

City of Mesa's Implementation Policy for  
SENATE BILL 1598

January 2012

This new law requires all City departments to review its procedures related to how permits, licenses and other approvals or similar forms of permission required by law are processed, reviewed, and approved or denied. The procedures need to include clear direction regarding what must be submitted to obtain an approval, how long the review process will take, and the applicant's rights to appeal any unfavorable decision. Senate Bill 1598 (the "Bill") also creates a Regulatory Bill of Rights and imposes new restrictions on how inspections are conducted that are necessary for the issuance of a license or used to determine compliance with licensure requirements.

The Bill created a number of additions or amendments to the Arizona Revised Statutes that affect municipalities, including the following:

1. Concerning the General Plan, Aggregates, and Public Works: §9-461(1), §9-461.05(C)(1)(g), §9-461.06(O), and §9-461.14;
2. Municipal Regulations Governing the Regulatory Bill of Rights, Inspections, and Licensing: §9-831 through §9-840, and §9-832 through §9-835.; and
3. Concerning the Award of Fees Against the City: §12-348.

After a review of our processes for permits, licenses and other approvals, the City of Mesa believes that the following Departments/Divisions are subject to the Bill:

1. Planning Division concerning the General Plan --- Aggregates. The City of Mesa will comply with §9-461(1), §9-461.05(C)(1)(g), and §9-461.06(O) as part of our 2014 update to the City of Mesa's General Plan.
2. Engineering Division --- Notify Utilities. The City of Mesa will continue to notify all Utilities that may be impacted by one of our public works projects as noted in §9-461.14.
3. Water Quality Division --- Requests for industrial pre-treatment permits. We will comply with the requirements of §9-831 through §9-840.
4. Building Division --- Applications for a Building Permit. We will comply with the requirements of §9-831 through §9-840.
5. Building Division --- Applications for a Construction Permit (i.e. right of way permit, code modification, contractor verification, non-city utility permit). We will comply with the requirements of §9-831 through §9-840.
6. Code Compliance Division --- Inspections that occur on private property. We will comply with §9-831, §9-832, and §9-833.

7. Fire Department --- All Fire Department functions (Inspections, etc.) will comply with §9-831, §9-832, and §9-833.
8. Animal Control Division --- All Animal Control functions will comply with §9-831, §9-832, and §9-833.
9. Tax and Licensing Division --- Processes (i.e. Audit process, Peddler, Liquor, Massage [manager & establishment], Second Hand Dealer, and Fortune Teller) will comply with §9-832.

After a review of our processes for permits, licenses and other approvals, the City of Mesa believes that the following are not subject to the Bill:

1. All Planning Division functions besides the update to the General Plan noted above. Thus rezonings, Council Use Permits, Special Use Permits, Design Review, Annexations, etc. are not subject to this Bill. The legislature only amended the General Plan statutes regarding the rocks/mines but did not change anything in the zoning statutes.
2. All Building Division functions relating to inspections because they fall under the exception of an inspection being requested by the regulated person.
3. All Police Department functions. This Bill does not apply:
  - a. To criminal investigations and undercover investigations that are generally or specifically authorized by law.
  - b. If the municipal inspector has reasonable suspicion to believe that the regulated person may be or has been engaged in criminal activity.
  - c. Inspections by a county board of health or a local health department pursuant to ARS §36-603.
4. All Environmental and Sustainability Division functions --- these are environmental in nature and unrelated to licensing or inspections and we believe that SB 1598 was not intended to cover environmental regulations.
5. All functions of the Library Department because all permits etc. are issued within seven days of submittal of an application.
6. All functions of the Parks and Recreation Department because all permits etc. are issued within seven days of submittal of an application or expire within twenty one days of issuance.
7. All permits issued by the Solid Waste Department (i.e. private hauler permit) because all permits are issued within seven days of submittal of an application.
8. Electric Division interconnection service agreement because it is approved within seven days of submittal of a complete application.

9. All Neighborhood Services inspections because they fall under the exception of an inspection being requested by the regulated person, and the requirements for these inspections are set forth by federal regulations.
10. All Water Quality permits besides industrial pretreatment permits because all these permits etc. are issued within seven days of submittal of an application or expire within twenty one days of issuance.
11. Tax and Licensing Division --- Transient Privilege Tax licensing because this does not fit within the definition of a license or permission as defined in this Bill. .

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