

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 9
HOUSE BILL 2440

AN ACT

AMENDING SECTIONS 48-505 AND 48-576, ARIZONA REVISED STATUTES; RELATING TO
MUNICIPAL IMPROVEMENT DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 48-505, Arizona Revised Statutes, is amended to
3 read:

4 48-505. Resolution or ordinance of intention to order
5 improvement; election

6 Before ordering an improvement to be made, the city or town council
7 shall COMPLY WITH BOTH OF THE FOLLOWING:

8 1. Pass a resolution or ordinance declaring its intention to do so,
9 describing the improvement and the land necessary or convenient to be taken
10 therefor, and specifying the boundaries of the assessment district to be
11 benefited by the improvement and to be assessed to pay the expense of the
12 improvement. The resolution or ordinance of intention may be combined in a
13 single resolution or ordinance of intention to make public improvements
14 pursuant to section 48-576.

15 2. IF THE CITY OR TOWN COUNCIL DETERMINES THAT THE DISTRICT SHOULD BE
16 FORMED AND AFTER THE FINAL RESOLUTION OF ANY PROTESTS MADE PURSUANT TO
17 SECTION 48-507, THE CITY OR TOWN COUNCIL SHALL SUBMIT WITHIN ONE HUNDRED
18 TWENTY DAYS TO THE CITY OR TOWN CLERK A PETITION TO FORM THE DISTRICT THAT IS
19 SIGNED BY OWNERS OF MORE THAN ONE-HALF OF THE TAXABLE PROPERTY UNITS WITHIN
20 THE AREA OF THE PROPOSED DISTRICT AND THAT IS SIGNED BY PERSONS OWNING
21 COLLECTIVELY MORE THAN ONE-HALF OF THE ASSESSED VALUATION OF THE PROPERTY
22 WITHIN THE AREA OF THE PROPOSED DISTRICT. PROPERTY THAT IS EXEMPT PURSUANT
23 TO TITLE 42, CHAPTER 11, ARTICLE 3 IS NOT CONSIDERED IN DETERMINING THE TOTAL
24 ASSESSED VALUATION OF THE PROPOSED DISTRICT AND OWNERS OF PROPERTY THAT IS
25 NOT SUBJECT TO TAXATION ARE NOT ELIGIBLE TO SIGN THE PETITION. ON
26 VERIFICATION OF THE PETITION SIGNATURES, THE CITY OR TOWN COUNCIL MAY FORM
27 THE IMPROVEMENT DISTRICT AND ORDER THE IMPROVEMENT AS OTHERWISE PROVIDED BY
28 LAW.

29 Sec. 2. Section 48-576, Arizona Revised Statutes, is amended to read:

30 48-576. Resolution or ordinance of intention to order
31 improvement; election

32 A. Before ordering an improvement authorized by this article, the
33 governing body of the municipality shall COMPLY WITH BOTH OF THE FOLLOWING:

34 1. Pass a resolution or ordinance of intention so to do, briefly
35 describing the improvement. By the resolution or ordinance and the
36 proceedings subsequent thereto, one or more improvements may be made on one
37 or more streets and shall constitute one improvement and be constructed under
38 one or more contracts. The resolution or ordinance of intention may be
39 combined in a single resolution or ordinance of intention to open, extend,
40 widen, straighten or close public streets or off-street parking areas
41 pursuant to section 48-505. If the work proposed is already done for a lot,
42 the lot shall be excepted from the assessment therefor to the extent of the
43 work done.

1 2. IF THE GOVERNING BODY DETERMINES THAT THE DISTRICT SHOULD BE FORMED
2 AFTER THE FINAL RESOLUTION OF ANY PROTESTS MADE PURSUANT TO SECTION 48-579,
3 THE GOVERNING BODY SHALL SUBMIT WITHIN ONE HUNDRED TWENTY DAYS TO THE CITY OR
4 TOWN CLERK A PETITION TO FORM THE DISTRICT THAT IS SIGNED BY OWNERS OF MORE
5 THAN ONE-HALF OF THE TAXABLE PROPERTY UNITS WITHIN THE AREA OF THE PROPOSED
6 DISTRICT AND THAT IS SIGNED BY PERSONS OWNING COLLECTIVELY MORE THAN ONE-HALF
7 OF THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE AREA OF THE PROPOSED
8 DISTRICT. PROPERTY THAT IS EXEMPT PURSUANT TO TITLE 42, CHAPTER 11, ARTICLE
9 3 IS NOT CONSIDERED IN DETERMINING THE TOTAL ASSESSED VALUATION OF THE
10 PROPOSED DISTRICT AND OWNERS OF PROPERTY THAT IS NOT SUBJECT TO TAXATION ARE
11 NOT ELIGIBLE TO SIGN THE PETITION. ON VERIFICATION OF THE PETITION
12 SIGNATURES, THE GOVERNING BODY MAY FORM THE IMPROVEMENT DISTRICT AND ORDER
13 THE IMPROVEMENT AS OTHERWISE PROVIDED BY LAW.

14 B. When the proposed improvement, in the opinion of the governing
15 body, is of more than local or ordinary public benefit, it may order the
16 expense of the improvement chargeable upon a district, and shall describe the
17 extent of the district in general terms in its resolution or ordinance of
18 intention, either by reference to street lines or block numbers, or by
19 designating its exterior boundaries by their courses and distances from the
20 street or streets the improvement of which is contemplated, and may refer for
21 a more particular description thereof to a map on file with the city or town
22 engineer, showing the exterior boundary lines of the district, and
23 delineating block and lot numbers or containing such details as will show the
24 location of the lines. A city or town shall not assess the costs of an
25 improvement which is for the general public benefit against land in an
26 assessment district. If a portion of the expense of an improvement is for
27 general public benefit, the city or town shall assess the district only that
28 portion of the expense which benefits the property within the district.

29 C. The governing body, in the resolution or ordinance of intention,
30 may provide that the improvement described therein may be made according to
31 any of several alternative plans and specifications, or methods, classes or
32 kinds of construction, or classes and kinds of material to be thereafter
33 determined by the legislative body.

34 Sec. 3. Retroactivity

35 This act applies retroactively to any districts for which the city or
36 town council has not adopted a boundary map by January 1, 2016.

PASSED BY THE HOUSE FEBRUARY 9, 2016.

PASSED BY THE SENATE MARCH 8, 2016.

HOUSE CONCURS IN SENATE AMENDMENTS AND FINAL PASSAGE MARCH 10, 2016.

APPROVED BY THE GOVERNOR MARCH 11, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 11, 2016.