



ARIZONA STATE SENATE
Fifty-Fourth Legislature, Second Regular Session

FACT SHEET FOR S.B. 1222

building permits; utilities; restrictions; prohibitions.

Purpose

Prohibits a city, town or county from denying a building permit based on the project's utility provider or from imposing a fine or requirement that restricts an authorized utility provider's service or operation. Requires municipal and county regulations to preserve use of the services of an authorized utility provider.

Background

Statute authorizes the governing body of a municipality or county, by ordinance, to regulate the use of buildings, structures and land to conserve and promote the public health, safety and general welfare (A.R.S. §§ [9-462.01](#) & [11-811](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits a municipality or county requiring the issuance of a building permit from denying a permit application based on the utility provider proposed to serve the project.
2. Requires a municipality or county issuing a building permit to ensure that all applicable permits and fees:
 - a) contain requirements and amounts that do not exceed the requirements and amounts for use of other utility providers; and
 - b) 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.
3. Prohibits a municipality or county from imposing a fine, penalty or other requirement that has the effect of restricting a utility provider's authority to operate or serve customers.
4. Requires any municipal or county code, ordinance, land use regulation or general or specific plan provision, in whole and in part, adopted by a municipality or county to preserve a person's or entity's ability to use the services of a utility provider that is authorized to provide service.
5. Specifies that this legislation does not affect any authority of a municipality or a county to manage the public highways within the municipality's boundaries or to exercise municipal police powers to review and approve an application before issuing a permit.

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6. Defines *municipality* as a city or town organized in accordance with law, including a home rule or charter city.
7. Makes technical and conforming changes.
8. Becomes effective on the general effective date.

Prepared by Senate Research

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KN/gs