

TOWN OF
QUEEN CREEK
ARIZONA

Senate Bill 1598

September 5, 2012





Senate Bill 1598

“Regulatory Bill of Rights”

Effective July 28, 2011

*Certain key provisions take effect on
July 1, 2012 and January 1, 2013*

SB 1598: What Does it Cover?

- General Plan - Sources of Aggregates
- Public Works/CIP projects - Notice to Utilities
- Inspection Procedures
- Licenses, Permits, Certificates, and Other Types of Approvals - “Time Frames” and Procedures
- Town’s Website – Directory of Documents





General Plan

Requirements:

The new law requires the General Plan of a municipality to include a land use element addressing sources of aggregates, as well as policies to preserve aggregates for future development and policies to avoid incompatible land uses.

Compliance Action:

On July 18th, 2012, Council approved a 60 day review process for Major General Plan Amendments, including an amendment for adding text for *Identification and Preservation of Aggregate Resources* utilizing maps from the Arizona Geologic Service.

Public Works Projects

Requirements:

The new law requires municipalities to provide notice and an opportunity for impacted utilities to comment on public works projects during the design phase.

Compliance Action:

The Town is currently compliant with this requirement.





Inspections

Requirements:

As of **June 30, 2012**, municipal inspectors must

- Present Photo ID
- State purpose of inspection and legal authority
- Provide and opportunity for an authorized on-site representative
- Issue notice of inspection rights
- Obtain a signature
- Provide contact information
- Provide copy of inspection report

Inspections (Continued)

Compliance Action:

1. Exempt Inspections

- All requested inspections
- Inspections in the ROW/plain view
- Citations (possible criminal or felony charges)

2. Applicable Inspections

- Not requested and on private property (e.g. Fire Prevention's Operational and Occupancy Inspections)

3. Developed "Notice of Inspection Rights" form



NOTICE OF INSPECTION RIGHTS

A.R.S. § 9-833

You have the right to:

- Have the fire inspector present a photo ID.
- Have the fire inspector state the purpose for the fire inspection and legal authority to conduct it.
- Know the amount of inspection fees if applicable.
- An on-site representative may accompany the fire inspector during the inspection except during confidential interviews and may;
 - Receive copies of any documents taken during the inspection.
 - Receive a split of any samples taken during the inspection.
 - Receive copies of any analysis of the samples taken when available.
- Be informed if statements are being recorded.
- Be given notice that any statements may be used in a fire inspection report.
- Be presented with a copy of your inspection rights.
- Receive a copy of the inspection report or electronic access to the report:
 - At the time of inspection, or
 - Within 30 days, or
 - As otherwise required by federal law.
- Be notified of the due process rights pertaining to an appeal.

You are hereby notified and informed of the following:

- This inspection is conducted pursuant to the authority of A.R.S. § 48-805 and/or Queen Creek Ordinance 497-11.
- Any statements made by anyone interviewed during this inspection may be included in the inspection report.
- If you have any questions regarding this inspection, the following contact person is available to answer those questions: **[Insert name and telephone number]**
- Information on appeal rights related to this inspection is found under the International Fire Code Section 108.1. __. You may contact **[Insert name and telephone number]** in regard to appeal rights.

I acknowledge I have been informed of my inspection rights. If I decline to sign this form, the inspector(s) may still proceed with the inspection.

If I have questions, I may contact the inspector at the number provided on the inspection report.

Signature: _____ **Date:** _____

Printed Name: _____

Check box if signature refused

Copy of Bill of Rights left at: _____





Regulatory Bill of Rights: Additional Requirements

1. Requirements or Conditions of application approval must be specifically authorized by statute, rule, ordinance or code
 - a) Justification for denying an application must include references to the statutes, ordinances, codes or substantive policy statements on which the denial is based.

Does not apply to land use regulation and other forms of approval where the Council has legislative discretion covered by other laws

2. Directory of Documents – publish all applicable ordinances, codes, and substantive policy statements in one location on the Town’s website.

Licenses, permits, certificates, and other forms of approval

Requirements:

As of **January 1, 2013**, a municipality shall have in place an overall time frame during which it will either grant or deny each type of license, permit, certificate, or other forms of approval. The overall time frame shall state separately the administrative (completeness) review time frame and the substantive review time frame

1. Administrative Review: review for application completeness or deficiency and issue required notices
2. Substantive Review: review for application approval or denial and issue required notices



Licenses, permits, certificates, and other forms of approval:

Administrative Review Requirements

- a) Determine if an application is complete or deficient - must be consistent with submittal checklist
- b) Issue a written or electronic Notice(s) of Administrative Completeness or Deficiencies (if deficiencies, must include a comprehensive list of the specific deficiencies).
- c) If the Town does not issue a written or electronic Notice of Administrative Completeness or Deficiencies within the Administrative Review time-frame, the application is deemed administratively complete



Licenses, permits, certificates, and other forms of approval:

Substantive Review Requirements

- a) Approve or deny the application
- b) ONE comprehensive written or electronic request for additional information (per “department”).
 - Supplemental requests (beyond the one) require the applicant’s agreement in writing or electronically.
- c) Extend the substantive review time frame with the applicant’s agreement in writing or electronically
 - *Not to exceed 25% of the original time frame.*
- d) Refund review/application fees If the Town does not approve or deny within the overall time-frame or within the mutually agreed upon time frame extension.



Licenses, permits, certificates, and other forms of approval:

Stopping the Clock

- **Administrative Review** time frame and the Overall Review time frame are suspended from the date the "Notice of Administrative Deficiencies" is issued until the date that the Town receives the missing information from the applicant.
- **Substantive Review** time frame and the Overall Review time frame are suspended from the date of the one request or a supplemental request (by mutual written or electronic agreement) for additional information until the date that the Town receives the additional information from the applicant.
- **Public Hearings**
- **State and Federal processing**





SB 1598 Compliance Project

IMPLEMENTATION CHALLENGES

- Timely feedback will be required from stakeholders and other departments – coming to a consensus (e.g. time frames, capacity)
- Timely and accurate identification of all submittal requirements
- Evaluating and incorporating staff capacity and developing appropriate “time-frames”



SB 1598 Compliance Project

EFFECTS ON CUSTOMER SERVICE

Challenges to be managed:

- Removes ability to be flexible and accommodate special needs for complex projects
 - Resulting in customer complaints
- Reduces quality of customer service due to increased submittal and tracking complexity
- Complicates the process with more stringent bureaucracy



SB 1598 Compliance Project

EFFECTS ON CUSTOMER SERVICE

Potential Positive Results / Goals:

- Improved project tracking
- Clarity of project requirements
- Improved communication
- Recognizing customer rights
- Better understanding of staff capacity and turn around times.



SB 1598 Compliance Project

Project Schedule:

1. Town Council Work Study presentation on September 5, 2012
 - a) overview of SB1598 and the compliance project
2. Department consensus on staffing capacity and time-frame recommendations by October 1, 2012.
3. Town Council Regular Session presentation on October 17, 2012
 - a) overview of developed “time-frames”
4. Finalize checklists, process documentation, notices, and outreach materials by November 14, 2012
5. Publish time-frames December 3, 2012, effective January 1, 2013



Questions or Comments?

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