

House Engrossed

private property; wells; regulation; prohibition

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
First Regular Session  
2023

# 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)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Title 9, chapter 4, article 8, Arizona Revised Statutes,  
3 is amended by adding section 9-500.49, to read:

4 9-500.49. Private property well use; regulation; municipal  
5 water system connection; prohibition

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

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

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

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