

ORDINANCE NO. 2025-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, TITLE 7 HEALTH AND SANITATION, CHAPTER 4 MUNICIPAL SOLID WASTE COLLECTION SERVICE, SECTION 07-04-001-0010 FEES TO ADD A NEW FEE FOR PUBLIC USE OF CITY-OWNED ELECTRIC VEHICLE CHARGING STATIONS; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, PROVIDING FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the City, as a customer of Arizona Public Service Company offers electric vehicle charging stations on City property for public use; and

WHEREAS, the City may enter into contracts for use of its property, pursuant to the Flagstaff City Charter Article I Section 3, may regulate parking pursuant to A.R.S. § 28-627(A), and is subject to Federal Aviation Administration grant assurance no. 24 requiring the City to charge fees for use of Airport property and facilities in a manner so as to make the Airport as self-sustaining as possible;

WHEREAS, the City desires to recover its costs in allowing public use of its electric vehicle charging stations (and associated parking spaces);

WHEREAS, the City has published and distributed notices of the proposed electric vehicle charging rates or fees pursuant to A.R.S. § 9-499.15.

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 4 Municipal Solid Waste Collection Service, Section 07-04-001-0010 Fees is hereby amended by adding a new subsection J to read as follows (deleted text is shown as stricken, and new text is shown as red capitalized text):

07-04-001-0010 FEES

The rates and charges for ~~solid waste and recycling collection~~ services outlined below are based on the cost of the services provided. The Director or designee may establish special rates or charges when required by unusual, unique or special needs, or to provide discounts for high-volume customers when collection efficiencies are realized.

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J. ELECTRIC VEHICLE CHARGING FEES:

1. ANY PERSON USING A CITY-OWNED ELECTRIC VEHICLE (EV) CHARGING STATION (AND ASSOCIATED PARKING SPACE) FOR ACTIVELY CHARGING AND/OR IDLING, SHALL PAY THE FOLLOWING FEES AS A CONDITION OF SUCH USE:

FEE WHILE CHARGING	COST OF ENERGY PER KILOWATT HOUR (KWH) + 10%
FEE WHILE IDLING	
DOWNTOWN LOCATIONS	\$0.07 CENTS PER MINUTE (\$4.20 PER HOUR)
AIRPORT LOCATIONS	\$0.07 CENTS PER MINUTE (\$4.20 PER HOUR) AFTER 3-HOUR LIMIT (UP TO \$100.00)
ALL OTHER CITY LOCATIONS	\$0.04 CENTS PER MINUTE (\$2.40 PER HOUR)

2. FOR PURPOSES OF THIS SUBSECTION J, THE FOLLOWING TERMS ARE DEFINED AS FOLLOWS:

- a. "DOWNTOWN LOCATIONS" MEANS THE CITY HALL PARKING LOT, THE PUBLIC LIBRARY PARKING LOT ON W. ASPEN AVENUE, THE WHEELER PARK PARKING LOT, THE CITY VISITOR CENTER PARKING LOT ON ROUTE 66, AND ANY OTHER CITY EV CHARGING STATION LOCATION WITHIN THE FLAGSTAFF DOWNTOWN BUSINESS IMPROVEMENT AND REVITALIZATION DISTRICT (A SPECIAL TAXING DISTRICT).
- b. "IDLING" MEANS THAT A VEHICLE CONTINUES TO USE THE ELECTRIC VEHICLE CHARGING PARKING SPACE AFTER THE VEHICLE'S BATTERY IS FULLY CHARGED OR AFTER THE POSTED TIME LIMIT.
- c. "THE COST OF ENERGY PER KILOWATT HOUR (KWH)" MEANS THE COST ARIZONA PUBLIC SERVICE COMPANY CHARGES TO THE CITY FOR ELECTRICITY PER KWH, INCLUDING BUT NOT LIMITED TO ALL SERVICE CHARGES, ADJUSTORS, AND TAXES AND FEES BILLED BY APS. SUCH COST SHALL BE CALCULATED ON A PERIODIC BASIS BY THE DIRECTOR OR DESIGNEE AS THE TOTAL APS BILL FOR PUBLIC ELECTRIC VEHICLE CHARGING STATION ACCOUNTS DIVIDED BY THE TOTAL ENERGY (KWH) CONSUMED.

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SECTION 2. Penalties

Any person found in violation of this ordinance shall be guilty of a civil infraction and shall be fined a sum not to exceed five hundred dollars (\$500.00). 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 the code adopted herein 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.

SECTION 5. 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 6. Effective Date

This Ordinance shall be effective July 1, 2025 following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 20th day of May, 2025.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY