

REFERENCE TITLE: public nuisance; renewable energy; exceptions

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 2267

Introduced by
Representative Marshall

AN ACT

AMENDING SECTION 13-2917, ARIZONA REVISED STATUTES; RELATING TO OFFENSES
AGAINST PUBLIC ORDER.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 13-2917, Arizona Revised Statutes, is amended to
3 read:
4 13-2917. Public nuisance; abatement; classification
5 A. It is a public nuisance, and is no less a nuisance because the
6 extent of the annoyance or damage inflicted is unequal, for anything:
7 1. To be injurious to health, indecent, offensive to the senses or
8 an obstruction to the free use of property that interferes with the
9 comfortable enjoyment of life or property by an entire community or
10 neighborhood or by a considerable number of persons.
11 2. To unlawfully obstruct the free passage or use, in the customary
12 manner, of any navigable lake, river, bay, stream, canal or basin, or any
13 public park, square, street or highway.
14 3. TO BE A UTILITY-SCALE WIND FARM OR SOLAR FARM WITHIN FOUR MILES
15 OF A RESIDENTIAL PROPERTY.
16 B. It is a public nuisance for any person to sell, offer to sell,
17 transfer, trade or disseminate any OBSCENE item ~~which is obscene~~ as
18 defined in section 13-3501, within two thousand feet, measured in a
19 straight line, of the nearest boundary line of any of the following:
20 1. Any building used as a private or public elementary or high
21 school.
22 2. Any public park.
23 3. Any residence district as defined in section 28-101.
24 C. NOTWITHSTANDING ANY OTHER LAW, A RENEWABLE ENERGY PROJECT THAT
25 IS CONSTRUCTED BEGINNING ON OR AFTER THE EFFECTIVE DATE OF THIS AMENDMENT
26 TO THIS SECTION IS A PUBLIC NUISANCE, EXCEPT THAT THIS SUBSECTION DOES NOT
27 APPLY TO ANY OF THE FOLLOWING:
28 1. A RENEWABLE ENERGY PROJECT THAT RECEIVED ALL ZONING ENTITLEMENTS
29 BEFORE THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION.
30 2. A RENEWABLE ENERGY PROJECT THAT VOLUNTARILY APPLIES FOR AND
31 RECEIVES A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY FROM THE POWER PLANT
32 AND TRANSMISSION LINE SITING COMMITTEE, AND THE CERTIFICATE IS AFFIRMED
33 AND APPROVED BY AN ORDER OF THE CORPORATION COMMISSION PURSUANT TO TITLE
34 40, CHAPTER 2, ARTICLE 6.2.
35 3. A NONEXPORTING ROOFTOP SOLAR SYSTEM.
36 ~~C.~~ D. The county attorney, the attorney general or the city
37 attorney may bring an action in superior court to abate, enjoin and
38 prevent the activity described in subsections A and B of this section.
39 THE ATTORNEY GENERAL SHALL BRING AN ACTION IN SUPERIOR COURT TO ABATE,
40 ENJOIN AND PREVENT THE ACTIVITY DESCRIBED IN SUBSECTION C OF THIS SECTION.
41 ~~D.~~ E. Any person who knowingly maintains or commits a public
42 nuisance or who knowingly fails or refuses to perform any legal duty
43 relating to the removal of a public nuisance is guilty of a class 2
44 misdemeanor.