

	STANDARD OPERATING PROCEDURE Planning	Number: PL 110.3
Approval:  Chris Poirier, Planning Official		Effective Date: January 4, 2017
Subject: Prohibited Acts by County		Page 1 of 2

1.0 PURPOSE:

This document delineates prohibited acts by County and employees; enforcement; notice as imposed by Arizona Revised Statutes § 11-1604.

2.0 REVISION HISTORY:

New standard operating procedure.

3.0 PERSONS AFFECTED:

Planning Division personnel and the public at large.

4.0 ADMINISTRATIVE POLICY:

The ARS § 11-1604 provides:

- A. A county shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule, ordinance or delegation agreement. A general grant of authority does not constitute a basis for imposing a licensing requirement or condition unless the authority specifically authorizes the requirement or condition.
- B. Unless specifically authorized, a county shall avoid duplication of other laws that do not enhance regulatory clarity and shall avoid dual permitting to the maximum extent practicable.
- C. This section does not prohibit county flexibility to issue licenses or adopt ordinances or codes.
- D. A county shall not request or initiate discussions with a person about waiving that person's rights.
- E. This section may be enforced in a private civil action and relief may be awarded against a county. The court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against a county for a violation of this section.



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- F. A county employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the county's adopted personnel policy.
- G. This section does not abrogate the immunity provided by section 12-820.01 or 12-820.02.

5.0 DEFINITIONS:

Not applicable.

6.0 RESPONSIBILITIES:

Not applicable.

7.0 PROCEDURES:

County Planning employees shall adhere to this policy upon receipt of a Planning application subject to ARS § 11-1604.