

ORDINANCE NO. 442

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARVIN
ADDING CHAPTER 15.46 TO THE ARVIN MUNICIPAL CODE
SETTING FORTH PROCEDURES FOR EXPEDITING PERMITTING
PROCESSING FOR ELECTRIC VEHICLE CHARGING SYSTEMS**

WHEREAS, the State of California and the City of Arvin 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 reliance on fossil fuels; and

WHEREAS, the City Council desire to adopt an ordinance to comply with the requirements of California Government Code section 65850.7.

NOW, THEREFORE, the City Council of the City of Arvin does ordain as follows:

SECTION 1. The City Council find that the adoption of this ordinance is exempt from having to comply with the requirements of CEQA, pursuant to CEQA Guidelines Section 15061(b)(3) which states: "CEQA only applies to project which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." There is no possibility the City's activity in adopting this ordinance, as mandated by the State, will have a significant, adverse, effect on the environment.

SECTION 2. Chapter 15.46 of the City of Arvin Municipal Code is hereby added to read as follows:

Chapter 15.46

ELECTRIC VEHICLE CHARGING STATION PERMITS

Section 15.46.010 Purpose and Intent

This ordinance shall be known as the "electric vehicle charging station permit expediting ordinance." The purpose of this ordinance 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 ordinance is also purposed to comply with California Government Code Section 65850.7.

Section 15.46.020 Words and Phrases

- A. “Building official” shall have the same meaning as that designated by Section 15.40.020.
- B. “Electronic submittal” means the utilization of one or more of the following:
 - 1. Electronic mail or email.
 - 2. The internet.
 - 3. Facsimile.
- C. “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. Electric vehicle charging stations and electric vehicle charging supply equipment shall refer to equipment including, but not be limited to, the following: conductors including ungrounded, grounded, and equipment grounding conductors, electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.
- D. A “feasible method to satisfactorily mitigate or avoid the specific, adverse impact” includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by a city, county, or city and county on another similarly situated application in a prior successful application for a permit.
- E. “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.

Section 15.46.030 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 procedures set forth in this ordinance.

Section 15.46.040 Expedited Review Process

Consistent with Government Code Section 65850.7, the building official shall implement an expedited 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 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 adopted checklist shall be published on the city's website.

Section 15.46.050 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. Upon payment of any required fee for processing, an application that satisfies the information requirements in the city'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's adopted checklist, is consistent with all applicable laws, and has passed technical review, 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 and the utility provider. If the building official determines that the application is incomplete, the building official 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 15.46.060 Technical Review

- A. All electric vehicle charging stations shall be subject to the following standards:

1. An electric vehicle charging station shall meet all applicable safety and performance standards established by the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability. Electric vehicle charging station systems and equipment shall also conform to all applicable provisions and requirements of the City of Arvin Building Code.
 2. The installation of electric vehicle charging station systems and equipment shall be in accordance with the city's adopted electric vehicle charging station checklist established by the department of community development.
 3. All electric vehicle charging stations shall be installed only after approval by the building official and only after issuance of the necessary building permit and any and all other permits required by the city relating to the plumbing, electrical, and mechanical characteristics of the system.
 4. Upon installation of an electric vehicle charging station, the applicant shall be responsible for obtaining authorization and approval to connect the electric vehicle charging station to the local utility provider's electricity grid. In the event the city owns or operates an electric utility into which connection is proposed by the applicant, the application shall demonstrate compliance with the city's utility interconnection policies prior to approval.
- B. This ordinance does not supersede the building official's authority to address higher priority life-safety situations. If the building official makes a written 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, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact, the application shall be denied and the city may require the applicant to apply for a use permit. The determination of the building official may be appealed to the planning commission consistent with the requirements of Section 17.05.050, except that review by the planning commission shall be limited to the findings required by this ordinance.
- C. 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 15.46.070 Precedent Over Other Requirements

This ordinance shall take precedence over any inconsistent requirement of the Arvin Municipal Code, to the extent of such inconsistency and no further.

SECTION 3. 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 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 4. The provisions of these Sections shall be liberally construed as necessary to effectively carry out its purposes, which are hereby found and declared to be in furtherance of the public health, safety and convenience.

SECTION 5. The City Clerk shall certify to the adoption of this Ordinance and cause it to be published, in accordance with Government Code, section 36933.

SECTION 6. This ordinance shall take effect and be in full force and effect from and after thirty (30) days after its final passage and adoption.

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I HEREBY CERTIFY that the foregoing Ordinance was introduced by the City Council of the City of Arvin after waiving reading, except by Title, at a regular meeting thereof held on the 15th day of August, 2017, and adopted the Ordinance after the second reading at a regular meeting held on the 05th day of September, 2017, by the following roll call vote:

AYES: CM Ortiz, CM Madrigal, MPT Robles, Mayor Gurrola

NOES: _____

ABSTAIN: _____

ABSENT: CM Martinez

ATTEST



CECILIA VELA, City Clerk

CITY OF ARVIN

By: 
JOSE GURROLA, Mayor

APPROVED AS TO FORM:

By: 
SHANNON L. CHAFFIN, City Attorney
Aleshire & Wynder, LLP

I, _____, City Clerk of the City of Arvin, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed and adopted by the City Council of the City of Arvin on the date and by the vote indicated herein.