

ORDINANCE NO. 2020-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, TITLE 7 HEALTH AND SANITATION, SECTION 7-04-001-0010 FEES, SUBSECTION I, BY RESTRUCTURING THE ENVIRONMENTAL MANAGEMENT FEE; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the Flagstaff City Council has determined that restructure of the Environmental Management Fee will provide for more equitable distribution of the costs of providing environmental management and sustainability program services related to providing water, reclaimed water, sewer, stormwater, trash and/or recycling (“core services”) to customers;

WHEREAS, on March 17, 2020 the Flagstaff City Council adopted Resolution No. 2020-11 providing notice of intent to restructure the Environmental Management Fee, and has published such resolution in a newspaper of general circulation of the City all in accordance with A.R.S. § 9-511.01 for changes in water services rates;

WHEREAS, on April 17, 2020 notice of a proposed new or increased Environmental Management Fee was posted on the home page of the City of Flagstaff website, along with a written report and data to support the fee, and notice has been distributed through City social media, in accordance with A.R.S. § 9-499.15 at least 60 days prior to approval of any new or increased fee;

WHEREAS, on June 2 and June 16, 2020 a public hearing was held regarding the proposed restructured Environmental Management Fee;

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. In General.

The Flagstaff City Code, Title 7 Health and Sanitation, Chapter 7-04 Municipal Solid Waste Collection System, Section 7-04-001-0010 Fees, subsection I is hereby amended as follows (deletions shown as stricken, additions shown in capitalized, underlined text):

- I. Environmental Management Fee: An environmental management fee ~~of four dollars (\$4.00) per month per City utility bill~~ IS HEREBY SET AT \$0.035 MULTIPLIED BY THE CUSTOMER’S CHARGES FOR SERVICES RELATED TO WATER, RECLAIMED WATER, SEWER, STORMWATER, TRASH AND/OR RECYCLING SERVICES (“CORE SERVICES”). THE ENVIRONMENTAL MANAGEMENT FEE CHARGED TO EACH CUSTOMER IS BASED ON CHARGES BILLED AND shall be charged to fund Citywide

environmental programs RELATED TO PROVIDING CORE SERVICES TO THE CUSTOMER, including, but not limited to, environmental management, ~~brownfield land~~ WASTE REDUCTION, recycling, sustainability, CLIMATE CHANGE, environmental code enforcement, and conservation education programs.

The environmental management fee applies to all utility CORE SERVICES bills ~~calculated and sent to customers on a monthly basis.~~

SECTION 2. Penalties.

Any person convicted of a violation of this ordinance is guilty of a misdemeanor and shall be fined a sum not to exceed two thousand five hundred dollars (\$2,500.00) and may be sentenced to confinement in jail for a period not to exceed ninety (90) days for any one offense, all in accordance with the Flagstaff City Code Chapter 1-04. Any violation which is continuing in nature shall constitute a separate offense on each successive date the violation continues, unless otherwise provided.

SECTION 3. Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed.

SECTION 4. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 16th day of June, 2020.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY