

ORDINANCE NO. 2023-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, TITLE 12, FLOODPLAINS, CHAPTER 12-02, STORMWATER MANAGEMENT UTILITY, BY AMENDING SECTION 12-02-002-003 SCHEDULE OF STORMWATER MANAGEMENT UTILITY SERVICE CHARGES AND FEES; PROVIDING FOR REPEAL OF CONFLICTING OF ORDINANCES, SEVERABILITY, PENALTIES, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, A.R.S. §§ 9-511, 9-511.01 et. seq. provide authority for municipalities to adjust stormwater utility service charges (rates), and fees; and

WHEREAS, the City has published a notice of intention in the local newspaper, published notice of proposed new or increased fees on its website and social media at least 60 days prior to approval, and held a public hearing all as provided for by law; and

WHEREAS, utility service charges and fees are established to charge the user of a specific service the cost of delivering the specific service; and

WHEREAS, the City of Flagstaff ("City") has found that it is necessary to update, adjust and increase stormwater service charges and fees in order to provide for the cost of projects necessitated by forest fires resulting in new stormwater flooding risks, as well as maintaining service levels and system capacity; and

WHEREAS, the City wishes to change language in the City Code, Title 12, Floodplains, Chapter 12-02, Stormwater Management Utility, to update the Stormwater Management Utility Service Charges and Fees Schedule; and

WHEREAS, the City has finds that the updates, adjustments and increases to the stormwater management service charges and fees are all just and reasonable.

ENACTMENTS:

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

SECTION 1. In General

Title 12, Floodplains, of the Flagstaff City Code is hereby amended by amending the following section to read as follows (additions shown in red text, deletions shown as stricken):

12-02-002-0003 SCHEDULE OF STORMWATER MANAGEMENT UTILITY SERVICE CHARGES AND FEES

There is hereby adopted the following schedule of stormwater management utility service

charges and fees for the purpose of funding all or any portion of the City's Stormwater Management Utility Service programs.

(a) STORMWATER MANAGEMENT UTILITY SERVICE CHARGE. Unless amended, adjusted, or repealed by City Council, a periodic stormwater management utility service charge is hereby imposed on any and every property, lot, or parcel of land in the City of Flagstaff, except as may be altered by an exemption, credit, offset or other adjustment to the service charge, in the following manner:

- 1) Detached single-family residential property, lots, or parcels of land shall be charged based on the following tiered system (each tier represents the number of ERUs being charged): NUMBER OF EQUIVALENT RATE UNITS UP TO 10 EQUIVALENT RATE UNITS MULTIPLIED BY THE EFFECTIVE RATE.

Effective July 1, 2019, the stormwater management utility service charge shall increase incrementally according to the following table:

Effective Date	Increase/Decrease Amount	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5
July 1, 2019	\$1.48	\$3.74	\$7.48	\$11.22	\$14.96	\$18.70

- 2) All other properties, lots, or parcels of land not classified as detached single-family residential property, unless exempted pursuant to Section 12-02-002-0005, shall be charged three dollars and seventy-four cents (\$3.74) per month for each BASED ON THE NUMBER of equivalent rate units, or increment thereof, located on the property, lot, or parcel of land.

Effective July 1, 2019, all other properties, lots, or parcels of land not classified as detached single-family residential property shall be charged according to the following table for each equivalent rate unit, or increment thereof, located on the property, lot, or parcel of land:

Effective Date	Incremental Increase/Decrease	Total Rate per ERU
July 1, 2019	\$1.48	\$3.74

- 3) EFFECTIVE APRIL 1, 2023, ALL OTHER PROPERTIES SHALL BE CHARGED MONTHLY ACCORDING TO THE FOLLOWING TABLE FOR EACH EQUIVALENT RATE UNIT LOCATED ON THE PROPERTY, LOT, OR PARCEL OF LAND:

[Scenario 1:]

<u>EFFECTIVE DATE</u>	<u>INCREMENTAL INCREASE/DECREASE</u>	<u>TOTAL MONTHLY RATE PER ERU</u>
<u>APRIL 1, 2023</u>	<u>0.94</u>	<u>4.68</u>
<u>JANUARY 1, 2024</u>	<u>1.24</u>	<u>5.84</u>

<u>EFFECTIVE DATE</u>	<u>INCREMENTAL INCREASE/DECREASE</u>	<u>TOTAL MONTHLY RATE PER ERU</u>
<u>JANUARY 1, 2025</u>	<u>0.24</u>	<u>6.08</u>
<u>JANUARY 1, 2026</u>	<u>0.24</u>	<u>6.32</u>
<u>JANUARY 1, 2027</u>	<u>0.25</u>	<u>6.57</u>
<u>JANUARY 1, 2028</u>	<u>0.27</u>	<u>6.84</u>

[Scenario 2:]

<u>EFFECTIVE DATE</u>	<u>INCREMENTAL INCREASE/DECREASE</u>	<u>TOTAL MONTHLY RATE PER ERU</u>
<u>APRIL 1, 2023</u>	<u>0.94</u>	<u>4.68</u>
<u>JANUARY 1, 2024</u>	<u>1.24</u>	<u>5.84</u>
<u>JANUARY 1, 2025</u>	<u>0.59</u>	<u>6.43</u>
<u>JANUARY 1, 2026</u>	<u>0.64</u>	<u>7.07</u>
<u>JANUARY 1, 2027</u>	<u>0.71</u>	<u>7.78</u>
<u>JANUARY 1, 2028</u>	<u>0.27</u>	<u>8.05</u>

[Scenario 3:]

<u>EFFECTIVE DATE</u>	<u>INCREMENTAL INCREASE/DECREASE</u>	<u>TOTAL MONTHLY RATE PER ERU</u>
<u>APRIL 1, 2023</u>	<u>1.12</u>	<u>4.86</u>
<u>JANUARY 1, 2024</u>	<u>1.46</u>	<u>6.32</u>
<u>JANUARY 1, 2025</u>	<u>1.26</u>	<u>7.58</u>
<u>JANUARY 1, 2026</u>	<u>0.76</u>	<u>8.34</u>
<u>JANUARY 1, 2027</u>	<u>0.30</u>	<u>8.64</u>
<u>JANUARY 1, 2028</u>	<u>0.30</u>	<u>8.94</u>

(b) SPECIAL STORMWATER SERVICE FEES. Unless amended, adjusted, or repealed by a City Council, the following special stormwater service fees shall be applied for the following services in the amount(s) defined:

1) Grading, Drainage, Paving Plan and SWPPP review	\$225 per sheet for a first and second review
	\$225 per sheet for all reviews thereafter
2) Grading and Drainage Field Inspection-sites less than 5 acres	\$60 per inspection
3) Grading and Drainage Field	\$120 per inspection

Inspection-sites larger than 5 acres	
4) SWPPP Inspection-sites less than 5 acres	\$60 per inspection
5) SWPPP Inspection-sites larger than 5 acres	\$120 per inspection
6) Annual Inspection of Structural Control	\$60 per inspection
7) Drainage Report Review	\$200 for first review
	\$100 for each review thereafter
8) Flood Hazard Information Letter	\$30 per letter
9) Floodplain Use Permit	\$45 per permit
10) Floodplain Study for FEMA Map Revision	\$2,500 per Technical Data Notebook

SECTION 2. Repeal of Conflicting Ordinances

All ordinances and parts of ordinances in conflict with the provisions of the code adopted herein are hereby repealed.

SECTION 3. 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.

SECTION 4. Clerical Corrections

The City Clerk is hereby authorized to correct clerical and grammatical errors, if any, related to this ordinance, and to make formatting changes appropriate for purposes of clarity, form, or consistency with the Flagstaff City Code.

SECTION 5. 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 6. Effective Date

This Ordinance shall be effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 7th day of February, 2023.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY