

ORDINANCE NO. 2016-23

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA AMENDING TITLE 7, *HEALTH AND SANITATION*, AND TITLE 12, *FLOODPLAIN*, OF THE FLAGSTAFF CITY CODE BY AMENDING SECTIONS 7-02-001-0039, *SEWER USE CHARGES, CAPACITY CHARGES*; 7-03-001-0010, *WATER RATES*; AND 7-03-001-0011, *WATER MAIN CAPACITY CHARGES*; 7-03-001-0014, *WATER CONSERVATION*; AND SECTION 12-02-002-0003, *SCHEDULE OF STORMWATER MANAGEMENT UTILITY SERVICE CHARGES AND FEES*, THEREOF

RECITALS:

WHEREAS, ARS §§9-511, 9-511.01 *et. seq.* provides authority for municipalities to adjust water and wastewater utility rates, and water and wastewater capacity charges and fees, and

WHEREAS, water and wastewater capacity charges and fees are established for the purpose of charging the cost of additional system capacity to new customers; 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 water and wastewater service fees and charges in order to provide for the present cost of maintaining service levels and system capacity; and

WHEREAS, the City has found it necessary to update, adjust and increase stormwater management utility service charges and fees as authorized under the Flagstaff City Code, Division 12-02-01 *et. seq.*, and

WHEREAS, the City wishes to change language in the City Code, Title 7, Chapters 7-01, 7-02, and 7-03, Health and Sanitation, to Update System Capacity Fees, User Fees, Service Fees in order to revise and update the City Code, and

WHEREAS, the City has finds that the updates, adjustments and increases to: the water and wastewater utility rates; water and wastewater capacity charges and fees; stormwater management utility service charges and fees, are all just and reasonable.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED by the Flagstaff City Council that:

SECTION 1. Title 7, *Health and Sanitation*, of the Flagstaff City Code is hereby amended as follows:

7-02-001-0039 SEWER USE CHARGES, CAPACITY CHARGES:

The sewer user charges to be charged by the Finance Section to all users and to all others that have reasonable access to sewer mains is presented in the following schedule:

The City Council may adjust these rate schedules as they deem necessary.

A. Sewer User Charges:

MONTHLY RATE PER 1,000 GALLONS OF WATER CONSUMPTION

The following monthly service rate shall be charged for customers receiving City of Flagstaff sewer service inside the limits of the City of Flagstaff: Sewer charges are based water consumption. Flat rate charge (dollars/1,000 gallons) for residential based on winter quarter average water use. Other customer classes based on actual water use (dollars/1,000 gallons).

Sewer only service customers will be charged a monthly service fee and sewer usage charge based on estimated water consumption as approved by the Utilities Director. If the Director determines that adequate water meter information is not available for billing a residential customer as described above, then the customer will be charged the average monthly billing for that user class.

Customer Classes	Monthly Rate				
	7/1/146	1/1/127	1/1/138	1/1/149	1/1/1520
Residential:					
Single-family	\$3.08 \$4.07	3.59 \$4.36	\$3.69 \$4.67	\$3.80 \$5.00	\$3.80 \$5.35
Multiple and mobile home (per unit)	\$3.08 \$4.07	3.59 \$4.36	\$3.69 \$4.67	\$3.80 \$5.00	\$3.80 \$5.35
Non-Residential:					
Car Washes	\$3.06 \$4.09	\$3.56 \$4.38	\$3.70 \$4.69	\$3.82 \$5.02	\$3.82 \$5.38
Laundromats	\$3.14 \$4.20	\$3.65 \$4.50	\$3.80 \$4.82	\$3.91 \$5.16	\$3.92 \$5.53
Commercial	\$3.22 \$4.31	\$3.75 \$4.62	\$3.90 \$4.95	\$4.01 \$5.30	\$4.02 \$5.68
Hotels, motels	\$4.32 \$5.76	\$5.03 \$6.17	\$5.24 \$6.61	\$5.37 \$7.08	\$5.38 \$7.58
Restaurants	\$5.20 \$6.92	\$6.05 \$7.41	\$6.27 \$7.93	\$6.45 \$8.49	\$6.46 \$9.09
Industrial Laundries	\$4.77 \$6.36	\$5.55 \$6.81	\$5.76 \$7.29	\$5.93 \$7.81	\$5.94 \$8.36
Manufacturing Plants	\$3.46 \$4.63	\$4.02 \$4.96	\$4.18 \$5.31	\$4.31 \$5.69	\$4.32 \$6.09
Pet Food Manufacturers	\$7.64 \$10.15	\$8.89 \$10.87	\$9.19 \$11.64	\$9.47 \$12.46	\$9.48 \$13.34
Soft Drink Bottlers	\$6.05 \$8.04	\$7.04 \$8.61	\$7.29 \$9.22	\$7.50 \$9.87	\$7.51 \$10.57
Ice Cream Cone Manufacturers	\$9.46 \$12.56	\$11.02 \$13.44	\$11.38 \$14.39	\$11.72 \$15.40	\$11.73 \$16.48

Customer Classes	Monthly Rate				
	7/1/146	1/1/127	1/1/138	1/1/149	1/1/4520
Northern Arizona University	\$2.79 \$3.73	\$3.24 \$4.00	\$3.37 \$4.28	\$3.48 \$4.58	\$3.48 \$4.91
Waste haulers (charge per 1,000 gallons)	80.00				
Restaurant grease (charge per 100 gallons)	11.00				
Other treatment plant sludge (charge per 100 gallons)	8.00				
Mud sump waste (charge per 100 gallons)	25.00				
Waste material delivered to the treatment plant at times other than 8:00 AM to 4:00 PM weekends or holidays shall be assessed an after hours fee of:	35.00				
Sewer surcharges:					
Biochemical Oxygen Demand - per pound concentrations over 300 milligrams per liter	\$.2703				
Suspended solids - per pound for concentrations over 350 milligrams per liter	\$.1343				

If a customer's discharge exceeds the BOD and TSS limit already included in the monthly rate calculation for that customer class listed above, then sewer surcharges may be added as a condition to the customer user permit, compliance agreement or administrative order.

BOD and TSS included in monthly rates for specific customer classes are as follows:

Customer Class	BOD mg/l	TSS mg/l
Car Washes	20	150
Laundromats	150	110
Commercial	200	175
Manufacturing	200	175
Pet Food Manufacturers	1800	1100
Soft Drink Bottlers	1800	400
Ice Cream Cone Manufacturers	9700	100

All customers served directly by the City and located outside the City limits shall pay at a rate of one hundred ten percent (110%) times the rate for the same classification of service inside the City.

In the case of one meter serving a user that has different classifications of business, the Utilities Director shall be authorized to adjust the rate per one thousand (1,000) gallons based upon the contribution of each classification.

The user shall be determined according to customer class (see rate schedule above). (Ord. 1849, 12/06/94)

B. Capacity Charges

1. A capacity charge, as prescribed below, shall be assessed upon:
 - a. initial connection to the municipal sewer system, or
 - b. any subsequent expansion or modification of the user's building or facility which results in an increased contribution to the sewer system from:
 - (i) for single or multi-family residential users, an increase in the number of residential units, or
 - (ii) for commercial or industrial users, an increase in the number of fixture units, or
 - (iii) for industrial users, any change in operations resulting in a 20% or greater increase in billable volume as measured on an annual basis, or
 - (iv) a change of use of the property whereby an increased volume of discharge to the sewer system occurs. (Ord. 1809, 06/15/93)
 - c. Size of water meter installed on the property.
 - d. Each additional water meter added will require additional sewer capacity fees unless specifically designated as a landscape meter.

2. The capacity charges for the various types of users are as follows:

- a. Customer (capacity) Charge, dollars
- b. Residential
- c. Single family residential and townhomes (per unit):

EFFECTIVE 7-1-16	\$3,723
(effective 1-1-07)	\$2,410
(EFFECTIVE 7-1-12)	\$3,126
- ed. Multiple residential, condos & mobile home (per unit):

EFFECTIVE 7-1-16	\$3,723
(effective 1-1-06)	\$2,300
(EFFECTIVE 1-1-12)	\$3,126

When a change of use occurs that increases the volume of discharge to the sewer system, regardless of whether a change in ownership has taken place, the capacity charge shall be based on the capacity charge for the new use less the existing capacity charge rate for the previous use. No refund shall be made in the case of reduced volume of discharge from a change of use. (Ord. 1809, 06/15/93)

Non-residential:

Meter size	(effective- 1-1-07)	EFFECTIVE- 7/1/12	EFFECTIVE 7/1/16
5/8" or 3/4"	\$2,410.00	\$3,126.00	\$3,723
1"	\$4,300.00	\$5,210.00	\$6,218
1-1/2"	\$8,600.00	\$10,419.00	\$12,399
2"	\$8.80	\$16,671.00	\$19,845
3"		\$31,257.00	\$37,233
4"		\$52,095.00	\$62,068
6"		\$104,191.00	\$124,099
8"		\$166,705.00	\$198,566
10"		\$239,639.00	\$285,468

*gallon per day of estimated flow

Where the capacity charge is based on volume, said charge will initially be calculated based on an estimate of flowage to be submitted in writing by the customer and agreed upon by the City. The capacity charge will be adjusted based upon the volume of the highest consecutive 12 month period for the 36 months immediately following commencement of service for assessment of an additional capacity charge.

