

REFERENCE TITLE: city permits; waste regulation

State of Arizona  
Senate  
Forty-eighth Legislature  
First Regular Session  
2007

## **SB 1602**

Introduced by

Senators Gould: Gorman, Harper, Johnson, Waring; Representatives Adams, Barnes, Biggs, Burges, Burns J, Cajero Bedford, Campbell CH, Campbell CL, Crump, Driggs, Groe, Kirkpatrick, Lopez, Meza, Nichols, Saradnik, Stump, Thrasher, Tobin, Yarbrough

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-500.27; AMENDING SECTION 49-765, ARIZONA REVISED STATUTES; RELATING TO LOCAL GOVERNMENT POWERS.

(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, is  
3 amended by adding section 9-500.27, to read:

4 9-500.27. Permit conditions; exclusive contract prohibited

5 A CITY OR TOWN SHALL NOT CONDITION THE ISSUANCE OF A GRADING, BUILDING,  
6 CONSTRUCTION OR OTHER SIMILAR PERMIT ON THE APPLICANT'S USE OF ANY PREFERRED  
7 OR EXCLUSIVE SERVICE PROVIDER DESIGNATED BY THAT CITY OR TOWN.

8 Sec. 2. Section 49-765, Arizona Revised Statutes, is amended to read:

9 49-765. Local regulation of solid waste collection; restriction  
10 on competition prohibited

11 A. Each county, city or town may establish regulations for private  
12 collection of solid waste within its area of jurisdiction, including  
13 standards for equipment, hours of operation, license fees and insurance  
14 requirements as necessary and appropriate to operate a solid waste collection  
15 program, EXCEPT FOR THE COLLECTION OR REMOVAL OF CONSTRUCTION DEBRIS.  
16 Ordinances or regulations authorized by this section and section 49-704 shall  
17 be equal to or more stringent than the provisions of this chapter and rules  
18 ~~and regulations~~ adopted by the department under this chapter. If authorized  
19 by statute, each county, city or town may provide for criminal and civil  
20 penalties for violation of ~~such~~ THE ordinances or regulations ~~provided that~~  
21 ~~such~~ IF THE penalties do not exceed the penalties authorized by this chapter.

22 B. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ALLOW A CITY, TOWN OR  
23 COUNTY TO INTERFERE WITH COMPETITION IN SOLID WASTE SERVICES.

24 Sec. 3. Emergency

25 This act is an emergency measure that is necessary to preserve the  
26 public peace, health or safety and is operative immediately as provided by  
27 law.