HOUSE BILL 2535

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-500.49; RELATING TO MUNICIPAL REGULATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:
Section 1. Title 9, chapter 4, article 8, Arizona Revised Statutes, is amended by adding section 9-500.49, to read:

9-500.49. Private property well use; regulation; municipal water system connection; prohibition

A. NOTWITHSTANDING ANY OTHER LAW, A WELL DRILLED WITH THE CONSENT OF THE WELL OWNER ON PRIVATE PROPERTY IN AN UNINCORPORATED AREA IS NOT SUBJECT TO MUNICIPAL REGULATION IF THE UNINCORPORATED AREA WHERE THE WELL IS LOCATED IS ANNEXED BY A CITY OR TOWN AFTER THE WELL HAS BEEN DRILLED. THE OWNER OF A WELL DRILLED ON PRIVATE PROPERTY IN AN UNINCORPORATED AREA IS NOT REQUIRED TO CONNECT TO A MUNICIPAL WATER SYSTEM. A CITY OR TOWN MAY NOT:

1. DIRECTLY OR INDIRECTLY MAKE THE ISSUANCE OR APPROVAL OF A PERMIT CONTINGENT ON WELL OWNER CONNECTING THE WELL OWNER’S WELL TO A MUNICIPAL WATER SYSTEM.

2. DIRECTLY OR INDIRECTLY DENY OR FAIL TO TAKE TIMELY ACTION ON A REQUEST FOR OR APPROVAL OF A PERMIT ON THE BASIS THAT THE WELL OWNER’S WELL IS NOT CURRENTLY CONNECTED OR MUST BE CONNECTED IN THE FUTURE TO A MUNICIPAL WATER SYSTEM IF THE UNINCORPORATED AREA WHERE THE WELL IS LOCATED IS ANNEXED BY THE CITY OR TOWN AFTER THE WELL HAS BEEN DRILLED.

B. NOTWITHSTANDING ANY OTHER LAW, WITH THE CONSENT OF THE BUILDING OR STRUCTURE OWNER, A BUILDING OR STRUCTURE THAT REQUIRES WATER FROM A WELL DRILLED ON PRIVATE PROPERTY IN AN UNINCORPORATED AREA MAY NOT BE REQUIRED TO CONNECT TO A MUNICIPAL WATER SYSTEM. A CITY OR TOWN MAY NOT DIRECTLY OR INDIRECTLY MAKE THE ISSUANCE OR APPROVAL OF A PERMIT RELATED TO THE BUILDING OR STRUCTURE CONTINGENT ON THE OWNER OF THE BUILDING OR STRUCTURE CONNECTING THE BUILDING OR STRUCTURE TO A MUNICIPAL WATER SYSTEM OR DIRECTLY OR INDIRECTLY DENY OR FAIL TO TAKE TIMELY ACTION ON A REQUEST FOR OR APPROVAL OF A PERMIT ON THE BASIS THAT THE BUILDING OR STRUCTURE IS NOT CURRENTLY CONNECTED OR MUST BE CONNECTED IN THE FUTURE TO A MUNICIPAL WATER SYSTEM IF THE UNINCORPORATED AREA WHERE THE WELL IS LOCATED IS ANNEXED BY A CITY OR TOWN AFTER THE WELL HAS BEEN DRILLED.