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

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

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

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

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

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

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

E. If a person has constructed a building or an addition to a building without obtaining a building permit, a city or town MUNICIPALITY shall not require a subsequent owner to obtain a permit for the construction or addition done by the prior owner before issuing a permit for a building addition except that nothing in this section shall be construed as prohibiting the enforcement of an applicable ordinance or code provision which affects the public health or safety.

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

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

9-810. Utilities; restrictions; prohibition

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

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

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

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

11-321. Building permits; issuance; utilities; distribution of copies; subsequent owner
A. Except in those cities and towns which have an ordinance relating to the issuance of building permits, the board of supervisors shall require a building permit for any construction of a building or an addition thereto TO A BUILDING exceeding a cost of one thousand dollars $1,000 within its jurisdiction. The building permit shall be filed with the board of supervisors or its designated agent.

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

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

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

E. Where deemed of public convenience, the BOARD OF supervisors shall permit the application for and the issuance of building permits by mail.

F. One copy of the building permit required by the terms of subsection A of this section shall be transmitted to the county assessor and one copy SHALL BE TRANSMITTED to the director of the department of revenue. The permit copy provided to the assessor and the department of revenue shall have the permit number, the issue date and the parcel number for which the permit is issued. On the issuance of the certificate of occupancy or the certificate of completion or on the expiration or cancellation of the permit, the assessor and the department of revenue shall be notified in writing or in electronic format of the permit number, parcel number, issue date and completion date.
E. G. If a person has constructed a building or an addition to a building without obtaining a building permit, a county shall not require a subsequent owner to obtain a permit for the construction or addition done by the prior owner before issuing a permit for a building addition except that nothing in this section shall be construed as prohibiting the enforcement of an applicable ordinance or code provision which affects the public health or safety.

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

11-867. Utilities; restrictions; prohibition
A. ANY CODE, ORDINANCE, LAND USE RESTRICTION OR GENERAL OR SPECIFIC PLAN PROVISION OR PART OF A CODE, ORDINANCE, LAND USE REGULATION OR GENERAL OR SPECIFIC PLAN PROVISION ADOPTED BY A COUNTY SHALL PRESERVE A PERSON'S OR ENTITY'S ABILITY TO USE THE SERVICES OF A UTILITY PROVIDER THAT IS AUTHORIZED TO PROVIDE SERVICE.
B. A COUNTY MAY NOT IMPOSE A FINE, PENALTY, OR OTHER REQUIREMENT THAT HAS THE EFFECT OF RESTRICTING A UTILITY PROVIDER'S AUTHORITY TO OPERATE OR SERVE CUSTOMERS.
C. THIS SECTION DOES NOT AFFECT ANY AUTHORITY OF A COUNTY TO MANAGE THE PUBLIC HIGHWAYS WITHIN THE COUNTY'S BOUNDARIES OR TO EXERCISE THE COUNTY'S POLICE POWERS TO REVIEW AND APPROVE AN APPLICATION BEFORE ISSUING A PERMIT.