



AB 1236 Sample Ordinance Template - Administrative for Large Jurisdictions

ORDINANCE NUMBER _____

AN ORDINANCE OF THE CITY COUNCIL / COUNTY BOARD OF SUPERVISORS OF
THE CITY OF _____ / COUNTY OF _____
SETTING FORTH PROCEDURES FOR EXPEDITING PERMITTING PROCESSING
FOR ELECTRIC VEHICLE CHARGING SYSTEMS

WHEREAS, the State of California and the City of _____ / County of
_____ has consistently promoted and encouraged the use of fuel-efficient electric
vehicles; and

WHEREAS, the State of California recent adopted Assembly Bill 1236, which
requires local agencies to adopt an ordinance that creates an expedited and
streamlined permitting process for electric vehicle charging systems; and

WHEREAS, creation of an expedited, streamlined permitting process for electric
vehicle charging stations would facilitate convenient charging of electric vehicles and
help reduce the City's / County's reliance on environmentally damaging fossil fuels.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF _____ / COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF _____ DOES ORDAIN AS FOLLOWS:

SECTION 1. TITLE, WORDS AND PHRASES

This Ordinance shall be known as the City of _____ / County of _____ Electric Vehicle Charging Station Permit Expediting Ordinance. The terms, phrases, and words used in this Ordinance shall be construed in compliance with the definitions set forth by California Government Code Section 65850.7.

SECTION 2. Section _____ of the City of _____ Municipal Code / County of _____ County Code is hereby added to read as follows:

Section _____ Expedited Electric Vehicle Charging Station Permitting Electric Vehicle Charging Stations which qualify for expedited permit processing, pursuant to Government Code Section 65850.7, shall be subject to the administrative permitting procedures set forth in the City's Electric Vehicle Charging Station Permit Expediting Ordinance.

SECTION 3. EXPEDITED REVIEW PROCESS

Consistent with Government Code Section 65850.7, the Building Official shall implement an expedited administrative permit review process for electric vehicle charging stations, and adopt a checklist of all requirements with which electric vehicle charging stations shall comply with in order to be eligible for expedited review. The expedited administrative permit review process and checklist may refer to the recommendations in the checklist prescribed by the most current version of the "Plug-In Electric Vehicle Infrastructure Permitting Checklist" of the "Zero-Emission Vehicles in California: Community Readiness Guidebook" published by the Governor's Office of

Planning and Research. The City's / County's adopted checklist shall be published on the City's / County's website.

SECTION 4. ELECTRONIC SUBMITTALS

Consistent with Government Code Section 65850.7, the Building Official shall allow for electronic submittal of permit applications covered by this Ordinance and associated supporting documentations. In accepting such permit applications, the Building Official shall also accept electronic signatures on all forms, applications, and other documentation in lieu of a wet signature by any applicant.

SECTION 5. ASSOCIATION APPROVAL

Consistent with Government Code Section 65850.7, the Building Official shall not condition the approval for any electric vehicle charging station permit on the approval of such a system by an association, as that term is defined by Civil Code Section 4080.

SECTION 6. PERMIT APPLICATION PROCESSING

A permit application that satisfies the information requirements in the City's / County's adopted checklist shall be deemed complete and be promptly processed. Upon confirmation by the Building Official that the permit application and supporting documents meets the requirements of the City / County adopted checklist, and is consistent with all applicable laws, the Building Official shall, consistent with Government Code Section 65850.7, approve the application and issue all necessary permits. Such approval does not authorize an applicant to energize or utilize the electric vehicle charging station until approval is granted by the City / County. If the Building Official determines that the permit application is incomplete, he or she shall

issue a written correction notice to the applicant, detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

SECTION 7. TECHNICAL REVIEW

It is the intent of this Ordinance to encourage the installation of electric vehicle charging stations by removing obstacles to permitting for charging stations so long as the action does not supersede the Building Official's authority to address higher priority life-safety situations. If the Building Official makes a finding based on substantial evidence that the electric vehicle charging station could have a specific adverse impact upon the public health or safety, as defined in Government Code 65850.7, the City / County may require the applicant to apply for a use permit.

