

ORDINANCE NO. 2015-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AMENDING THE FLAGSTAFF CITY CODE, CHAPTER 12-02, STORMWATER MANAGEMENT UTILITY, BY ADOPTING THE "REVISED STORMWATER UTILITY CREDIT MANUAL" AS SET FORTH IN THAT PUBLIC RECORD ON FILE WITH THE CITY CLERK RELATING TO THE PROVISION OF STORMWATER UTILITY CREDITS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, on March 18, 2003, the City of Flagstaff ("City") enacted the Stormwater Management Utility regulations as Division 12-02-001 of the City Code("Stormwater Regulations"), thereby establishing the Stormwater Management Utility and, among other matters, establishing the Stormwater Management Utility Service Charge ("Service Charge"); and

WHEREAS, Section 12-02-001-0001 of the Stormwater Regulations recognizes that credits are an appropriate means of adjusting fees, rentals, charges, fines and penalties; and

WHEREAS, Section 12-02-001-0008(c) of the Stormwater Regulations requires the provision of credits against Service Charges and/or other methods of funding stormwater management; and

WHEREAS, on November 2, 2004 the City Council adopted Ordinance No. 2004-22, which established and Interim Stormwater Utility Credit Manual ("Interim Credit Manual") as authorized by Section 12-02-001-0001 and 10-02-001-0008(c) of the Stormwater Regulations; and

WHEREAS, on July 18, 2006 the City Council adopted Ordinance No. 2006-17 to increase Service Charges and adopt a revised Interim Credit Manual under the Stormwater Regulations with a new fee structure which was implemented incrementally; and

WHEREAS, the Stormwater Division has again prepared and proposes that the Council adopt a newly revised credit amounts to be incorporated into the Stormwater Utility Credit Manual; and

WHEREAS, the City Water Commission has recommended that the Council adopt the proposed Revised Stormwater Utility Credit Manual; and

WHEREAS, having considered the recommendation of the Water Commission and having read and considered the Staff Summary Report submitted in support of this Ordinance, the Council finds that adoption of the Credit Manual by this Ordinance is in the best interests of the citizens of the City of Flagstaff.

ENACTMENTS:

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

SECTION 1. In General.

The Flagstaff City Code, Chapter 12-02, *Stormwater Management Utility*, Section 12-02-002-0005 *STORMWATER MANAGEMENT UTILITY SERVICE CHARGE EXEMPTIONS AND CREDITS*, is hereby amended by adoption of the amendments set forth in that document known as the "*Revised Stormwater Utility Credit Manual*," declared a public record by Resolution No. 2015-17 and on file with the Clerk.

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 ____the day of _____, 2015.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY