accident  
45 potential zone in its general plan for purposes of planning land uses in the

1 high noise or accident potential zone that are compatible with the operation  
2 of the military airport or ancillary military facility pursuant to section  
3 28-8481, subsection J.

4 (g) Includes sources of currently identified aggregates from maps that  
5 are available from ~~state agencies~~, THE STATE LAND DEPARTMENT, STATE MINE  
6 INSPECTOR AND ARIZONA GEOLOGICAL SURVEY policies to preserve currently  
7 identified aggregates sufficient for future development and policies to avoid  
8 FUTURE incompatible land uses, except that this subdivision shall not be  
9 construed to affect any permitted underground storage facility or limit any  
10 person's right to obtain a permit for an underground storage facility  
11 pursuant to title 45, chapter 3.1.

12 2. A circulation element consisting of the general location and extent  
13 of existing and proposed freeways, arterial and collector streets, bicycle  
14 routes and any other modes of transportation as may be appropriate, all  
15 correlated with the land use element of the plan.

16 D. For cities and towns having a population of more than two thousand  
17 five hundred persons but less than ten thousand persons and whose population  
18 growth rate exceeded an average of two per cent per year for the ten-year  
19 period before the most recent United States decennial census and for cities  
20 and towns having a population of ten thousand or more persons according to  
21 the most recent United States decennial census, the general plan shall  
22 include, and for other cities and towns the general plan may include:

23 1. An open space element that includes:

24 (a) A comprehensive inventory of open space areas, recreational  
25 resources and designations of access points to open space areas and  
26 resources.

27 (b) An analysis of forecasted needs, policies for managing and  
28 protecting open space areas and resources and implementation strategies to  
29 acquire additional open space areas and further establish recreational  
30 resources.

31 (c) Policies and implementation strategies designed to promote a  
32 regional system of integrated open space and recreational resources and a  
33 consideration of any existing regional open space plans.

34 2. A growth area element, specifically identifying those areas, if  
35 any, that are particularly suitable for planned multimodal transportation and  
36 infrastructure expansion and improvements designed to support a planned  
37 concentration of a variety of uses, such as residential, office, commercial,  
38 tourism and industrial uses. This element shall include policies and  
39 implementation strategies that are designed to:

40 (a) Make automobile, transit and other multimodal circulation more  
41 efficient, make infrastructure expansion more economical and provide for a  
42 rational pattern of land development.

43 (b) Conserve significant natural resources and open space areas in the  
44 growth area and coordinate their location to similar areas outside the growth  
45 area's boundaries.

1 (c) Promote the public and private construction of timely and  
2 financially sound infrastructure expansion through the use of infrastructure  
3 funding and financing planning that is coordinated with development activity.

4 3. An environmental planning element that contains analyses, policies  
5 and strategies to address anticipated effects, if any, of plan elements on  
6 air quality, water quality and natural resources associated with proposed  
7 development under the general plan. The policies and strategies to be  
8 developed under this element shall be designed to have community-wide  
9 applicability and shall not require the production of an additional  
10 environmental impact statement or similar analysis beyond the requirements of  
11 state and federal law.

12 4. A cost of development element that identifies policies and  
13 strategies that the municipality will use to require development to pay its  
14 fair share toward the cost of additional public service needs generated by  
15 new development, with appropriate exceptions ~~when~~ IF in the public interest.  
16 This element shall include:

17 (a) A component that identifies various mechanisms that are allowed by  
18 law and that can be used to fund and finance additional public services  
19 necessary to serve the development, including bonding, special taxing  
20 districts, development fees, in-lieu fees, facility construction, dedications  
21 and service privatization.

22 (b) A component that identifies policies to ensure that any mechanisms  
23 that are adopted by the municipality under this element result in a  
24 beneficial use to the development, bear a reasonable relationship to the  
25 burden imposed on the municipality to provide additional necessary public  
26 services to the development and otherwise are imposed according to law.

27 5. A water resources element that addresses:

28 (a) The known legally and physically available surface water,  
29 groundwater and effluent supplies.

30 (b) The demand for water that will result from future growth projected  
31 in the general plan, added to existing uses.

32 (c) An analysis of how the demand for water that will result from  
33 future growth projected in the general plan will be served by the water  
34 supplies identified in subdivision (a) of this paragraph or a plan to obtain  
35 additional necessary water supplies.

36 E. The general plan shall include for cities of fifty thousand persons  
37 or more and may include for cities of less than fifty thousand persons the  
38 following elements or any part or phase of the following elements:

39 1. A conservation element for the conservation, development and  
40 utilization of natural resources, including forests, soils, rivers and other  
41 waters, harbors, fisheries, wildlife, minerals and other natural resources.  
42 The conservation element may also cover:

43 (a) The reclamation of land.

44 (b) Flood control.

- 1 (c) Prevention and control of the pollution of streams and other  
2 waters.
- 3 (d) Regulation of the use of land in stream channels and other areas  
4 required for the accomplishment of the conservation plan.
- 5 (e) Prevention, control and correction of the erosion of soils,  
6 beaches and shores.
- 7 (f) Protection of watersheds.
- 8 2. A recreation element showing a comprehensive system of areas and  
9 public sites for recreation, including the following and, if practicable,  
10 their locations and proposed development:
- 11 (a) Natural reservations.  
12 (b) Parks.  
13 (c) Parkways and scenic drives.  
14 (d) Beaches.  
15 (e) Playgrounds and playfields.  
16 (f) Open space.  
17 (g) Bicycle routes.  
18 (h) Other recreation areas.
- 19 3. The circulation element provided for in subsection C, paragraph 2  
20 of this section shall also include for cities of fifty thousand persons or  
21 more and may include for cities of less than fifty thousand persons  
22 recommendations concerning parking facilities, building setback requirements  
23 and the delineations of such systems on the land, a system of street naming  
24 and house and building numbering and other matters as may be related to the  
25 improvement of circulation of traffic. The circulation element may also  
26 include:
- 27 (a) A transportation element showing a comprehensive transportation  
28 system, including locations of rights-of-way, terminals, viaducts and grade  
29 separations. This element of the plan may also include port, harbor,  
30 aviation and related facilities.
- 31 (b) A transit element showing a proposed system of rail or transit  
32 lines or other mode of transportation as may be appropriate.
- 33 4. A public services and facilities element showing general plans for  
34 police, fire, emergency services, sewage, refuse disposal, drainage, local  
35 utilities, rights-of-way, easements and facilities for them.
- 36 5. A public buildings element showing locations of civic and community  
37 centers, public schools, libraries, police and fire stations and other public  
38 buildings.
- 39 6. A housing element consisting of standards and programs for the  
40 elimination of substandard dwelling conditions, for the improvement of  
41 housing quality, variety and affordability and for provision of adequate  
42 sites for housing. This element shall contain an identification and analysis  
43 of existing and forecasted housing needs. This element shall be designed to  
44 make equal provision for the housing needs of all segments of the community  
45 regardless of race, color, creed or economic level.

- 1           7. A conservation, rehabilitation and redevelopment element consisting  
2 of plans and programs for:
- 3           (a) The elimination of slums and blighted areas.  
4           (b) Community redevelopment, including housing sites, business and  
5 industrial sites and public building sites.  
6           (c) Other purposes authorized by law.
- 7           8. A safety element for the protection of the community from natural  
8 and artificial hazards, including features necessary for such protection as  
9 evacuation routes, peak load water supply requirements, minimum road widths  
10 according to function, clearances around structures and geologic hazard  
11 mapping in areas of known geologic hazards.
- 12           9. A bicycling element consisting of proposed bicycle facilities such  
13 as bicycle routes, bicycle parking areas and designated bicycle street  
14 crossing areas.
- 15           10. An energy element that includes:
- 16           (a) A component that identifies policies that encourage and provide  
17 incentives for efficient use of energy.  
18           (b) An assessment that identifies policies and practices that provide  
19 for greater uses of renewable energy sources.
- 20           11. A neighborhood preservation and revitalization element, including:
- 21           (a) A component that identifies city programs that promote home  
22 ownership, that provide assistance for improving the appearance of  
23 neighborhoods and that promote maintenance of both commercial and residential  
24 buildings in neighborhoods.
- 25           (b) A component that identifies city programs that provide for the  
26 safety and security of neighborhoods.
- 27           F. The water resources element of the general plan does not require:
- 28           1. New independent hydrogeologic studies.  
29           2. The city or town to be a water service provider.
- 30           G. The land use element of a general plan of a city with a population  
31 of more than one million persons shall include protections from encroaching  
32 development for any shooting range that is owned by this state and that is  
33 located within or adjacent to the exterior municipal boundaries on or before  
34 January 1, 2004. The general plan shall establish land use categories within  
35 at least one-half mile from the exterior boundaries of the shooting range  
36 that are consistent with the continued existence of the shooting range and  
37 that exclude incompatible uses such as residences, schools, hotels, motels,  
38 hospitals or churches except that land zoned to permit these incompatible  
39 uses on August 25, 2004 are exempt from this exclusion. For the purposes of  
40 this subsection, "shooting range" means a permanently located and improved  
41 area that is designed and operated for the use of rifles, shotguns, pistols,  
42 silhouettes, skeet, trap, black powder or any other similar sport shooting in  
43 an outdoor environment. Shooting range does not include:
- 44           1. Any area for the exclusive use of archery or air guns.

1           2. An enclosed indoor facility that is designed to offer a totally  
2 controlled shooting environment and that includes impenetrable walls, floor  
3 and ceiling, adequate ventilation, lighting systems and acoustical treatment  
4 for sound attenuation suitable for the range's approved use.

5           3. A national guard facility located in a city or town with a  
6 population of more than one million persons.

7           4. A facility that was not owned by this state before January 1, 2002.

8           H. The policies and strategies to be developed under these elements  
9 shall be designed to have community-wide applicability and this section does  
10 not authorize the imposition of dedications, exactions, fees or other  
11 requirements that are not otherwise authorized by law.

12           Sec. 2. Section 9-831, Arizona Revised Statutes, is amended to read:

13           9-831. Definitions

14           In this article, unless the context otherwise requires:

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

17           ~~1-~~ 2. "Food and swimming pool inspection" means an inspection of a  
18 regulated person OR FACILITY conducted to ensure the safety of food services,  
19 swimming pools and other bathing places.

20           ~~2-~~ 3. "License" includes the whole or part of any municipal permit,  
21 certificate, approval, registration, charter or similar form of permission  
22 required by law. LICENSE DOES NOT INCLUDE A TRANSACTION PRIVILEGE TAX  
23 LICENSE.

24           ~~3-~~ 4. "Licensing" includes the municipal process respecting the  
25 grant, denial, renewal, revocation, suspension, annulment, withdrawal or  
26 amendment of a license.

27           ~~4-~~ 5. "Municipal" or "municipality" means an incorporated city or  
28 town.

29           ~~5-~~ 6. "Person" means an individual, partnership, corporation,  
30 association, governmental subdivision or unit of a governmental subdivision  
31 or a public or private organization of any character.

32           7. "REQUEST FOR REVISIONS" MEANS A REQUEST FOR TECHNICAL OR CLARIFYING  
33 CORRECTIONS FROM AN APPLICANT.

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

43           ~~7-~~ 9. "Working day" means a twenty-four hour period excluding  
44 weekends and legal holidays.

1           Sec. 3. Section 9-833, Arizona Revised Statutes, is amended to read:  
2           9-833. Inspections: applicability

3           A. A municipal 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 OR A food and swimming  
10 pool inspection, afford an opportunity to have an authorized on-site  
11 representative of the regulated person accompany the municipal inspector or  
12 regulator on the premises, except during confidential interviews.

13           5. Provide notice of the right to have:

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

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

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

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

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

27           B. On initiation of, or two working days before, an inspection of any  
28 premises of a regulated person, except for a FIRE AND LIFE SAFETY INSPECTION  
29 OR A food and swimming pool inspection that has up to one working day after  
30 an inspection, a municipal inspector or regulator shall provide the following  
31 in writing or electronically:

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

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

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

39           C. A municipal inspector or regulator shall obtain the signature of  
40 the regulated person or on-site representative of the regulated person on the  
41 writing prescribed in subsection B of this section indicating that the  
42 regulated person or on-site representative of the regulated person has read  
43 the writing ~~prescribed in subsection B of this section~~ and is notified of the  
44 regulated person's or on-site representative of the regulated person's  
45 inspection and due process rights. The municipality shall maintain a copy of



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

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

12 1. At the time of the inspection.

13 2. Notwithstanding any other state law, within thirty working days  
14 after the inspection.

15 3. As otherwise required by federal law.

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

20 1. Committed intentionally.

21 2. Not correctable within a reasonable period of time as determined by  
22 the municipality.

23 3. Evidence of a pattern of noncompliance.

24 4. A risk to any person, the public health, safety or welfare or the  
25 environment.

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

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

41 H. At least once every month after the commencement of the inspection,  
42 a municipality shall provide the regulated person with an update, in writing  
43 or electronically, on the status of any municipal action resulting from an  
44 inspection of the regulated person. A municipality is not required to  
45 provide an update after the regulated person is notified that no municipal

1 action will result from the municipality's inspection or after the completion  
2 of municipal action resulting from the municipality's inspection.

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

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

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

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

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

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

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

21 1. Constitutes cause for disciplinary action or dismissal pursuant to  
22 adopted municipal personnel policy.

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

25 M. A municipality may adopt rules or ordinances to implement this  
26 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 municipal inspection that is requested ~~OR~~  
30 ~~SCHEDULED~~ by the regulated person.

31 Sec. 4. 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; exception~~

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

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

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

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

- 8 1. The complexity of the licensing subject matter.
- 9 2. The resources of the municipality.
- 10 3. The economic impact of delay on the regulated community.
- 11 4. The impact of the licensing decision on public health and safety.
- 12 5. The possible use of volunteers with expertise in the subject matter  
13 area.
- 14 6. The possible increased use of general licenses for similar types of  
15 licensed businesses or facilities.
- 16 7. The possible increased cooperation between the municipality and the  
17 regulated community.
- 18 8. Increased municipal flexibility in structuring the licensing  
19 process and personnel including:
  - 20 (a) Adult businesses and other licenses that are related to the first  
21 amendment.
  - 22 (b) Master planned communities.
  - 23 (c) Suspension of the substantive and overall time frames for purposes  
24 including public hearings or state or federal licenses.

25 9. WHETHER THE SUBSTANTIVE REVIEW TIME FRAMES AND OVERALL TIME FRAMES  
26 DO NOT INCLUDE THE TIME REQUIRED FOR AN APPLICANT TO OBTAIN OTHER  
27 NONMUNICIPAL LICENSES OR TO PARTICIPATE IN MEETINGS AS REQUIRED BY LAW.

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

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

1 each department may issue an additional written or electronic notice of  
2 administrative completeness or deficiencies based on the applicant's  
3 submission of missing information.

4 F. If a municipality does not issue a written or electronic notice of  
5 administrative completeness or deficiencies within the administrative  
6 completeness review time frame, the application is deemed administratively  
7 complete. If a municipality issues a timely written or electronic notice of  
8 deficiencies, an application shall not be complete until all requested  
9 information has been received by the municipality. A MUNICIPALITY MAY  
10 CONSIDER AN APPLICATION WITHDRAWN IF, WITHIN FIFTY PER CENT OF THE  
11 ADMINISTRATIVE COMPLETENESS TIME FRAME OR SHORTER TIME FRAME AS ESTABLISHED  
12 BY THE MUNICIPALITY AFTER THE DATE OF NOTICE, THE APPLICANT DOES NOT SUPPLY  
13 THE DOCUMENTATION OR INFORMATION REQUESTED.

14 G. During the substantive review time frame, a municipality may make  
15 one comprehensive written or electronic request for additional information  
16 AND TWO COMPREHENSIVE WRITTEN OR ELECTRONIC REQUESTS FOR REVISIONS. If the  
17 permit sought requires approval of more than one department of the  
18 municipality, each department may issue a COMPREHENSIVE written or electronic  
19 request for additional information AND TWO COMPREHENSIVE WRITTEN OR  
20 ELECTRONIC REQUESTS FOR REVISIONS. ~~The municipality and applicant may~~  
21 ~~mutually agree in writing or electronically to allow the municipality to~~  
22 ~~submit supplemental requests for additional information.~~ IF THE APPLICANT  
23 FAILS TO RESOLVE AN ISSUE IDENTIFIED IN A REQUEST FOR REVISIONS, THE  
24 MUNICIPALITY MAY MAKE SUPPLEMENTAL WRITTEN OR ELECTRONIC REQUESTS FOR  
25 REVISIONS THAT ARE LIMITED TO ISSUES PREVIOUSLY IDENTIFIED IN A COMPREHENSIVE  
26 REQUEST FOR REVISIONS. If a municipality issues a comprehensive written or  
27 electronic request or a supplemental request ~~by mutual written or electronic~~  
28 ~~agreement~~ for additional information OR REQUEST FOR REVISIONS, the  
29 substantive review time frame and the overall time frame are suspended from  
30 the date the request is issued until the date that the municipality receives  
31 the additional information OR REVISIONS from the applicant. IF AN APPLICANT  
32 REQUESTS CHANGES, ALTERATIONS, ADDITIONS OR AMENDMENTS TO AN APPLICATION, A  
33 MUNICIPALITY MAY MAKE ONE ADDITIONAL COMPREHENSIVE WRITTEN OR ELECTRONIC  
34 REQUEST FOR REVISIONS. NOTHING SHALL PREVENT COMMUNICATION BETWEEN A  
35 MUNICIPALITY AND AN APPLICANT REGARDING A COMPREHENSIVE WRITTEN OR ELECTRONIC  
36 REQUEST FOR REVISIONS OR A SUPPLEMENTAL REQUEST FOR ADDITIONAL INFORMATION OR  
37 REQUEST FOR REVISIONS. A MUNICIPALITY MAY CONSIDER AN APPLICATION WITHDRAWN  
38 IF, WITHIN FIFTY PER CENT OF THE SUBSTANTIVE REVIEW TIME FRAME OR SHORTER  
39 TIME FRAME AS ESTABLISHED BY THE MUNICIPALITY AFTER THE DATE OF NOTICE, THE  
40 APPLICANT DOES NOT SUPPLY THE DOCUMENTATION OR INFORMATION REQUESTED.

41 H. IF OTHER NONMUNICIPAL LICENSES OR PARTICIPATION IN MEETINGS ARE  
42 REQUIRED BY LAW FOR APPROVAL OF THE APPLICATION, THE SUBSTANTIVE REVIEW TIME  
43 FRAME AND OVERALL TIME FRAME ARE SUSPENDED UNTIL THE NONMUNICIPAL LICENSE IS  
44 OBTAINED OR THE REQUIRED MEETINGS HAVE CONCLUDED. NOTHING SHALL PREVENT THE

1 MUNICIPALITY FROM CONTINUING TO PROCESS THE APPLICATION DURING THE SUSPENSION  
2 OF THE SUBSTANTIVE REVIEW TIME FRAME AND OVERALL TIME FRAME.

3 ~~H-~~ I. By mutual written or electronic agreement, a municipality and  
4 an applicant for a license may extend the substantive review time frame and  
5 the overall time frame. An extension of the substantive review time frame  
6 and the overall time frame may not exceed ~~twenty-five~~ FIFTY per cent of the  
7 overall time frame.

8 ~~I-~~ J. Unless a municipality and an applicant for a license mutually  
9 agree to extend the substantive review time frame and the overall time frame  
10 pursuant to subsection ~~H-~~ I OF THIS SECTION, a municipality shall issue a  
11 written or electronic notice granting or denying a license to an  
12 applicant. If a municipality denies an application for a license, the  
13 municipality shall include in the written or electronic notice at least the  
14 following information:

15 1. Justification for the denial with references to the statutes,  
16 ordinances, codes or substantive policy statements on which the denial is  
17 based.

18 2. An explanation of the applicant's right to appeal the denial. The  
19 explanation shall include the number of working days in which the applicant  
20 must file a protest challenging the denial and the name and telephone number  
21 of a municipal contact person who can answer questions regarding the appeals  
22 process.

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

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

40 L. IF AN APPLICATION FOR A LICENSE IS DENIED AND THE APPLICANT  
41 RESUBMITS THE APPLICATION, THE MUNICIPALITY SHALL PRORATE THE APPLICATION  
42 FEES ON THE BASIS OF THE TIME REMAINING ON THE SUBSTANTIVE REVIEW TIME FRAME  
43 AT THE TIME THE APPLICATION WAS DENIED.

1           ~~K~~. M. This section does not apply to ~~licenses~~ A LICENSE THAT IS  
2 issued within seven working days after receipt of the initial application or  
3 A permit that ~~expire~~ EXPIRES within twenty-one working days after issuance.

4           Sec. 5. Section 9-840, Arizona Revised Statutes, is amended to read:  
5           9-840. Exemptions

6           This article does not apply to:

7           1. An ordinance, code, regulation or substantive policy statement that  
8 relates only to the internal management of a municipality and that does not  
9 directly and substantially affect the procedural or substantive rights or  
10 duties of any segment of the public.

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

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

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

20           5. THE FUNCTION OR OPERATION OF A MUNICIPAL AIRPORT, PUBLIC SAFETY  
21 DEPARTMENT, FIRE DEPARTMENT, AMBULANCE SERVICE OR ZONING ADJUSTMENT PROCESS  
22 PURSUANT TO 9-462.06.

23           Sec. 6. Section 11-804, Arizona Revised Statutes, is amended to read:  
24           11-804. Comprehensive plan; contents

25           A. The commission shall formulate and the board of supervisors shall  
26 adopt or readopt a long-term comprehensive plan for the development of the  
27 area of jurisdiction in the manner prescribed by this article. The  
28 comprehensive plan, with the accompanying maps, plats, charts and descriptive  
29 matter, shall show the commission's recommendations for the development of  
30 the area of jurisdiction. The comprehensive plan shall be made with the  
31 general purpose of guiding and accomplishing a coordinated, adjusted and  
32 harmonious development of the area of jurisdiction pursuant to the present  
33 and future needs of the county. The comprehensive plan shall be developed so  
34 as to conserve the natural resources of the county, to ensure efficient  
35 expenditure of public monies and to promote the health, safety, convenience  
36 and general welfare of the public. The comprehensive plan may include  
37 studies and recommendations relative to the location, character and extent of  
38 highways, railroads, bus and other transportation routes, bicycle facilities,  
39 bridges, public buildings, public services, schools, parks, open space,  
40 housing quality, variety and affordability, parkways, hiking and riding  
41 trails, airports, forests, wildlife areas, dams, projects affecting  
42 conservation of natural resources, air quality, water quality and floodplain  
43 zoning. In the preparation of the comprehensive plan, the commission shall  
44 make surveys and studies of the present conditions and prospective future  
45 growth of the area of the jurisdiction. The comprehensive plan shall be a

1 public record, but its purpose and effect shall be primarily as an aid to the  
2 county planning and zoning commission and to the board of supervisors in the  
3 performance of their duties. The comprehensive plan shall include provisions  
4 that identify changes or modifications that constitute amendments and major  
5 amendments to the plan.

6 B. In addition to the other matters that are required or authorized  
7 under this section and this article, for counties with a population of more  
8 than one hundred twenty-five thousand persons, the comprehensive plan shall  
9 include, and for other counties the comprehensive plan may include:

10 1. Planning for land use that designates the proposed general  
11 distribution and location and extent of uses of the land for housing,  
12 business, industry, agriculture, recreation, education, public buildings and  
13 grounds, open space and other categories of public and private uses of land  
14 appropriate to the county. The land use plan shall include:

15 (a) A statement of the standards of population density and building  
16 intensity recommended for the various land use categories covered by the  
17 plan.

18 (b) Specific programs and policies that the county may use to promote  
19 compact form development activity and locations where those development  
20 patterns should be encouraged.

21 (c) Consideration of air quality and access to incident solar energy  
22 for all general categories of land use.

23 (d) Policies that address maintaining a broad variety of land uses,  
24 including the range of uses existing in the county at the time the plan is  
25 adopted, readopted or amended.

26 (e) Currently identified sources of aggregates from maps that are  
27 available from ~~state agencies~~ THE STATE LAND DEPARTMENT, STATE MINE INSPECTOR  
28 AND ARIZONA GEOLOGICAL SURVEY, policies to preserve currently identified  
29 aggregates sufficient for future development and policies to avoid FUTURE  
30 incompatible land uses, except that this subdivision shall not be construed  
31 to affect any permitted underground storage facility or limit any person's  
32 right to obtain a permit for an underground storage facility pursuant to  
33 title 45, chapter 3.1.

34 2. Planning for circulation consisting of the general location and  
35 extent of existing and proposed freeways, arterial and collector streets,  
36 bicycle routes and any other modes of transportation as may be appropriate,  
37 all correlated with the land use plan under paragraph 1 of this subsection.

38 3. Planning for water resources that addresses:

39 (a) The known legally and physically available surface water,  
40 groundwater and effluent supplies.

41 (b) The demand for water that will result from future growth projected  
42 in the comprehensive plan, added to existing uses.

43 (c) An analysis of how the demand for water that will result from  
44 future growth projected in the comprehensive plan will be served by the water

1 supplies identified in subdivision (a) of this paragraph or a plan to obtain  
2 additional necessary water supplies.

3 4. Planning for energy use that:

4 (a) Encourages and provides incentives for efficient use of energy.

5 (b) Identifies policies and practices for greater use of renewable  
6 energy.

7 C. In addition to the other matters that are required or authorized  
8 under this section and this article, for counties with a population of more  
9 than two hundred thousand persons, the comprehensive plan shall include, and  
10 for other counties the comprehensive plan may include:

11 1. Planning for open space acquisition and preservation. The open  
12 space plan shall include:

13 (a) A comprehensive inventory of open space areas, recreational  
14 resources and designations of access points to open space areas and  
15 resources.

16 (b) An analysis of forecasted needs, policies for managing and  
17 protecting open space areas and resources and implementation strategies to  
18 acquire additional open space areas and further establish recreational  
19 resources.

20 (c) Policies and implementation strategies designed to promote a  
21 regional system of integrated open space and recreational resources and a  
22 consideration of any existing regional open space plan.

23 2. Planning for growth areas, specifically identifying those areas, if  
24 any, that are particularly suitable for planned multimodal transportation and  
25 infrastructure expansion and improvements designed to support a planned  
26 concentration of a variety of uses, such as residential, office, commercial,  
27 tourism and industrial uses. The mixed use planning shall include policies  
28 and implementation strategies that are designed to:

29 (a) Make automobile, transit and other multimodal circulation more  
30 efficient, make infrastructure expansion more economical and provide for a  
31 rational pattern of land development.

32 (b) Conserve significant natural resources and open areas in the  
33 growth area and coordinate their location to similar areas outside the growth  
34 area's boundaries.

35 (c) Promote the public and private construction of timely and  
36 financially sound infrastructure expansion through the use of infrastructure  
37 funding and financing planning that is coordinated with development activity.

38 3. An environmental planning element that contains analyses, policies  
39 and strategies to address anticipated effects, if any, of plan elements on  
40 air quality, water quality and natural resources associated with proposed  
41 development under the comprehensive plan. The policies and strategies to be  
42 developed under this element shall be designed to have countywide  
43 applicability and shall not require the production of an additional  
44 environmental impact statement or similar analysis beyond the requirements of  
45 state and federal law.



1           4. A cost of development element that identifies policies and  
2 strategies that the county will use to require development to pay its fair  
3 share toward the cost of additional public facility needs generated by new  
4 development, with appropriate exceptions ~~when~~ IF in the public interest.  
5 This element shall include:

6           (a) A component that identifies various mechanisms that are allowed by  
7 law and that can be used to fund and finance additional public services  
8 necessary to serve the development, including bonding, special taxing  
9 districts, development fees, in-lieu fees and facility construction,  
10 dedications and privatization.

11           (b) A component that identifies policies to ensure that any mechanisms  
12 that are adopted by the county under this element result in a beneficial use  
13 to the development, bear a reasonable relationship to the burden imposed on  
14 the county to provide additional necessary public facilities to the  
15 development and otherwise are imposed pursuant to law.

16           D. The water resources element of the comprehensive plan does not  
17 require:

18           1. New independent hydrogeologic studies.

19           2. The county to be a water service provider.

20           E. In applying an open space element or a growth element of a  
21 comprehensive plan, a county shall not designate private or state land as  
22 open space, recreation, conservation or agriculture unless the county  
23 receives the written consent of the landowner or provides an alternative,  
24 economically viable designation in the comprehensive plan or zoning  
25 ordinance, allowing at least one residential dwelling per acre. If the  
26 landowner is the prevailing party in any action brought to enforce this  
27 subsection, a court shall award fees and other expenses to the landowner.  
28 Each county shall incorporate this subsection into its comprehensive plan and  
29 provide a process for a landowner to resolve discrepancies relating to this  
30 subsection.

31           F. The policies and strategies to be developed under these elements  
32 shall be designed to have regional applicability.

33           G. For counties with territory in the vicinity of a military airport  
34 or ancillary military facility as defined in section 28-8461, the commission  
35 shall also consider military airport or ancillary military facility  
36 operations and, on or before December 31, 2005, shall identify the boundaries  
37 of any high noise or accident potential zone as defined in section 28-8461 in  
38 its comprehensive plan for purposes of planning land uses in the high noise  
39 or accident potential zone that are compatible with the operation of the  
40 military airport or ancillary military facility pursuant to section 28-8481,  
41 subsection J.

1           Sec. 7. Section 11-1601, Arizona Revised Statutes, is amended to read:

2           11-1601. Definitions

3           In this article, unless the context otherwise requires:

4           1. "DESIGN-BUILD" MEANS A CONSTRUCTION PROJECT DELIVERY SYSTEM IN  
5 WHICH THE DESIGN AND CONSTRUCTION ASPECTS ARE CONTRACTED FOR WITH A SINGLE  
6 ENTITY KNOWN AS THE DESIGN-BUILDER OR DESIGN-BUILD CONTRACTOR, AND IN WHICH  
7 THE SYSTEM IS USED TO MINIMIZE THE PROJECT RISK FOR AN OWNER AND TO REDUCE  
8 THE DELIVERY SCHEDULE BY OVERLAPPING THE DESIGN PHASE AND CONSTRUCTION PHASE  
9 OF A PROJECT ENTITY.

10          2. "FIRE AND LIFE SAFETY INSPECTION" MEANS AN INSPECTION OF A  
11 REGULATED PERSON OR FACILITY CONDUCTED TO ENSURE FIRE CODE COMPLIANCE.

12          ~~1-~~ 3. "Food and swimming pool inspection" means an inspection of a  
13 regulated person conducted to ensure the safety of food services, swimming  
14 pools and other bathing places.

15          ~~2-~~ 4. "License" includes the whole or part of any county permit,  
16 certificate, approval, registration, charter or similar form of permission  
17 required by law.

18          ~~3-~~ 5. "Licensing" includes the county process respecting the grant,  
19 denial, renewal, revocation, suspension, annulment, withdrawal or amendment  
20 of a license.

21          ~~4-~~ 6. "Person" means an individual, partnership, corporation,  
22 association, governmental subdivision or unit of a governmental subdivision,  
23 or a public or private organization of any character.

24          7. "REQUEST FOR REVISIONS" MEANS A REQUEST FOR TECHNICAL OR CLARIFYING  
25 CORRECTIONS FROM AN APPLICANT.

26          ~~5-~~ 8. "Substantive policy statement" means a written expression that  
27 is only advisory and that informs the general public of a county's current  
28 approach to, or opinion of, the requirements of the ordinances or  
29 regulations, including, ~~where~~ IF appropriate, the county'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 county and THAT do not impose  
33 additional requirements or penalties on regulated parties or confidential  
34 information.

35          ~~6-~~ 9. "Working day" means a twenty-four hour period excluding  
36 weekends and legal holidays.

37          Sec. 8. Section 11-1603, Arizona Revised Statutes, is amended to read:

38          11-1603. Inspections; applicability

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

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

42           2. On initiation of the inspection, state the purpose of the  
43 inspection and the legal authority for conducting the inspection.

44           3. Disclose any applicable inspection fees.

1           4. Except for a FIRE AND LIFE SAFETY INSPECTION OR A food and swimming  
2 pool inspection, afford an opportunity to have an authorized on-site  
3 representative of the regulated person accompany the county inspector or  
4 regulator on the premises, except during confidential interviews.

5           5. Provide notice of the right to have:

6           (a) Copies of any original documents taken from the premises by the  
7 county during the inspection if the county is permitted by law to take  
8 original documents.

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

12           (c) Copies of any analysis performed on samples taken during the  
13 inspection.

14           6. Inform each person whose conversation with the county inspector or  
15 regulator during the inspection is tape recorded that the conversation is  
16 being tape recorded.

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

19           B. On initiation of, or two working days before, an inspection of any  
20 premises of a regulated person, except for a FIRE AND LIFE SAFETY INSPECTION  
21 OR A food and swimming pool inspection that has up to one working day after  
22 an inspection, a county inspector or regulator shall provide the following in  
23 writing or electronically:

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

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

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

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

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

- 4 1. At the time of the inspection.
- 5 2. Notwithstanding any other state law, within thirty working days  
6 after the inspection.
- 7 3. As otherwise required by federal law.

8 E. The inspection report shall contain deficiencies identified during  
9 an inspection. Unless otherwise provided by law, the county may provide the  
10 regulated person an opportunity to correct the deficiencies unless the county  
11 determines that the deficiencies are:

- 12 1. Committed intentionally.
- 13 2. Not correctable within a reasonable period of time as determined by  
14 the county.
- 15 3. Evidence of a pattern of noncompliance.
- 16 4. A risk to any person, the public health, safety or welfare or the  
17 environment.

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

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

32 H. At least once every month after the commencement of the inspection  
33 a county shall provide the regulated person with an update, in writing or  
34 electronically, on the status of any county action resulting from an  
35 inspection of the regulated person. A county is not required to provide an  
36 update after the regulated person is notified that no county action will  
37 result from the county's inspection or after the completion of county action  
38 resulting from the county's inspection.

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

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

- 44 1. To criminal investigations and undercover investigations that are  
45 generally or specifically authorized by law.

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

4           3. ~~TO~~ inspections by a county board of health or a local health  
5 department pursuant to section 36-603.

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

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

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

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

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

17          N. This section:

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

19           2. Does not apply to a county inspection that is requested ~~OR~~  
20 ~~SCHEDULED~~ by the regulated person.

21          Sec. 9. Section 11-1605, Arizona Revised Statutes, is amended to read:

22           11-1605. Licensing time frames; compliance; consequence for  
23 failure to comply with time frame; exemption

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

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

40          C. In establishing time frames, counties shall consider all of the  
41 following:

42           1. The complexity of the licensing subject matter.

43           2. The resources of the county.

44           3. The economic impact of delay on the regulated community.

45           4. The impact of the licensing decision on public health and safety.

1           5. The possible use of volunteers with expertise in the subject matter  
2 area.

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

5           7. The possible increased cooperation between the county and the  
6 regulated community.

7           8. Increased county flexibility in structuring the licensing process  
8 and personnel including:

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

11           (b) Master planned communities.

12           (c) Suspension of the substantive and overall time frames for purposes  
13 including public hearings or state or federal licenses.

14           9. WHETHER THE SUBSTANTIVE REVIEW TIME FRAMES AND OVERALL TIME FRAMES  
15 DO NOT INCLUDE THE TIME REQUIRED FOR AN APPLICANT TO OBTAIN OTHER NONCOUNTY  
16 LICENSES OR TO PARTICIPATE IN MEETINGS AS REQUIRED BY LAW.