SECTION 8. Any provision of the City of _____ Municipal Code / County of _____ County Code or appendices thereto, inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, are hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 9. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council / County Board of Supervisors hereby declares that it would have passed this Ordinance, and each and every Section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without

regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 10. The Mayor shall sign and the City / County Clerk shall attest to the passage of this Ordinance. The City / County Clerk shall cause this Ordinance, or a summary thereof to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective on September 30, 2016.

APPROVED AS TO FORM:

NAME

City Attorney / County Counsel



AB 1236 Sample Ordinance Template - Technical for Large Jurisdictions

ORDINANCE NUMBER _____

AN ORDINANCE OF THE CITY COUNCIL / COUNTY BOARD OF SUPERVISORS OF
THE CITY OF _____ / COUNTY OF _____
SETTING FORTH PROCEDURES FOR EXPEDITING PERMITTING PROCESSING
FOR ELECTRIC VEHICLE CHARGING SYSTEMS

WHEREAS, the State of California and the City of _____ / County of
_____ has consistently promoted and encouraged the use of fuel-efficient electric
vehicles; and

WHEREAS, the State of California recent adopted Assembly Bill 1236, which
requires local agencies to adopt an ordinance that creates an expedited and
streamlined permitting process for electric vehicle charging systems; and

WHEREAS, creation of an expedited, streamlined permitting process for electric
vehicle charging stations would facilitate convenient charging of electric vehicles and
help reduce the City's / County's reliance on environmentally damaging fossil fuels.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF _____ /
COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF _____ DOES
ORDAIN AS FOLLOWS:

MUNICIPAL CODE / COUNTY CODE CHAPTER _____

SECTION 1. PURPOSE

The purpose of this Chapter is to promote and encourage the use of electric vehicles by creating an expedited, streamlined permitting process for electric vehicle charging stations while promoting public health and safety and preventing specific adverse impacts in the installation and use of such charging stations. This Chapter is also purposed to comply with California Government Code Section 65850.7.

SECTION 2. DEFINITIONS

(a) “Electric vehicle charging station” or “charging station” means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of this Chapter, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

(b) “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(c) “Electronic submittal” means the utilization of one or more of the following:

- a. Electronic mail or email.

b. The internet.

c. Facsimile.

SECTION 3. EXPEDITED PERMITTING PROCESS

Consistent with Government Code Section 65850.7, the Building Official shall implement an expedited, streamlined permitting process for electric vehicle charging stations, and adopt a checklist of all requirements with which electric vehicle charging stations shall comply with in order to be eligible for expedited review. The expedited, streamlined permitting process and checklist may refer to the recommendations contained in the most current version of the “Plug-In Electric Vehicle Infrastructure Permitting Checklist” of the “Zero-Emission Vehicles in California: Community Readiness Guidebook” as published by the Governor’s Office of Planning and Research. The City’s / County’s adopted checklist shall be published on the City’s / County’s website.

SECTION 4. PERMIT APPLICATION PROCESSING

(a) Prior to submitting an application for processing, the applicant shall verify that the installation of an electric vehicle charging station will not have specific, adverse impact to public health and safety and building occupants. Verification by the applicant includes but is not limited to: electrical system capacity and loads; electrical system wiring, bonding and overcurrent protection; building infrastructure affected by charging station equipment and associated conduits; areas of charging station equipment and vehicle parking.

