

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

CHAPTER 74
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.

45 K. If a municipal inspector or regulator gathers evidence in violation
46 of this section, the violation shall not be a basis to exclude the evidence

1 in a civil or administrative proceeding, if the penalty sought is the denial,
2 suspension or revocation of the regulated person's license or IS a civil
3 penalty of more than one thousand dollars.

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

5 1. Constitutes cause for disciplinary action or dismissal pursuant to
6 adopted municipal personnel policy.

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

9 M. A municipality may adopt rules or ordinances to implement this
10 section.

11 N. This section:

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

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

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

16 9-834. Prohibited acts by municipalities

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

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

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

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

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

30 9-835. Licensing time frames; compliance; consequence for
31 failure to comply with time frame; exemptions;
32 definitions

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

40 B. On or before December 31, 2012, a municipality that issues licenses
41 required under existing ordinances or codes shall have in place an overall
42 time frame during which the municipality will either grant or deny each type
43 of license that it issues. The overall time frame for each type of license
44 shall state separately the administrative completeness review time frame and
45 the substantive review time frame AND SHALL BE POSTED ON THE MUNICIPALITY'S
46 WEBSITE OR THE WEBSITE OF AN ASSOCIATION OF CITIES AND TOWNS IF THE

1 MUNICIPALITY DOES NOT HAVE A WEBSITE. Municipalities shall prioritize the
2 establishment of time frames for those licenses that have the greatest impact
3 on the public.

4 C. In establishing time frames, municipalities shall consider all of
5 the following:

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

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

14 7. The possible increased cooperation between the municipality and the
15 regulated community.

16 8. Increased municipal flexibility in structuring the licensing
17 process and personnel including:

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

20 (b) Master planned communities.

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

25 9. THAT THE SUBSTANTIVE REVIEW TIME FRAMES AND OVERALL TIME FRAMES DO
26 NOT INCLUDE THE TIME REQUIRED FOR AN APPLICANT TO OBTAIN OTHER NONMUNICIPAL
27 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,
46 each department may issue an additional written or electronic notice of

1 administrative completeness or deficiencies based on the applicant's
2 submission of missing information.

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

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

1 H. NOTHING SHALL PREVENT THE MUNICIPALITY FROM CONTINUING TO PROCESS
2 THE APPLICATION DURING THE SUSPENSION OF THE SUBSTANTIVE REVIEW TIME FRAME
3 AND OVERALL TIME FRAME.

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

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

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

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

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

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

41 L. IF AN APPLICATION FOR A LICENSE IS DENIED AND THE APPLICANT
42 RESUBMITS THE APPLICATION FOR THE SAME PURPOSES WITH ONLY REVISIONS OR
43 CORRECTIONS TO THE ORIGINAL APPLICATION, THE MUNICIPALITY SHALL NOT ASSESS
44 ANY ADDITIONAL APPLICATION FEES THAT EXCEED THE COST OF PROCESSING THE
45 RESUBMITTED REVISIONS OR CORRECTIONS. THIS SUBSECTION DOES NOT APPLY TO

1 LICENSE APPLICATIONS THAT WERE DENIED FOR DISQUALIFYING CRIMINAL CONVICTIONS
2 OR THAT WERE SUBMITTED FRAUDULENTLY.

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

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

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

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

17 0. FOR THE PURPOSES OF THIS SECTION:

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

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

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

36 9-840. Exemptions

37 This article does not apply to:

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

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

45 3. An ordinance, regulation or substantive policy statement that
46 relates to inmates or committed youth, a correctional or detention facility

1 under the jurisdiction of the municipality or a patient admitted to an
2 institution or treatment center pursuant to court order.