The Division shall review all industrial user accounts on an annual basis and assess an additional capacity charge when the annual average billable volume increased by 20% or more. The charge is calculated at the current volume less previously assessed capacity charge recalculated at then current rates.

Wastewater capacity associated with similar user classes may be transferred from one location to another with the approval of the Division. The location from which the wastewater capacity was transferred shall be without wastewater capacity until a subsequent purchaser of said location establishes a new capacity and fees for the new use. The transferor of the wastewater capacity is required to notify any subsequent purchaser of the property, which no longer has wastewater capacity, that such capacity does not exist. The City shall record an agreement between the transferor and the City with the County Recorder against the property without wastewater capacity rights. The agreement shall reference the legal description of the property without wastewater capacity and clearly indicate that wastewater capacity rights do not exist.

Exemption and Payment of Capacity Charges. Structures with a minimum of stem wall, and first floor existing on December 1, 1979, shall be exempt from the capacity charges. As of that date, the capacity charge is immediately due and payable upon, receipt of an application for connection to the sewerage system.

If connection is made to the sewerage system without appropriate permit, the capacity charge is immediately due and payable upon the earliest date that such permit was required. No connection to the sewerage system shall be made without the proper permit and payment of the capacity charge except as provided below for installment payments. (Ord. 1796, 03/16/93)

7-03-001-0010 WATER RATES

There shall be charged the following rates for all water furnished consumers and measured by meter on any service connection with City water mains for and during each monthly billing period.

The base monthly service charge applies whether the water meter is active or inactive. The monthly service charge is based on the fixed cost of operation and maintaining the water system so that the system is available to provide water to the parcel when water service is activated. Parcels with shutoff water meters will continue to pay base monthly service fee since water service is available and may be activated and used by the property owner at any time.:

- A. Inside City Limits: The following monthly charges shall be effective with bills rendered on and after January 1, 1991.
Applicable sales taxes will be in addition to these charges. (Ord. 1681, 12/04/90)

Charge per one thousand (1,000) gallons of measured or estimated water use per month.

WATER RATE SCHEDULE

Meter Size	Monthly Base Service Charge:				
	7/1/146	1/1/127	1/1/138	1/1/149	1/1/1520
3/ 4"	\$14.01	\$14.63	\$15.27	\$15.94	\$16.64
	\$10.02	\$11.38	\$12.18	\$13.03	\$13.42
1"	\$16.50	\$17.22	\$17.98	\$18.77	\$19.60
	\$11.80	\$13.40	\$14.34	\$15.34	\$15.80
1 1/2"	\$22.71	\$23.71	\$24.75	\$25.84	\$26.98
	\$16.25	\$18.45	\$19.74	\$21.12	\$21.75
2"	\$30.17	\$31.50	\$32.89	\$34.33	\$35.84
	\$21.58	\$24.50	\$26.22	\$28.06	\$28.90
3"	\$47.58	\$49.67	\$51.85	\$54.14	\$56.52
	\$34.03	\$38.64	\$41.34	\$44.24	\$45.57
4"	\$72.43	\$75.62	\$78.95	\$82.42	\$86.05
	\$51.82	\$58.83	\$62.95	\$67.36	\$69.38

6"	\$134.58 \$96.28	\$140.50 \$109.34	\$146.69 \$116.96	\$153.14 \$125.15	\$159.88 \$128.94
8"	\$209.15 \$149.64	\$218.36 \$169.89	\$227.97 \$181.78	\$238.00 \$194.54	\$248.47 \$200.34
10"	\$296.16 \$211.89	\$309.19 \$240.56	\$322.80 \$257.40	\$337.00 \$275.42	\$351.83 \$283.68