(b) A permit application that satisfies the information requirements in the City’s / County’s adopted checklist shall be deemed complete and be promptly processed. Upon confirmation by the Building Official that the permit application and supporting documents meets the requirements of the City / County adopted checklist,

and is consistent with all applicable laws and health and safety standards, the Building Official shall, consistent with Government Code Section 65850.7, approve the application and issue all necessary permits. Such approval does not authorize an applicant to energize or utilize the electric vehicle charging station until approval is granted by the City / County. If the Building Official determines that the permit application is incomplete, he or she shall issue a written correction notice to the applicant, detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

(c) Consistent with Government Code Section 65850.7, the Building Official shall allow for electronic submittal of permit applications covered by this Ordinance and associated supporting documentations. In accepting such permit applications, the Building Official shall also accept electronic signatures on all forms, applications, and other documentation in lieu of a wet signature by any applicant.

SECTION 5. TECHNICAL REVIEW

(a) It is the intent of this Ordinance to encourage the installation of electric vehicle charging stations by removing obstacles to permitting for charging stations so long as the action does not supersede the Building Official's authority to address higher priority life-safety situations. If the Building Official makes a finding based on substantial evidence that the electric vehicle charging station could have a specific adverse impact upon the public health or safety, as defined in this Chapter, the City / County may require the applicant to apply for a use permit.

(b) In the technical review of a charging station, consistent with Government Code Section 65850.7, the Building Official shall not condition the approval for any

electric vehicle charging station permit on the approval of such a system by an association, as that term is defined by Civil Code Section 4080.

SECTION 6. ELECTRIC VEHICLE CHARGING STATION INSTALLATION REQUIREMENTS

(a) Electric vehicle charging station equipment shall meet the requirements of the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories, and rules of the Public Utilities Commission or a Municipal Electric Utility Company regarding safety and reliability.

(b) Installation of electric vehicle charging stations and associated wiring, bonding, disconnecting means and overcurrent protective devices shall meet the requirements of Article 625 and all applicable provisions of the California Electrical Code.

(c) Installation of electric vehicle charging stations shall be incorporated into the load calculations of all new or existing electrical services and shall meet the requirements of the California Electrical Code. Electric vehicle charging equipment shall be considered a continuous load.

(d) Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the California Building or Residential Code as applicable per occupancy, and the provisions of the manufacturer's installation instructions. Mounting of charging stations shall not adversely affect building elements.

SECTION 7. Any provision of the City of _____ Municipal Code / County of _____ County Code or appendices thereto, inconsistent with the provisions of

this Ordinance, to the extent of such inconsistencies and no further, are hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 8. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council / County Board of Supervisors hereby declares that it would have passed this Ordinance, and each and every Section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 9. The Mayor shall sign and the City / County Clerk shall attest to the passage of this Ordinance. The City / County Clerk shall cause this Ordinance, or a summary thereof to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective on September 30, 2016.

APPROVED AS TO FORM:

NAME

City Attorney / County Counsel



AB 1236 Staff Report Template for Large Jurisdictions

To: Honorable Mayor and City Council / Honorable Board of Supervisors

From: Name, Community Development Director or Building Official

Subject: Adopt an Ordinance amending Chapter _____ of the City of _____ Municipal Code / County of _____ County Code by setting forth an expedited, streamlined permitting process for electric vehicle charging stations as required by Government Code Section 65850.7.

Recommended Action

Staff recommends that the City Council:

Introduce for first reading the attached ordinance which sets forth an expedited, streamlined permitting process for electric vehicle charging stations.

Executive Summary

In 2015, the State of California adopted Assembly Bill 1236 (2015, Chiu, Codified as Government Code Section 65850.7), which requires local jurisdictions with a population of 200,000 or more residents to adopt an ordinance to create an expedited, streamlined permitting process for electric vehicle charging stations on or before September 30, 2016.

An electric vehicle charging station is any level of electric vehicle supply equipment station which deliver electricity from a source outside an electric vehicle into a plug-in electric vehicle. AB 1236 may refer to the recommendations in the most current version of the “Plug-In Electric Vehicle Infrastructure Permitting Checklist” of the “Zero-Emission Vehicles in California: Community Readiness Guidebook” published by the Governor’s Office of Planning and Research.