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

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

37           F. If a county does not issue a written or electronic notice of  
38 administrative completeness or deficiencies within the administrative  
39 completeness review time frame, the application is deemed administratively  
40 complete. If a county issues a timely written or electronic notice of  
41 deficiencies, an application shall not be complete until all requested  
42 information has been received by the county. A COUNTY MAY CONSIDER AN  
43 APPLICATION WITHDRAWN IF, WITHIN FIFTY PER CENT OF THE ADMINISTRATIVE  
44 COMPLETENESS TIME FRAME OR SHORTER TIME FRAME AS ESTABLISHED BY THE COUNTY

1 AFTER THE DATE OF NOTICE, THE APPLICANT DOES NOT SUPPLY THE DOCUMENTATION OR  
2 INFORMATION REQUESTED.

3 G. During the substantive review time frame, a county may make one  
4 comprehensive written or electronic request for additional information AND  
5 TWO COMPREHENSIVE WRITTEN OR ELECTRONIC REQUESTS FOR REVISIONS. If the  
6 permit sought requires approval of more than one department of the county,  
7 each department may issue a COMPREHENSIVE written or electronic request for  
8 additional information AND TWO COMPREHENSIVE WRITTEN OR ELECTRONIC REQUESTS  
9 FOR REVISIONS. ~~The county and applicant may mutually agree in writing or~~  
10 ~~electronically to allow the county to submit supplemental requests for~~  
11 ~~additional information.~~ IF THE APPLICANT FAILS TO RESOLVE AN ISSUE  
12 IDENTIFIED IN A REQUEST FOR REVISIONS, THE COUNTY MAY MAKE SUPPLEMENTAL  
13 WRITTEN OR ELECTRONIC REQUESTS FOR REVISIONS THAT ARE LIMITED TO ISSUES  
14 PREVIOUSLY IDENTIFIED IN A COMPREHENSIVE REQUEST FOR REVISIONS. If a county  
15 issues a comprehensive written or electronic request or a supplemental  
16 request ~~by mutual written or electronic agreement~~ for additional information  
17 OR REQUEST FOR REVISIONS, the substantive review time frame and the overall  
18 time frame are suspended from the date the request is issued until the date  
19 that the county receives the additional information OR REVISIONS from the  
20 applicant. IF AN APPLICANT REQUESTS CHANGES, ALTERATIONS, ADDITIONS OR  
21 AMENDMENTS TO AN APPLICATION, A COUNTY MAY MAKE ONE ADDITIONAL COMPREHENSIVE  
22 WRITTEN OR ELECTRONIC REQUEST FOR REVISIONS. NOTHING SHALL PREVENT  
23 COMMUNICATION BETWEEN A COUNTY AND AN APPLICANT REGARDING A COMPREHENSIVE  
24 WRITTEN OR ELECTRONIC REQUEST FOR REVISIONS OR A SUPPLEMENTAL REQUEST FOR  
25 ADDITIONAL INFORMATION OR REQUEST FOR REVISIONS. A COUNTY MAY CONSIDER AN  
26 APPLICATION WITHDRAWN IF, WITHIN FIFTY PER CENT OF THE SUBSTANTIVE REVIEW  
27 TIME FRAME OR SHORTER TIME FRAME AS ESTABLISHED BY THE COUNTY AFTER THE DATE  
28 OF NOTICE, THE APPLICANT DOES NOT SUPPLY THE DOCUMENTATION OR INFORMATION  
29 REQUESTED.

30 H. IF OTHER NONCOUNTY LICENSES OR PARTICIPATION IN MEETINGS ARE  
31 REQUIRED BY LAW FOR APPROVAL OF THE APPLICATION, THE SUBSTANTIVE REVIEW TIME  
32 FRAME AND OVERALL TIME FRAME ARE SUSPENDED UNTIL THE NONCOUNTY LICENSE IS  
33 OBTAINED OR THE REQUIRED MEETINGS HAVE CONCLUDED. NOTHING SHALL PREVENT THE  
34 COUNTY FROM CONTINUING TO PROCESS THE APPLICATION DURING THE SUSPENSION OF  
35 THE SUBSTANTIVE REVIEW TIME FRAME AND OVERALL TIME FRAME.

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

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

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

3 1. Justification for the denial with references to the statutes,  
4 ordinances, regulations, substantive policy statements or delegation  
5 agreements on which the denial is based.

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

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

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

27 L. IF AN APPLICATION FOR A LICENSE IS DENIED AND THE APPLICANT  
28 RESUBMITS THE APPLICATION, THE COUNTY SHALL PRORATE THE APPLICATION FEES ON  
29 THE BASIS OF THE TIME REMAINING ON THE SUBSTANTIVE REVIEW TIME FRAME AT THE  
30 TIME THE APPLICATION WAS DENIED.

31 ~~K.~~ M. This section does not apply to ~~licenses~~ A LICENSE THAT IS  
32 issued within seven working days after receipt of the initial application or  
33 A permit that ~~expire~~ EXPIRES within twenty-one working days after issuance.

34 Sec. 10. Section 11-1610, Arizona Revised Statutes, is amended to  
35 read:

36 11-1610. Exemptions

37 This article does not apply to:

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

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



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

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

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

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

13          Sec. 11. Effective date

14          Sections 9-461.05 and 11-804, Arizona Revised Statutes, as amended by  
15 this act, are effective from and after December 31, 2013.