

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

SENATE BILL 1602

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-500.27; AMENDING TITLE 49, CHAPTER 4, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 49-765.01; 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. Title 49, chapter 4, article 4, Arizona Revised Statutes, is
9 amended by adding section 49-765.01, to read:

10 49-765.01. Local regulation of construction debris

11 A. EXCEPT AS PROVIDED IN SECTION 49-765, A CITY OR TOWN, WITH A
12 POPULATION OF LESS THAN ONE HUNDRED THOUSAND PERSONS SHALL NOT ESTABLISH
13 REGULATIONS FOR THE COLLECTION OR REMOVAL OF CONSTRUCTION DEBRIS AS DEFINED
14 IN SECTION 49-701.

15 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, A CITY, TOWN OR
16 COUNTY MAY REGULATE THE HEALTH, PUBLIC SAFETY AND GENERAL WELFARE OF
17 CONSTRUCTION SITES.

18 C. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ALLOW A CITY, TOWN OR
19 COUNTY TO INTERFERE WITH COMPETITION IN THE COLLECTION OR REMOVAL OF
20 CONSTRUCTION DEBRIS AS DEFINED IN SECTION 49-701.

21 Sec. 3. Emergency

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