Background

Assembly Bill 1236, which amended Government Code Section 65850.7 to require jurisdictions with a population of 200,000 or more residents to establish procedures for expedited, streamlined processes for permitting of electric vehicle charging stations. The amendments to Section 65850.7 include the requirement for a jurisdiction to adopt an ordinance for the expedited, streamlined process on or before September 30, 2016. The ordinance shall include the requirement that a jurisdiction adopt a checklist of requirements with which a permit application for an electric vehicle charging station will be eligible for expedited review.

This process includes the establishment of a checklist containing objective requirements for the installation of an electric vehicle charging station and a process for electronic submittal of permit applications. The content of the checklist requires the permit applicant to check the features of the existing electrical service such as rating in amperes, system voltage, connected or calculated load, spare capacity in amperes, voltage and ampere rating of the electric vehicle supply equipment, circuit rating of the electric vehicle supply equipment, location of the electric vehicle supply equipment, if ventilation is/or is not required, and clearances of the charging equipment to comply with all applicable building and fire safety laws. The checklist also assists the applicant in confirming that the location of the electric vehicle supply equipment will comply with any vehicle clearance requirements in the City’s / County’s Zoning Ordinance. Section 65850.7 requires that the City’s / County’s checklist may be based on the “Plug-In Electric Vehicle Infrastructure Permitting Checklist” of the “Zero-Emission Vehicles in California: Community Readiness Guidebook” of the Governor’s Office of Planning and Research.

Assembly Bill 1236 (2015) also clarifies that a jurisdiction shall not condition approval of a permit for an electric vehicle charging station based on the approval of an association as defined in California Civil Code, Section 4080.

Staff recommends that City Council / County Board of Supervisors introduce for First Reading the attached ordinance, given Government Code Section 65850.7's requirement that local agencies adopt such an ordinance to create an expedited, streamlined permitting process for electric vehicle charging stations on or before September 30, 2016. Most of the procedures, such as electronic submittal of plans are currently in place and comply with the requirements of the Assembly Bill and staff is assuring that successful implementation of an expedited, streamlined process will be available to permit applicants by September 30, 2016.

Building and Safety Commission Action

The Building Officer and Fire Marshal held a public meeting with the Building and Safety Commission on _____, 2016 where the Commission heard staff's proposed procedures for an expedited, streamlined process for electric vehicle charging stations. The Commission provided comments regarding balancing the requirement for expedited processing while verifying the fire, life and safety aspects of electric vehicle charging stations and maintenance of public protection. Staff intends for the application and checklist process to create a standardized system of issuing permits for compliant installations. Staff assured the Commission that all requirements of fire-life-safety will be verified during the review and inspection for the electric vehicle charging stations.

The Commission's action was a recommendation to approve the ordinance / hold the ordinance until further study.

Next Steps

Concurrent with Council's / the Board's adoption of the ordinance, staff, is taking the measures to meet all requirements of Assembly Bill 1236 (2015) by September 30, 2016. This includes finalizing the application checklist in conjunction with the "Plug-In

Electric Vehicle Infrastructure Permitting Checklist” of the “Zero-Emission Vehicles in California: Community Readiness Guidebook”, measures for electrical compliance, and standard items for fire prevention safety. Building and Fire inspection staff are also developing procedures for expedient and thorough inspection of the electric vehicle charging stations.

