

CITY OF OJAI

ORDINANCE NO. 877

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OJAI, CALIFORNIA, ADDING CHAPTER 16, ENTITLED “ELECTRIC VEHICLE CHARGING STATIONS” TO TITLE 9 (“BUILDING REGULATIONS”) OF THE OJAI MUNICIPAL CODE PROVIDING AN EXPEDITED AND STREAMLINED PERMITTING PROCESS FOR ELECTRICAL VEHICLE CHARGING STATIONS

WHEREAS, the State of California and the City of Ojai have consistently promoted and encouraged the use of fuel-efficient electric vehicles; and

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

WHEREAS, creation of an expedited and 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; and

WHEREAS, the City seeks to adopt an ordinance that complies with Assembly Bill 1236 (Chapter 598, Statutes 2015, Cal. Gov’t Code § 65850.7) while protecting public health and safety.

WHEREAS, on October 10, 2017 the City Council received and considered all public testimony, documentary evidence and staff recommendations submitted at such City Council meeting, and determined to adopt the text amendment and the determination that the ordinance is exempt from review under CEQA.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OJAI DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The above set forth recitals and findings are true and correct and incorporated herein by reference, as if set forth herein in full.

SECTION 2. Code Amendment. Chapter 16 (“Electric Vehicle Charging Stations”) of Title 9 (“Building Regulations”) of the Ojai Municipal Code is hereby added to read as follows:

Sec. 9-16.01. Purpose.

The purpose of this Chapter is to promote and encourage the use of electric vehicles by adopting an ordinance in compliance with Assembly Bill 1236 (Chapter 598, Statutes 2015, Cal. Gov't Code § 65850.7) that expedites and streamlines the 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.

Sec. 9-16.02. Definitions.

- (a) "Building Official" means the City of Ojai Building Official
- (b) "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.
- (c) "Electronic submittal" means the utilization of one or more of the following:
 - a. Electronic mail or email;
 - b. The internet;
 - c. Facsimile.
- (d) "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.

Sec. 9-16.03. Administrative Permitting Process.

(a) Checklist. The Building Official shall implement an expedited and 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 and 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 adopted checklist shall be published on the City's website. Applicants shall pay a permit fee as required by the City Council by resolution.

(b) Specific, Adverse Impact Verification. Prior to submitting an application for processing, the applicant shall verify that the installation of an electric vehicle charging station will not have any 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; and areas of charging station equipment and vehicle parking.

(c) **Permit Application Processing.** Upon confirmation by the Building Official that the permit application and supporting documentation satisfies the requirements in the City's adopted checklist, the Building Official shall deem the permit application complete and it will be promptly processed in accord 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. 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.

(d) **Electronic Submittal and Signature.** Consistent with Government Code Section 65850.7, the Building Official shall allow for electronic submittal of permit applications and shall also accept electronic signatures on all forms, applications, and other documentation in lieu of a wet signature by any applicant.

Sec. 9-16.04. Discretionary Permitting Process.

(a) **Use Permit Required.** 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 on local, state, or federal public health or safety requirements, the City may require the applicant to apply for a use permit.

(b) **User Permit Conditions.** If the Building Official issues an electric vehicle charging station use permit, the permit may include conditions designed to mitigate any specific, adverse impact upon public health and safety at the lowest possible cost. 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 the City on another similarly situated application in a prior successful application for a permit.

(c) **Denial of Use Permit.** If an electric vehicle charging station use permit is required, the Building Official may only deny an application for the electric vehicle charging station use permit if the Building Official makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid the adverse impact. The findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact.

(d) **Appeal.** The Building Official's decision may be appealed to the Building Appeals Board in accordance with Section 9-1.215 of the Ojai Municipal Code.

(e) Prohibition. In the technical review of a charging station, consistent with Government Code Section 65850.7(h), 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.

Sec. 9-16.05. 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 3. Severability. 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. Publication. The City Clerk shall cause this Ordinance to be published once, within fifteen (15) calendar days after its passage, in the Ojai Valley News, a newspaper of general circulation, printed, published and circulated in the City, and shall cause a copy of this Ordinance and its certification, together with proof of publication, to be entered in the Book of Ordinances of the City.

SECTION 5. Effective Date. This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937, shall supersede any conflicting provision of any City of Ojai ordinance, and shall continue in effect until terminated by further action of the City Council in accord with applicable law.

SECTION 6. CEQA. The proposed text amendment is exempt from the California Environmental Quality Act (CEQA) because CEQA only applies to projects which have the potential for causing a significant negative effect on the environment, under CEQA Guidelines Section 15061(b)(3). These proposed changes to the building regulations will not have a significant negative effect on the environment as they promote the use of renewable energy and reduce the City's / County's dependence on fossil fuels. Additionally, the City finds that in accordance with CEQA Guidelines sections 15268, 15308, and 15378, the adoption of this amendment to the Municipal Code is exempt from CEQA provisions because such actions are administrative in nature. Lastly, the City is required by Government Code section 65850.7, subdivision (g)(1) to adopt this ordinance, thus this action is ministerial and not subject to CEQA.

SECTION 7. Certification. The City Clerk shall certify as to the adoption of this Ordinance.

CITY OF OJAI, CALIFORNIA

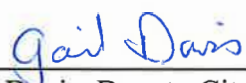


John F. Johnston, Mayor

11-30-17

Date signed

ATTEST:



Gail Davis, Deputy City Clerk

APPROVED AS TO FORM:



Matthew T. Summers, City Attorney

STATE OF CALIFORNIA)
COUNTY OF VENTURA)
CITY OF OJAI)

City of Ojai
Ordinance 877

I, Gail Davis, Deputy City Clerk of the City of Stanton, California, do hereby certify that the foregoing Ordinance No. 877 was introduced at a regular meeting of the City Council of the City of Ojai, California, held on the 24th day of October, 2017, and was duly adopted at a regular meeting of the City Council held on the 14th day of November, 2017, by the following vote:

AYES:	Blatz, Francina, Haney, Johnston, Weirick
NOES:	None
ABSENT:	None
ABSTAIN:	None



Gail Davis, Deputy City Clerk