

ORDINANCE NO. 2022-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENIFEE ADDING CHAPTER 8.24 TO TITLE 8 OF THE MENIFEE MUNICIPAL CODE SETTING FORTH PROCEDURES FOR EXPEDITING PERMIT PROCESS FOR ELECTRIC VEHICLE CHARGING SYSTEMS

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

WHEREAS, the State of California recent adopted Assembly Bill 1236 requires local agencies to adopt an ordinance that create 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 environmentally damaging fossil fuels.

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

SECTION 1. Chapter 8.24: ELECTRICAL VEHICLE CHARGING STATION PERMIT PROCEDURES is added to the Municipal Code as shown on Exhibit A attached hereto, which is incorporated herein by reference.

SECTION 2. All ordinances and resolutions or parts thereof in conflict with this Ordinance are hereby repealed.

SECTION 3. The City Manager is directed to take all necessary steps to give effect to this Ordinance.

SECTION 4. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Menifee hereby declares the Council would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared unconstitutional, invalid, or ineffective.

SECTION 5. This Ordinance shall become effective 30 days after adoption.

SECTION 6. The Mayor shall sign this ordinance and the City Clerk shall attest and certify to the passage and adoption of this Ordinance and cause this Ordinance to be published using the alternative summary and posting procedure authorized under Government Code Section 36933.

This Ordinance was introduced for first reading on August 17, 2022, and **PASSED, APPROVED, AND ADOPTED** this ____ day of _____ 2022.

Bill Zimmerman
Mayor

APPROVED AS TO FORM:

Jeffrey T. Melching
City Attorney

ATTEST:

Stephanie Roseen,
Acting City Clerk

EXHIBIT A

CHAPTER 8.24: ELECTRICAL VEHICLE CHARGING STATION PERMIT PROCEDURES

SECTION 8.24.010 STANDARDS FOR ELECTRICAL VEHICLE CHARGING STATIONS; APPROVAL PROCESS.

(A) Title and Purpose.

- (1) This Section shall be known as “City of Menifee Electric Vehicle Charging Station Permit Expediting Ordinance,” may be cited as such, and will be referred to herein as “this Section.” The purpose of this Section 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, in accordance with the standards adopted by the city pursuant to this Section and state law.
- (2) It is also the purpose of this Section to promote and encourage the use of electrical vehicle charging stations and to limit obstacles to their use.
- (3) It is hereby declared that in any instance where the provisions of this Section conflict with any applicable state law or regulation, such State law or regulation shall govern, including California Government Code section 65850.7 as it may be updated from time to time.

(B) Definitions. The following definitions shall govern the meaning of words and phrases used herein:

CHECKLIST OF REQUIREMENTS FOR ELECTRICAL VEHICLE CHARGING STATION or **CHECKLIST**. The rules, regulations, guidelines, and checklist that set forth implementing and additional requirements for electrical vehicle charging stations consistent with California Government Code section 65850.7 as it may be updated from time to time.

BUILDING OFFICIAL. Officer or other designated authority charged with the administration and enforcement of the City of Menifee codes; responsible for the implementation of this Section, as may be identified from time to time, in the Checklist of Requirements for Electrical Vehicle Charging Stations.

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 and delivers electricity from a source outside an electric vehicle into a plug-in vehicle.

ELECTRONIC SUBMITTAL: Means the utilization of electronic mail and/or through the Menifee Permit Portal.

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 similar permit.

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) Development standards. In addition to the Checklist of Requirements for Electrical Vehicle Charging Stations, the following standards shall apply to each electrical vehicle charging station:

- (1) All electrical vehicle charging stations shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities, consistent with California Government Code section 65850.7 as it may be updated from time to time.
- (2) All electric vehicle charging systems 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 regarding safety and reliability.
- (3) The Community Development Director or their designee may from time to time revise the Checklist of Requirements for Electrical Vehicle Charging Station Systems as long as any revisions are consistent with California Government Code section 65850.7 as it may be updated from time to time.
- (4) The Checklist of Requirements for Electrical Vehicle Charging Station Energy Systems shall be made available to the public during regular business hours at the Building Division counter and by posting the Checklist on the city's internet web site.

(D) Application requirements; signatures. The applicant may submit the permit application and associated documentation to the city's building division in person, by mail, or electronic submittal together with any required permit processing and inspection fees. For electronic submittal, the city shall accept an electronic signature on all forms, applications, and other documentation in lieu of a wet signature by an applicant to the extent permitted by law and to the extent such electronic submittal complies with the requirements set forth in this Section and the Checklist of Requirements for Electrical Vehicle Charging Station Systems.

(E) Review. Review of the application to install an electrical vehicle charging station shall be limited to the building department's review of whether the application meets all health and

safety requirements of local, state, and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the electrical vehicle charging station will not have a specific, adverse impact upon the public health or safety. If the Building Official makes a finding based on substantial evidence, that an electrical vehicle charging station could have a specific, adverse impact upon the public health and safety, the city may require the applicant to apply for a conditional use permit or other applicable license or permit.

(F) Approval requirements.

- (1) An application that satisfies the requirements of this Section and the Checklist of Requirements for Electrical Vehicle Charging Station Systems shall be deemed complete upon confirmation by the Building Official that the application and supporting documents are complete and meet the requirements of this Section and the Checklist. Upon the Building Official's determination that an application is complete, the city's building division shall approve the application and issue all required permits or authorizations. Upon receipt of an incomplete application, the Building Official shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.
- (2) For projects with 1-25 stations at a single site, applications must be reviewed for completeness within (5) business days and approved/denied within (20) business days. For projects with 26 or more stations at a single site, applications must be reviewed for completeness within 10 business days and approved/denied within (40) business days.
- (3) If the city denies an application for a use permit to install an electrical vehicle charging station, the city shall make written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.
- (4) The decision of the Building Official pursuant to divisions (F)(1) and (3) of this Section may be appealed to the planning commission pursuant to section 2.20.150, and, if a subsequent decision of the planning commission is sought, may be appealed to the city council pursuant to Chapter 2 of this code.

(G) Inspections. For an electrical vehicle charging station system eligible for expedited review, inspections shall be required, which shall be done in a timely manner and may include a consolidated inspection. If an electrical vehicle charging station system fails inspection, a subsequent inspection is authorized.

(H) Approval by association not required. The city shall not condition approval for any electrical vehicle charging station permit on the approval of an electrical vehicle charging station by an association, as that term is defined in California Civil Code section 4080.