

ORDINANCE NO. 2026-08

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 H LANDFILL FEES; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the City is required dispose of solid waste generated within its jurisdiction pursuant to A.R.S. § 49-741; and

WHEREAS, the City may establish fees for use of its landfill pursuant to A.R.S. § 49-742; and

WHEREAS, the Arizona Department of Environmental Quality (“ADEQ”) regulates solid waste disposal in the state pursuant to A.R.S., Title 49; and

WHEREAS, the ADEQ has authority to “establish by rule solid waste landfill disposal fees” on the operators of a solid waste landfill or facility pursuant to A.R.S. § 49-836(G); and

WHEREAS, ADEQ has established new solid waste landfill fees pursuant to Arizona Administrative Code, Article 21; and

WHEREAS, operators of a solid waste landfill or facility affected by the landfill disposal fees established by the ADEQ “may adjust the fees charged to customers by passing through to the customers the additional costs” pursuant to A.R.S. § 49-836(F); and

WHEREAS, for information made available regarding “other fees whose amounts are set by state or federal law” the City does not need to post a 60-day website notice prior to adoption, but “that information shall be posted on the municipality’s website and, if the municipality uses social media or other electronic communication tools, distributed through social media or other electronic communication tools,” pursuant to A.R.S. § 9-499.15(H),(I); and

WHEREAS, the City has posted on its website and distributed through social media or other electronic communication tools information about new landfill disposal fees established by ADEQ rule that are being passed through by the City to landfill customers.

ENACTMENTS:

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

SECTION 1. That certain document known as “2026 Landfill Fee Corrections and Updates”, one(1) paper copy and (1) electronic copy of which are on file in the office of the City Clerk of the City of Flagstaff, Arizona, has been declared a public record by Resolution No. 2026-14 of the City of Flagstaff, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out

in this ordinance.

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. 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 April, 2026.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY