

ORDINANCE NO. 968

AN ORDINANCE OF THE CITY OF ROHNERT PARK, CALIFORNIA, REPEALING AND REPLACING CHAPTER 15.34, “ELECTRIC VEHICLE CHARGING STATIONS REVIEW AND INSTALLATION REQUIREMENTS” OF THE ROHNERT PARK MUNICIPAL CODE

WHEREAS, the City is responsible for local enforcement of the California Building Standards Code; and

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

WHEREAS, Government Code Section 65850.7 requires local agencies to adopt an expedited and streamlined permitting process for electric vehicle charging systems; and

WHEREAS, on September 17, 2017, the City Council adopted Ordinance 909, adding Section 15.34 to the Municipal Code, in order to comply with Government Code Section 65850.7; and

WHEREAS, AB 841, adopted in September 2020, among other things added Section 740.20 to the California Public Utilities Code, which section requires, with limited exceptions, that all electric vehicle charging infrastructure that is funded in part by the Public Utilities Commission, the Energy Commission, and the State Air Resources Board on and after January 1, 2022, be installed by a contractor with the appropriate license classification, as determined by the Contractors’ State License Board, and at least one electrician on each crew, at any given time, who holds an Electric Vehicle Infrastructure Training Program (EVITP) certification; and

WHEREAS, on March 22, 2022, the City Council directed to staff to develop an ordinance that would require EVITP certification on city-funded projects, similar to the requirements of AB 841 for state-funded projects; and

WHEREAS, in order to implement the City Council’s direction, staff has reviewed Chapter 15.34 and is recommending that the City Council repeal and replace the section in order to provide for an updated electric vehicle charging station process that conforms to both City Council direction and best practices for streamlined permitting; and

WHEREAS, maintaining an expedited, streamlined permitting process for electric vehicle charging stations facilitates safe and convenient charging of electric vehicles and help reduce the City’s reliance on environmentally damaging fossil fuels; and

WHEREAS, nothing in this ordinance is intended to duplicate, contradict, or enter a field which has been fully occupied by state law, including the California Building Standards Code.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ROHNERT PARK, CALIFORNIA, does hereby ordain as follows:

SECTION 1. FINDINGS

The City Council finds that:

- A. A public meeting introducing the proposed amendments to the Municipal Code was held by the City Council on June 14, 2022.

- B. In accordance with CEQA Guidelines, Section 15061(b)(3), this is not a project subject to CEQA in that there is no possibility that the activity in question may have a significant effect on the environment.
- C. While it is clearly understood that the adoption of the amendments to the Codes and the adoption of Ordinances may not prevent the incidence of fire, it is noted the implementation of these various amendments will reduce the severity and potential loss of life and loss of property.

SECTION 2. CHAPTER 15.34

Rohnert Park Municipal Code as Chapter 15.34 is repealed and replaced in its entirety to read as set forth below.

Chapter 15.34 - Electric Vehicle Charging Stations Review Process

15.34.010 - Definitions.

The following words and phrases as used in this section are defined as follows:

- A. “Electric Vehicle Charging Station (EVCS)” or “Charging Station” means any means any of the following:
 - a. 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. One or more electric vehicle charging spaces served by electric vehicle charger(s) or other charging equipment allowing charging of electric vehicles. Electric vehicle charging stations are not considered parking spaces.
- B. “Electric Vehicle (EV)” means an automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, primarily powered by an electric motor that draws current from a rechargeable storage battery, fuel cell, photovoltaic array, or other source of electric current. Plug-in hybrid electric vehicles (PHEV) are considered electric vehicles. For purposes of the California Electrical Code, off-road, self-propelled electric vehicles, such as industrial trucks, hoists, lifts, transports, golf carts, airline ground support equipment, “Electric Vehicle (EV) Charger” means off-board charging equipment used to charge an electric vehicle.
- C. “Electric vehicle (EV) charger” means off-board charging equipment used to charge an electric vehicle.
- D. “Electric Vehicle Charging Space (EV Space)” means a space intended for future installation of EV charging equipment and charging of electric vehicles.
- E. Electric Vehicle Infrastructure Training Program (EVITP) means the training program developed by automobile manufacturers, utilities, energy storage device manufacturers, electrical contractors, state and local electrical inspectors, the national fire protection agency and electrical workers that incorporates technical requirements, safety imperatives and performance integrity for the installation of Electric Vehicle Supply Equipment or EV

charging stations, electric recharging points, charging points, as such program may be modified from time to time.

- F. “Electric Vehicle Supply Equipment (EVSE)” means the conductors, including the ungrounded, grounded, and equipment grounding conductors and the 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.
- G. “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.
- H. “Electronic Submittal” means the utilization of one or more of the following:
 - a. Electronic mail or email.
 - b. Through an online permitting system.
 - c. Facsimile.
- I. “Electric Vehicle (EV) Checklist” means a document 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 evaluate 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 Zoning Ordinance.

15.34.020 - Purpose.

The purpose of this section is to provide an expedited, streamlined permitting process for EVCS as required by California Government Code Section 65850.7.

15.34.030 - Applicability.

EVCS legally established or permitted prior to the effective date of this chapter are not subject to the requirements of this chapter unless physical modifications or alterations are undertaken that materially change the size, type, or components of the EVCS in such a way as to require new permitting. Routine operation and maintenance shall not require a permit.

15.34.040 - EVCS requirements.

- A. All EVCSs shall meet applicable health and safety standards and requirements imposed by the state and the city.
- B. EVCSs shall meet all applicable safety and performance standards established by the California Electrical Code as modified by this Title, 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.

- C. Installation of electric vehicle charging stations and associated wiring, bonding, disconnecting means and overcurrent protection devices shall meet the requirements of Article 625, as may be subsequently modified, and all applicable provisions of the California Electrical Code.
- D. 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.
- E. 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.

15.34.050 - Applications and required documents.

- A. All applications will be subject to Chapter 15.04 General Provisions and Penalties of this Title.
- B. All documents required for the submission of an expedited EVCS application shall be made available on the city's website.
- C. Applications for EVCS permits, and any supporting documents, may be submitted by email, facsimile, or through an online permitting system.
- D. An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.
- E. The City Manager or designee shall implement an EV checklist with all of the requirements for which EVCS shall comply to be eligible for expedited review.
- F. The EVCS permit process, standard plans and checklist shall substantially conform to recommendations for expedited permitting contained in the most 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, in effect at the time of permit application.

15.34.060 - Permit review and inspection requirements.

- A. An application that satisfies the information requirements in the checklist provided under Section 15.34.050(e) and (f), as determined by the building official, shall be deemed complete.
- B. If the building official receives 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.

- C. Upon confirmation by the building official of the application and supporting documentation being complete, the building official shall review the application. The building official's review of the application shall be limited to whether the application meets local, state and federal health and safety requirements. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the EVCS will not have a specific, adverse effect on the public health or safety.
- D. The building official may deny the building permit if the building official makes a finding based on substantial evidence that the EVCS could have a specific, adverse impact upon the public health and safety, and may require application for an conditional use under Section 17.25.010. Any conditions imposed shall be designed to mitigate the specific, adverse impact upon public health and safety at the lowest cost possible. The decision to deny the building permit and require an administrative permit may be appealed to the building board of appeals.
- E. The city may not deny an application for a conditional use permit to install an EVCS unless it makes 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 adverse impact.
- F. Upon confirmation that the application is complete and that the EVCS will not have a specific, adverse impact upon the public health or safety, the building official shall approve the application and issue all the necessary permits and authorizations.
- G. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.
- H. The city shall not condition approval of an application on the approval of a property-owner's association, as defined in Section 4080 of the Civil Code.
- I. EVCS are subject to inspection in accordance with applicable provisions of the California Building Code. Construction of the EVCS shall remain visible and able to be accessed for inspection until approved.
- J. If EVCS fails inspection, a subsequent inspection shall be required by the building official.

15.34.70 – Contractor requirements for City-funded projects.

- A. All electrical vehicle infrastructure work on projects which are constructed with funds provided or administered by the City, in whole or in part, shall be installed by contractors holding the appropriate license classification required by the Contractors State License Board, and electricians performing such work shall hold certification from the Electric Vehicle Infrastructure Training Program in accordance with the following:
 - 1. All of the installation, commissioning, and maintenance of electric vehicle charging stations, equipment and related infrastructure (the "EV Work") shall be performed in accordance with the following requirements:

- a. At a minimum, one job-site supervisor or job-site foreman supervising the EV Work at each job site shall hold EVITP certification and be a licensed electrician.
 - b. The EV work shall be performed only by duly licensed electricians. Apprentices may assist.
 - c. A minimum of fifty percent (50%) of the licensed electricians performing the EV Work on each job site shall hold EVITP certification.
 - d. The ratio of journeymen to apprentices shall comply with applicable requirements under state law.
 - e. No EVITP certification shall be required of apprentices.
 - f. All apprentices assisting on the EV Work shall be registered in an apprenticeship program compliant with California Department of Industrial Relations regulations and approved by the Division of Apprenticeship Standards, and which has a graduation rate of at least 60%.
2. Contractors performing EV Work shall maintain written or electronic records regarding the performance of EV Work including the names of all EVITP electrician(s) who performed the EV Work. Said records shall be made available to EVITP, and/or City upon request.

SECTION 3. SEVERABILITY

Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, such declaration shall not affect the validity of the remaining portions of this ordinance.

SECTION 4. EFFECTIVE DATE

This ordinance shall go into effect thirty (30) days after its adoption and shall be published or posted as required by law.

This ordinance was introduced by the City Council of the City of Rohnert Park on June 14, 2022 and DULY AND REGULARLY ADOPTED this 28th day of June, 2022 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF ROHNERT PARK

Jackie Elward, Mayor

ATTEST:

Sylvia Lopez Cuevas, City Clerk

APPROVED AS TO FORM:

Michelle Marchetta Kenyon, City Attorney