Financial Impacts & Budget Actions

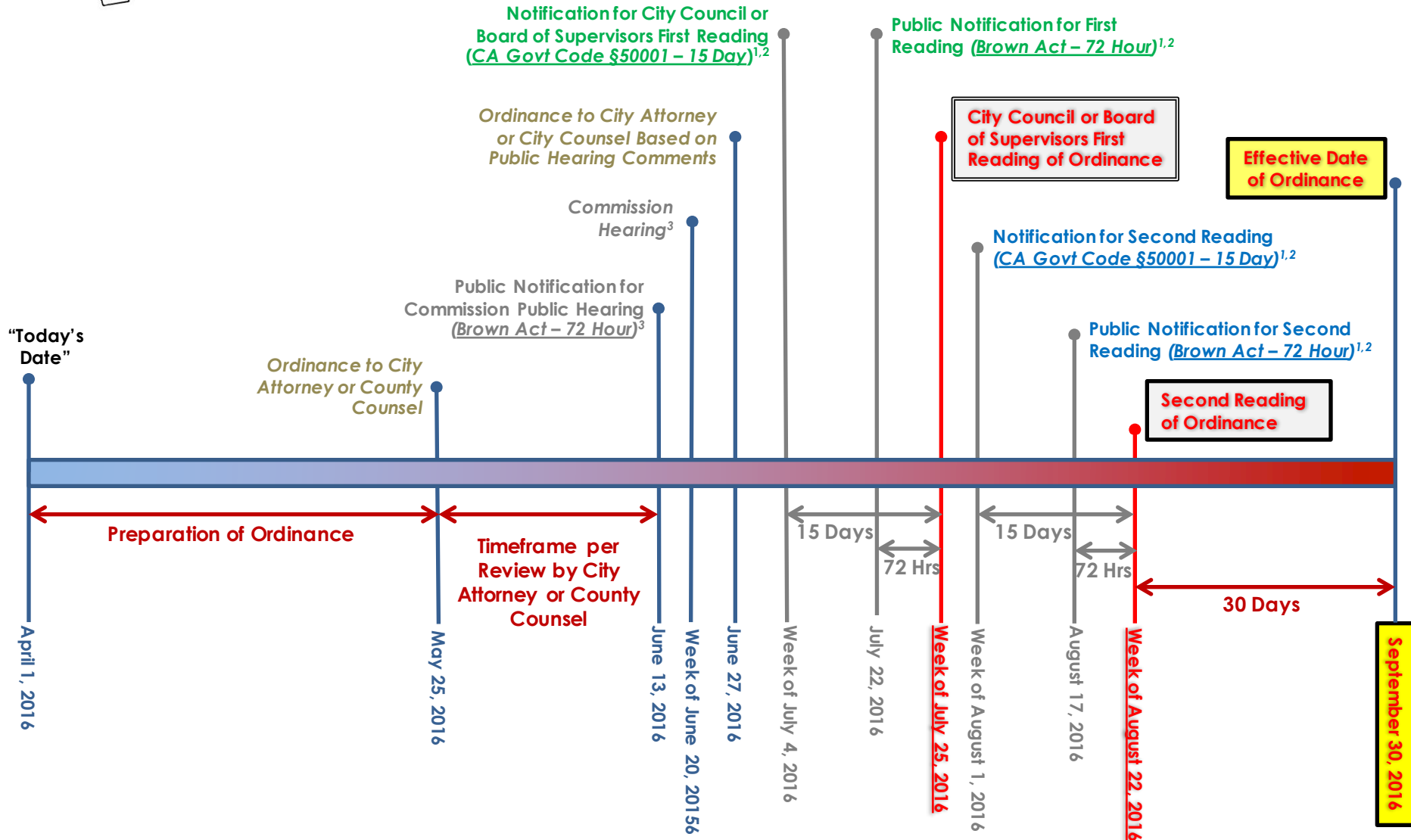
There is no immediate financial impact or budget action necessary as a result of the recommended action.



A.B. 1236 ORDINANCE ADOPTION

"LARGE JURISDICTIONS" TIMELINE – CRITICAL DEADLINE DATES

(BASED ON AN EFFECTIVE DATE OF SEPTEMBER 30, 2016)



¹ Notification of Public Hearing either by CA Government Code §50001, 15 Day Notice - OR - by Ralph M. Brown Act, 72 Hour Notice per your jurisdiction.

² Option to Introduce Ordinance and Request to Waive First Reading.

³ Include in time frame if jurisdiction has Commission Hearings for building ordinances.

*Add to timeline if including local amendments and filing to California Building Standards Commission with local amendment justification by local Climatic, Geological, or Topographical conditions.