

REFERENCE TITLE: **building permits; utilities; restrictions; prohibitions**

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
Second Regular Session  
2020

## **HB 2686**

Introduced by  
Representative Bowers

### **AN ACT**

AMENDING SECTION 9-467, ARIZONA REVISED STATUTES; AMENDING TITLE 9, CHAPTER 7, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-810; AMENDING SECTION 11-321, ARIZONA REVISED STATUTES; AMENDING TITLE 11, CHAPTER 6, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-867; RELATING TO BUILDING PERMITS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 9-467, Arizona Revised Statutes, is amended to  
3 read:

4 9-467. Building permits; issuance; distribution of copies;  
5 utilities; subsequent owner; definition

6 A. Any ~~city or town~~ MUNICIPALITY requiring the issuance of a  
7 building permit shall transmit one copy of the permit to the county  
8 assessor and one copy to the director of the department of revenue.  
9 Permit copies shall provide the permit number, issue date and parcel  
10 number. On the issuance of the certificate of occupancy or the  
11 certificate of completion or on the expiration or cancellation of the  
12 permit, the assessor and the department of revenue shall be notified in  
13 writing or in electronic format of the permit number, parcel number, issue  
14 date and completion date.

15 B. A MUNICIPALITY REQUIRING THE ISSUANCE OF A BUILDING PERMIT MAY  
16 NOT DENY A PERMIT APPLICATION BASED ON THE UTILITY PROVIDER PROPOSED TO  
17 SERVE THE PROJECT.

18 C. A MUNICIPALITY ISSUING A BUILDING PERMIT SHALL ENSURE THAT ALL  
19 APPLICABLE PERMITS AND FEES CONTAIN REQUIREMENTS AND AMOUNTS THAT DO NOT  
20 EXCEED THE REQUIREMENTS AND AMOUNTS FOR USE OF OTHER UTILITY PROVIDERS AND  
21 DO NOT HAVE THE EFFECT OF RESTRICTING A PERMIT APPLICANT'S ABILITY TO USE  
22 THE SERVICES OF A UTILITY PROVIDER THAT IS AUTHORIZED TO PROVIDE SERVICE.

23 ~~B.~~ D. A ~~city or town~~ MUNICIPALITY may not require an applicant for  
24 a building permit to hold a transaction privilege tax license or business  
25 license as a condition for issuing the building permit. A city or town  
26 may require a person that has been issued a building permit and that does  
27 not otherwise hold a business license from the ~~city or town~~ MUNICIPALITY  
28 to apply for a business license within thirty days after issuing the  
29 building permit.

30 ~~C.~~ E. If a person has constructed a building or an addition to a  
31 building without obtaining a building permit, a ~~city or town~~ MUNICIPALITY  
32 shall not require a subsequent owner to obtain a permit for the  
33 construction or addition done by the prior owner before issuing a permit  
34 for a building addition except that ~~nothing in this section shall be~~  
35 ~~construed as prohibiting the enforcement of~~ DOES NOT PROHIBIT ENFORCING an  
36 applicable ordinance or code provision ~~which~~ THAT affects the public  
37 health or safety.

38 F. FOR THE PURPOSES OF THIS SECTION, "MUNICIPALITY" MEANS A CITY OR  
39 TOWN ORGANIZED IN ACCORDANCE WITH LAW, INCLUDING A HOME RULE OR CHARTER  
40 CITY.

41 Sec. 2. Title 9, chapter 7, article 1, Arizona Revised Statutes, is  
42 amended by adding section 9-810, to read:

43 9-810. Utilities; restrictions; prohibition

44 A. ANY CODE, ORDINANCE, LAND USE REGULATION OR GENERAL OR SPECIFIC  
45 PLAN PROVISION OR PART OF A CODE, ORDINANCE, LAND USE REGULATION OR

1 GENERAL OR SPECIFIC PLAN PROVISION ADOPTED BY A MUNICIPALITY SHALL  
2 PRESERVE A PERSON'S OR ENTITY'S ABILITY TO USE THE SERVICES OF A UTILITY  
3 PROVIDER THAT IS AUTHORIZED TO PROVIDE SERVICE.

4 B. A MUNICIPALITY MAY NOT IMPOSE A FINE, PENALTY OR OTHER  
5 REQUIREMENT THAT HAS THE EFFECT OF RESTRICTING A UTILITY PROVIDER'S  
6 AUTHORITY TO OPERATE OR SERVE CUSTOMERS.

7 C. THIS SECTION DOES NOT AFFECT ANY AUTHORITY OF A MUNICIPALITY TO  
8 MANAGE THE PUBLIC HIGHWAYS WITHIN THE MUNICIPALITY'S BOUNDARIES OR TO  
9 EXERCISE THE MUNICIPALITY'S POLICE POWERS TO REVIEW AND APPROVE AN  
10 APPLICATION BEFORE ISSUING A PERMIT.

11 Sec. 3. Section 11-321, Arizona Revised Statutes, is amended to  
12 read:

13 11-321. Building permits; issuance; utilities; distribution  
14 of copies; subsequent owner

15 A. Except in those cities and towns ~~which~~ THAT have an ordinance  
16 relating to the issuance of building permits, the board of supervisors  
17 shall require a building permit for any construction of a building or an  
18 addition ~~thereto~~ TO A BUILDING exceeding a cost of ~~one thousand dollars~~  
19 \$1,000 within its jurisdiction. The building permit shall be filed with  
20 the board of supervisors or its designated agent.

21 B. A COUNTY MAY NOT DENY A PERMIT APPLICATION BASED ON THE UTILITY  
22 PROVIDER PROPOSED TO SERVE THE PROJECT.

23 C. A COUNTY ISSUING A BUILDING PERMIT SHALL ENSURE THAT ALL  
24 APPLICABLE PERMITS AND FEES CONTAIN REQUIREMENTS AND AMOUNTS THAT DO NOT  
25 EXCEED THE REQUIREMENTS AND AMOUNTS FOR USE OF OTHER UTILITY PROVIDERS AND  
26 DO NOT HAVE THE EFFECT OF RESTRICTING A PERMIT APPLICANT'S ABILITY TO USE  
27 THE SERVICES OF A UTILITY PROVIDER THAT IS AUTHORIZED TO PROVIDE SERVICE.

28 ~~B.~~ D. The board of supervisors may not require an applicant for a  
29 building permit to hold a transaction privilege tax license or business  
30 license as a condition for issuing the building permit.

31 ~~C.~~ E. Where deemed of public convenience, the BOARD OF supervisors  
32 shall ~~permit~~ ALLOW the application for and the issuance of building  
33 permits by mail.

34 ~~D.~~ F. One copy of the building permit required by the terms of  
35 subsection A of this section shall be transmitted to the county assessor  
36 and one copy SHALL BE TRANSMITTED to the director of the department of  
37 revenue. The permit copy provided to the assessor and the department of  
38 revenue shall have the permit number, the issue date and the parcel number  
39 for which the permit is issued. On the issuance of the certificate of  
40 occupancy or the certificate of completion or on the expiration or  
41 cancellation of the permit, the assessor and the department of revenue  
42 shall be notified in writing or in electronic format of the permit number,  
43 parcel number, issue date and completion date.

1           ~~F.~~ G. If a person has constructed a building or an addition to a  
2 building without obtaining a building permit, a county shall not require a  
3 subsequent owner to obtain a permit for the construction or addition done  
4 by the prior owner before issuing a permit for a building addition except  
5 that ~~nothing in this section shall be construed as prohibiting the~~  
6 ~~enforcement of~~ DOES NOT PROHIBIT ENFORCING an applicable ordinance or code  
7 provision ~~which~~ THAT affects the public health or safety.

8           Sec. 4. Title 11, chapter 6, article 5, Arizona Revised Statutes,  
9 is amended by adding section 11-867, to read:

10           11-867. Utilities; restrictions; prohibition

11           A. ANY CODE, ORDINANCE, LAND USE RESTRICTION OR GENERAL OR SPECIFIC  
12 PLAN PROVISION OR PART OF A CODE, ORDINANCE, LAND USE REGULATION OR  
13 GENERAL OR SPECIFIC PLAN PROVISION ADOPTED BY A COUNTY SHALL PRESERVE A  
14 PERSON'S OR ENTITY'S ABILITY TO USE THE SERVICES OF A UTILITY PROVIDER  
15 THAT IS AUTHORIZED TO PROVIDE SERVICE.

16           B. A COUNTY MAY NOT IMPOSE A FINE, PENALTY, OR OTHER REQUIREMENT  
17 THAT HAS THE EFFECT OF RESTRICTING A UTILITY PROVIDER'S AUTHORITY TO  
18 OPERATE OR SERVE CUSTOMERS.

19           C. THIS SECTION DOES NOT AFFECT ANY AUTHORITY OF A COUNTY TO MANAGE  
20 THE PUBLIC HIGHWAYS WITHIN THE COUNTY'S BOUNDARIES OR TO EXERCISE THE  
21 COUNTY'S POLICE POWERS TO REVIEW AND APPROVE AN APPLICATION BEFORE ISSUING  
22 A PERMIT.