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

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

8 Sec. 7. Section 11-1601, Arizona Revised Statutes, is amended to read:
9 11-1601. Definitions

10 In this article, unless the context otherwise requires:

11 1. "DESIGN-BUILD" MEANS A CONSTRUCTION PROJECT DELIVERY SYSTEM IN
12 WHICH THE DESIGN AND CONSTRUCTION ASPECTS ARE CONTRACTED FOR WITH A SINGLE
13 ENTITY KNOWN AS THE DESIGN-BUILDER OR DESIGN-BUILD CONTRACTOR, AND IN WHICH
14 THE SYSTEM IS USED TO MINIMIZE THE PROJECT RISK FOR AN OWNER AND TO REDUCE
15 THE DELIVERY SCHEDULE BY OVERLAPPING THE DESIGN PHASE AND CONSTRUCTION PHASE
16 OF A PROJECT ENTITY.

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

19 ~~1-~~ 3. "Food and swimming pool inspection" means an inspection of a
20 regulated person conducted to ensure the safety of food services, swimming
21 pools and other bathing places.

22 ~~2-~~ 4. "License" includes the whole or part of any county permit,
23 certificate, approval, registration, charter or similar form of permission
24 required by law.

25 ~~3-~~ 5. "Licensing" includes the county process respecting the grant,
26 denial, renewal, revocation, suspension, annulment, withdrawal or amendment
27 of a license.

28 ~~4-~~ 6. "Person" means an individual, partnership, corporation,
29 association, governmental subdivision or unit of a governmental subdivision,
30 or a public or private organization of any character.

31 7. "REQUEST FOR CORRECTIONS" MEANS A REQUEST FOR TECHNICAL OR
32 CLARIFYING CORRECTIONS FROM AN APPLICANT WHO HAS SUBMITTED AN
33 ADMINISTRATIVELY COMPLETE APPLICATION FOR A LICENSE.

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

43 ~~6-~~ 9. "Working day" means a twenty-four hour period excluding
44 weekends and legal holidays.

45 Sec. 8. Section 11-1602, Arizona Revised Statutes, is amended to read:
46 11-1602. Regulatory bill of rights

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

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

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

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

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

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

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

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

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

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

25 8. Unless specifically authorized, may expect counties to avoid
26 duplication of other laws that do not enhance regulatory clarity and to avoid
27 dual permitting to the maximum extent practicable as provided in section
28 11-1604.

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

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

35 Sec. 9. Section 11-1603, Arizona Revised Statutes, is amended to read:
36 11-1603. Inspections; applicability

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

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

40 2. On initiation of the inspection, state the purpose of the
41 inspection and the legal authority for conducting the inspection.

42 3. Disclose any applicable inspection fees.

43 4. Except for a FIRE AND LIFE SAFETY INSPECTION OF AREAS THAT ARE
44 ACCESSIBLE TO THE GENERAL PUBLIC OR A food and swimming pool inspection,
45 afford an opportunity to have an authorized on-site representative of the

1 regulated person accompany the county inspector or regulator on the premises,
2 except during confidential interviews.

3 5. Provide notice of the right to have:

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

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

10 (c) Copies of any analysis performed on samples taken during the
11 inspection.

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

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

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

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

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

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

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

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

23 **11-1604. Prohibited acts by county**

24 A. A county shall not base a licensing decision in whole or in part on
25 a licensing requirement or condition that is not specifically authorized by
26 statute, rule, ordinance or delegation agreement. A general grant of
27 authority does not constitute a basis for imposing a licensing requirement or
28 condition unless the authority specifically authorizes the requirement or
29 condition.

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

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

35 **D. A COUNTY SHALL NOT REQUEST OR INITIATE DISCUSSIONS WITH A PERSON**
36 **ABOUT WAIVING THAT PERSON'S RIGHTS.**

37 Sec. 11. Section 11-1605, Arizona Revised Statutes, is amended to
38 read:

39 **11-1605. Licensing time frames; compliance; consequence for**
40 **failure to comply with time frame; exemptions;**
41 **definitions**

42 A. For any new ordinance or ~~regulation~~ **CODE** requiring a license, a
43 county shall have in place an overall time frame during which the county will
44 either grant or deny each type of license that it issues. The overall time
45 frame for each type of license shall state separately the administrative
46 completeness review time frame and the substantive review time frame **AND**

1 SHALL BE POSTED ON THE COUNTY'S WEBSITE OR THE WEBSITE OF AN ASSOCIATION OF
2 COUNTIES IF THE COUNTY DOES NOT HAVE A WEBSITE.

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

12 C. In establishing time frames, counties shall consider all of the
13 following:

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

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

36 D. A county shall issue a written or electronic notice of
37 administrative completeness or deficiencies to an applicant for a license
38 within the administrative completeness review time frame. If the permit
39 sought requires approval of more than one department of the county, each
40 department may issue a written or electronic notice of administrative
41 completeness or deficiencies.

42 E. If a county determines that an application for a license is not
43 administratively complete, the county shall include a comprehensive list of
44 the specific deficiencies in the written or electronic notice provided
45 pursuant to subsection D OF THIS SECTION. If the county issues a written or
46 electronic notice of deficiencies within the administrative completeness time

1 frame, the administrative completeness review time frame and the overall time
2 frame are suspended from the date the notice is issued until the date that
3 the county receives the missing information from the applicant. The county
4 may issue an additional written or electronic notice of administrative
5 completeness or deficiencies based on the applicant's submission of missing
6 information. If the permit sought requires approval of more than one
7 department of the county, each department may issue an additional written or
8 electronic notice of administrative completeness or deficiencies based on the
9 applicant's submission of missing information.

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

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

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

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

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

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

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

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

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

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

1 L. IF AN APPLICATION FOR A LICENSE IS DENIED BECAUSE REVISIONS OR
2 CORRECTIONS WERE NOT SUBMITTED OR CONSIDERED WITHIN THE ALLOWED TIME FRAME,
3 OR WITHDRAWN, AND THE APPLICANT RESUBMITS THE APPLICATION FOR THE SAME
4 PURPOSES WITH ONLY REVISIONS OR CORRECTIONS TO THE ORIGINAL APPLICATION, THE
5 COUNTY SHALL NOT ASSESS ANY ADDITIONAL FEES THAT EXCEED FIFTY PER CENT OF THE
6 ORIGINAL APPLICATION FEES THAT HAVE NOT BEEN REFUNDED TO THE APPLICANT
7 PROVIDED THAT THE APPLICATION IS SUBMITTED BEFORE THE TIME OF DESTRUCTION OF
8 THE ORIGINAL APPLICATION FILE PURSUANT TO SECTION 41-151.15. THIS SUBSECTION
9 DOES NOT APPLY TO LICENSE APPLICATIONS THAT WERE DENIED FOR DISQUALIFYING
10 CRIMINAL CONVICTIONS OR THAT WERE SUBMITTED FRAUDULENTLY.

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

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

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

19 N. FOR THE PURPOSES OF THIS SECTION:

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

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

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

39 11-1610. Exemptions

40 This article does not apply to:

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

43 2. An ordinance, regulation or substantive policy statement that
44 relates to only the internal management of a county and that does not
45 directly and substantially affect the procedural or substantive rights or
46 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. 13. Section 48-3641, Arizona Revised Statutes, is amended to
14 read:

15 **48-3641. Definitions**

16 In this article, unless the context otherwise requires:

17 1. "District" means a district organized pursuant to article 1 of this
18 chapter.

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

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

25 4. "Licensing" includes the district process respecting the grant,
26 denial, renewal, revocation, suspension, annulment, withdrawal or amendment
27 of a license.

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

31 6. **"REQUEST FOR CORRECTIONS" MEANS SEEKING A TECHNICAL OR CLARIFYING**
32 **CORRECTION FROM AN APPLICANT WHO HAS SUBMITTED AN ADMINISTRATIVELY COMPLETE**
33 **APPLICATION FOR A LICENSE.**

34 ~~6-~~ 7. "Substantive policy statement" means a written expression that
35 is only advisory and **THAT** informs the general public of a district's current
36 approach to, or opinion of, the requirements of the ordinances or
37 regulations, including, ~~where~~ **IF** appropriate, the district's current
38 practice, 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 district and do not impose
41 additional requirements or penalties on regulated parties or confidential
42 information.

43 ~~7-~~ 8. "Working day" means a twenty-four hour period excluding
44 weekends and legal holidays.

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

1 48-3642. Regulatory bill of rights

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

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

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

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

11 4. May have a district approve or deny the person's license
12 application within a predetermined period of time as provided in section
13 48-3645.

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

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

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

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

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

28 8. Unless specifically authorized, may expect districts to avoid
29 duplication of other laws that do not enhance regulatory clarity and to avoid
30 dual permitting to the maximum extent practicable as provided in section
31 48-3644.

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

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

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

40 48-3643. Inspections; applicability

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

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

44 2. On initiation of the inspection, state the purpose of the
45 inspection and the legal authority for conducting the inspection.

46 3. Disclose any applicable inspection fees.

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

4 5. Provide notice of the right to have:

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

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

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

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

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

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

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

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

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

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

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

- 1 1. At the time of the inspection.
- 2 2. Notwithstanding any other state law, within thirty working days
- 3 after the inspection.
- 4 3. As otherwise required by federal law.
- 5 E. The inspection report shall contain deficiencies identified during
- 6 an inspection. Unless otherwise provided by law, the district may provide
- 7 the regulated person an opportunity to correct the deficiencies unless the
- 8 district determines that the deficiencies are:
 - 9 1. Committed intentionally.
 - 10 2. Not correctable within a reasonable period of time as determined by
 - 11 the district.
 - 12 3. Evidence of a pattern of noncompliance.
 - 13 4. A risk to any person, the public health, safety or welfare or the
 - 14 environment.
- 15 F. If the district allows the regulated person an opportunity to
- 16 correct the deficiencies pursuant to subsection E of this section, the
- 17 regulated person shall notify the district when the deficiencies have been
- 18 corrected. Within thirty working days of receipt of notification from the
- 19 regulated person that the deficiencies have been corrected, the district
- 20 shall determine if the regulated person is in substantial compliance and
- 21 notify the regulated person whether or not the regulated person is in
- 22 substantial compliance, unless it is not possible due to conditions of normal
- 23 operations at the premises. If the regulated person fails to correct the
- 24 deficiencies or the district determines the deficiencies have not been
- 25 corrected within a reasonable period of time, the district may take any
- 26 enforcement action authorized by law for the deficiencies.
- 27 G. A district decision pursuant to subsection E or F of this section
- 28 is not an appealable district action.
- 29 H. At least once every month after the commencement of the inspection
- 30 a district shall provide a regulated person with an update, in writing or
- 31 electronically, on the status of any district action resulting from an
- 32 inspection of the regulated person. A district is not required to provide an
- 33 update after the regulated person is notified that no district action will
- 34 result from the district's inspection or after the completion of district
- 35 action resulting from the district's inspection.
- 36 I. This section does not authorize an inspection or any other act that
- 37 is not otherwise authorized by law.
- 38 J. This section applies only to inspections necessary for the issuance
- 39 of a license or to determine compliance with licensure requirements. This
- 40 section does not apply:
 - 41 1. To criminal investigations and undercover investigations that are
 - 42 generally or specifically authorized by law.
 - 43 2. If the district inspector or regulator has reasonable suspicion to
 - 44 believe that the regulated person may be or has been engaged in criminal
 - 45 activity.

1 3. If the district inspector or regulator reasonably believes that an
2 emergency exists.

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

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

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

12 1. Constitutes cause for disciplinary action or dismissal pursuant to
13 adopted district personnel policy.

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 district 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 district inspections that are requested **AND**
20 **SCHEDULED** by the regulated person.

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

23 **48-3644. Prohibited acts by district**

24 A. A district shall not base a licensing decision in whole or in part
25 on a licensing requirement or condition that is not specifically authorized
26 by statute, rule, regulation, ordinance, executive order or delegation
27 agreement. A general grant of authority does not constitute a basis for
28 imposing a licensing requirement or condition unless the authority
29 specifically authorizes the requirement or condition.

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

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

35 **D. A DISTRICT SHALL NOT REQUEST OR INITIATE DISCUSSIONS WITH A PERSON**
36 **ABOUT WAIVING THAT PERSON'S RIGHTS.**

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

39 **48-3645. Licensing time frames; compliance; consequence for**
40 **failure to comply with time frame; exemptions;**
41 **definitions**

42 A. For any new ordinance or regulation requiring a license, a district
43 shall have in place an overall time frame during which the district will
44 either grant or deny each type of license that it issues. The overall time
45 frame for each type of license shall state separately the administrative
46 completeness review time frame and the substantive review time frame **AND**

1 SHALL BE POSTED ON THE DISTRICT'S WEBSITE, IF THE DISTRICT MAINTAINS A
2 WEBSITE.

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

12 C. In establishing time frames, districts shall consider all of the
13 following:

- 14 1. The complexity of the licensing subject matter.
- 15 2. The resources of the district.
- 16 3. The economic impact of delay on the regulated community.
- 17 4. The impact of the licensing decision on public health and safety.
- 18 5. The possible use of volunteers with expertise in the subject matter
19 area.
- 20 6. The possible increased use of general licenses for similar types of
21 licensed businesses or facilities.
- 22 7. The possible increased cooperation between the district and the
23 regulated community.
- 24 8. Increased district flexibility in structuring the licensing process
25 and personnel including:
 - 26 (a) Master planned communities.
 - 27 (b) Suspension of the substantive and overall time frames for purposes
28 including DELAYS CAUSED BY THE NEED FOR public hearings, ~~or~~ state or federal
29 approvals OR APPROVALS FROM PUBLIC UTILITIES ON RESIDENTIAL OR COMMERCIAL
30 DEVELOPMENT PROJECTS.

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

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

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

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

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

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

1 WITHDRAWN IF, BY THIRTY DAYS OR MORE AFTER THE DATE OF NOTICE, AS ESTABLISHED
2 BY THE DISTRICT, THE APPLICANT DOES NOT SUPPLY THE DOCUMENTATION OR
3 INFORMATION REQUESTED OR AN EXPLANATION OF WHY THE INFORMATION CANNOT BE
4 PROVIDED WITHIN THE ESTABLISHED TIME PERIOD.

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

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

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

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

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

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

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

44 L. IF AN APPLICATION FOR A LICENSE IS DENIED BECAUSE REVISIONS OR
45 CORRECTIONS WERE NOT SUBMITTED OR CONSIDERED WITHIN THE ALLOWED TIME FRAME,
46 OR WITHDRAWN, AND THE APPLICANT RESUBMITS THE APPLICATION FOR THE SAME

1 PURPOSES WITH ONLY REVISIONS OR CORRECTIONS TO THE ORIGINAL APPLICATION, THE
2 DISTRICT SHALL NOT ASSESS ANY ADDITIONAL FEES THAT EXCEED FIFTY PER CENT OF
3 THE ORIGINAL PERMIT FEE THAT HAS NOT BEEN REFUNDED TO THE APPLICANT PROVIDED
4 THAT THE APPLICATION IS SUBMITTED BEFORE THE TIME OF DESTRUCTION OF THE
5 ORIGINAL APPLICATION FILE PURSUANT TO SECTION 41-151.15. THIS SUBSECTION
6 DOES NOT APPLY TO LICENSE APPLICATIONS THAT WERE DENIED FOR DISQUALIFYING
7 CRIMINAL CONVICTIONS OR THAT WERE SUBMITTED FRAUDULENTLY.

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

10 1. Issued within seven working days after receipt of the initial
11 application or a permit that expires within twenty-one working days after
12 issuance.

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

16 N. FOR THE PURPOSES OF THIS SECTION:

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

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

APPROVED BY THE GOVERNOR APRIL 10, 2013.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 10, 2013.