

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

State of Arizona
Senate
Fifty-fourth Legislature
Second Regular Session
2020

SB 1222

Introduced by

Senators Fann: Allen S, Borrelli, Bowie, Bradley, Brophy McGee, Contreras,
Farnsworth D, Farnsworth E, Gowan, Gray, Kerr, Leach, Livingston, Mesnard,
Navarrete, Otondo, Pace, Pratt, Ugenti-Rita

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.