VOLUME CHARGE

Monthly Water Use	Volume Charge				
Gallons	\$/1,000 gal				
Single Family — Block Rate					
Single Family	7-1-146	1-1-127	1-1-138	1-1-149	1-1-1520
Tier 1 (0-3,7500)	\$2.89 2.07	\$3.02 2.34	\$3.15 2.54	\$3.29 2.68	\$3.44 2.77
Tier 2 (3,7501-6,4200)	\$3.75 2.69	\$3.91 3.05	\$4.09 3.26	\$4.26 3.49	\$4.45 3.59
Tier 3 (6,4201-11,7500)	\$5.77 4.13	\$6.03 4.69	\$6.29 5.02	\$6.57 5.37	\$6.86 5.53
Tier 4 (Over 11,7500)	\$11.55 8.26	\$12.05 9.38	\$12.59 10.04	\$13.14 10.74	\$13.72 11.06
Multi-family, Apts, Mobile home	\$3.72 2.66	\$3.88 3.02	\$4.05 3.23	\$4.23 3.45	\$4.42 3.56
Commercial, Schools	\$3.95 2.83	\$4.12 3.21	\$4.30 3.43	\$4.49 3.67	\$4.69 3.78
Northern Arizona University	\$3.95 2.73	\$4.12 2.95	\$4.30 3.15	\$4.49 3.37	\$4.69 3.47
Manufacturing	\$3.89 2.78	\$4.07 3.16	\$4.24 3.38	\$4.43 3.62	\$4.63 3.73
Lawn Meters	\$3.95 2.83	\$4.12 3.21	\$4.30 3.43	\$4.49 3.67	\$4.69 3.78
Hydrant meter	\$6.03 4.88	\$6.30 5.07	\$6.58 5.34	\$6.87 5.63	\$7.17 5.78
Standpipe – Water haulers	\$6.03 .88	\$6.30 5.07	\$6.58 5.34	\$6.87 5.63	\$7.17 5.78
Energy Component:					
Charge per one thousand (1,000) gallons, applied to all customer classes (REFER TO SECTION D)		.75			

Energy component cost ~~to~~ **WILL** be calculated annually based on a one-year rolling average of water related energy costs **AS PER SECTION D BELOW.**

PRIVATE FIRE PROTECTION

Inches Connection Size	Monthly Charge				
	1/1/11	1/1/12	1/1/13	1/1/14	1/1/15
4"	9.41	10.68	11.43	12.23	12.59
6"	27.33	31.02	33.19	35.52	36.58
8"	58.23	66.11	70.74	75.69	77.96

Rates for water sold or furnished to customers for use outside the City limits shall be one hundred ten percent (110%) the rates for water sold or furnished for use inside the City. (Ord. 1825, 12/07/93)

(Ord. No. 1681, Amended, 12/04/90; Ord. No. 1727, Amended, 12/03/91; Ord. No. 1796, Amended, 03/16/93; Ord. No. 1809, Amended, 06/15/93; Ord. No. 1825, Amended, 12/07/93; Ord. No. 1809, Amended, 06/15/93; Ord. No. 1825, Amended, 12/07/93; Ord. No. 1874, Amended, 06/20/95; Ord. No. 1944, Amended, 05/20/97; Ord. No. 1972, Amended, 04/21/98); (Ord. 2002-07, Amended, 07/16/2002; Ord. 2002-05, Amended, 05/21/2002; Ord. 2000-03, Amended, 03/07/2000; Ord. 1999, Amended, 07/06/1999); (Ord. No. 2006-27, Amended 11/05/2006); Amended Ord. No. 2010-23 (09/07/2010)

7-03-001-0011 WATER MAIN CAPACITY CHARGES

The water main capacity charges for all new service connections to be charged by the Finance Section is presented in the following schedule:

- A. A capacity charge, as prescribed below, shall be assessed upon:
 - 1. initial connection to the municipal water system, or;
 - 2. any increase in meter size
- B. The capacity charges for the various types of users are as follows:

SCHEDULE FOR CAPACITY CHARGES

Capacity Charge

Meter Size	Effective 7/1/0916	Effective- 7/1/12	Effective- 1/1/14	Effective- 1/1/15
5/8 x 3/4 ^{3/4}	\$5,728 2,160	5,013	5,497	5,891
1"	\$9,566 3,600	8,371	9,180	9,819
1-1/2"	\$19,074 7,200	16,692	18,304	19,638
2"	\$30,530 11,520	26,717	29,298	31,420
3"	\$57,279 21,600	50,126	54,968	58,913

4"	\$95,484 36,000	83,560	91,632	98,188
6"	\$190,910 CALCULATE	467,070	483,208	496,376
8"	\$305,468 CALCULATE	267,322	293,144	314,201
10"	\$439,157 CALCULATE	384,316	421,440	451,664

Meters will be sized using the American Water Works Association Manual, AWWA No. M22. Sizing will be submitted to the City Utilities Department by the developer or owner for City review.

All capacity charges for connections larger than four inches (4") shall be based on proration of mid range flow gallons per minute (gpm) of a 5/8 x 3/4" inch meter divided into the mid range flow of the meter to be evaluated. The resulting number shall be used as a multiplier times the capacity fee for a 5/8 x 3/4 inch meter to determine the large meter capacity fee. Meters will be sized using American Water Works Association Manual, AWWA No. M22. Sizing will be submitted to the City by the developer or owner for City review.

Where the capacity charge is based on volume, said charge will initially be calculated based on an estimate of flowage agreed upon by the City and the customer and will be adjusted based upon the volume of the highest consecutive 12 month period for the 36 months immediately following commencement of service or assessment of an additional capacity charge.

When the capacity charge results from an increase in meter size the charge shall be adjusted to the difference between the charge for the new size meter and the charge for the previous size meter.

- C. The Division shall review all customer accounts with meters larger than 4" on an annual basis and assess as additional capacity charge when the annual average demand increases by 20% or more. The additional capacity charge will be calculated using the recommended meter size by AWWA Manual No. 22 or equating to equivalent 5/8 x 3/4 inch meters but substituting for demand the difference between actual current demand, as determined by the previous 12 month average, and the demand used to calculate the previous capacity charge assessed upon the customer. (Ord. 1681, 12/04/90)

(Ord. No. 1681, Amended, 12/04/90; Ord. No. 1944, Amended, 05/20/97); (Ord. 2002-05, Amended, 05/21/2002); (Ord. No. 2006-27, Amended, 11/05/2006); (Amended, Ord. No. 2010-23; 09/07/2010)

7-03-001-0014 WATER CONSERVATION

A. Definitions:

Single Family Residential, and all lawn meter rates shall increase to 150% of the established rate for any water consumption between 6,4201 and 11,7500 gallons. Rates shall increase to 200% of the established rate for any water consumption greater than 11,7501 gallons per billing cycle. Rate increases shall take effect with the billing cycle(s) following the implementation of Strategy II.

(Ord. No. 1568, Enacted, 07/05/88; Ord. No. 2003-06, Enacted, 04/01/03; Ordinance No. 2004-23, Enacted December 7, 2004; Amended, Ord. No. 2010-15, 09/07/10)

SECTION 2. Title 12, *Floodplains*, of the Flagstaff City Code is hereby amended as follows:

12-02-002-003 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 a 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:

Tier	Impervious Area Range in Square Feet	Charge per Month
Tier 1	200—1,500	\$0.92
Tier 2	1,501-3,000	\$1.84
Tier 3	3,001-4,500	\$2.76
Tier 4	4,501-6,000	\$3.68
Tier 5	>6,000	\$4.60

Effective ~~June 1, 2007~~ **JULY 1, 2016**, the Stormwater Management Utility Service Charge shall be increased incrementally **ACCORDING TO THE FOLLOWING TABLE**: each year through June 1, 2010, for detached single-family.

Effective Date	Increase Amount	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5
June 1, 2007 July 1, 2016	\$0.10 \$0.08	\$1.02 \$1.38	\$2.04 \$2.76	\$3.06 \$4.14	\$4.08 \$5.52	\$5.10 \$6.90
June 1, 2008 January 1, 2017	\$0.10 \$0.09	\$1.12 \$1.47	\$2.24 \$2.94	\$3.36 \$4.41	\$4.48 \$5.88	\$5.60 \$7.35
June 1, 2009 January 1, 2018	\$0.10 \$0.09	\$1.22 \$1.56	\$2.44 \$3.12	\$3.66 \$4.68	\$4.88 \$6.24	\$6.10 \$7.80
June 1, 2010 January 1, 2019	\$0.08 \$0.10	\$1.30 \$1.66	\$2.60 \$3.32	\$3.90 \$4.98	\$5.20 \$6.64	\$6.50 \$8.30
January 1, 2020	\$0.10	\$1.76	\$3.52	\$5.28	\$7.04	\$8.80

(Amended 04/17/2007; Ord. No. 2007-26)

- 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 ~~\$0.92~~ **\$1.38** per month for each Equivalent Rate Unit, or increment thereof, located on the property, lot, or parcel of land.

Effective ~~June 1, 2007~~ **JULY 1, 2016**, 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	Total Rate per ERU
June 1, 2007 JULY 1, 2016	\$0.10 \$0.08	\$1.02 \$1.38
June 1, 2008 JANUARY 1, 2017	\$0.10 \$0.09	\$1.12 \$1.47
June 1, 2009 JANUARY 1, 2018	\$0.10 \$0.09	\$1.22 \$1.56
June 1, 2010 JANUARY 1, 2019	\$0.08 \$0.10	\$1.30 \$1.66
JANUARY 1, 2020	\$0.10	\$1.76

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 thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this 19th day of April, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY