

ORDINANCE NO. 3061

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADDING A NEW CHAPTER 9 TO TITLE 8 OF THE ONTARIO MUNICIPAL CODE TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS.

WHEREAS, the City Council of the City of Ontario seeks to implement Assembly Bill 1236 (Chapter 598, Statutes 2015) through the creation of an expedited, streamlined permitting process for electric vehicle charging stations; and

WHEREAS, the City Council wishes to encourage the installation of electric vehicle charging stations by all of its residents and businesses; and

WHEREAS, it is in the interest of the health, safety, and welfare of the residents and businesses of the City to provide an expedited permitting process for electric vehicle charging stations to assure the effective deployment of electric vehicle charging stations technology, in accordance with the requirements of Assembly Bill 1236.

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND ORDAINED by the City Council of the City of Ontario, as follows:

SECTION 1. Findings. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Chapter 9 is added to Title 8 of the City of Ontario Municipal Code to read in its entirety as follows:

“CHAPTER 9. ELECTRIC VEHICLE CHARGING STATIONS”

8-9.01 Applicability and Purpose

8-9.02 Electric Vehicle Charging Stations Requirements

8-9.03 Duties of the Building Department

8-9.04 Expedited Permit Review and Inspection Requirements

Sec. 8-9.01 Applicability and Purpose.

This Chapter applies to the permitting of all electric vehicle charging stations in the City. Electric vehicle charging stations 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 electric vehicle charging station in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.

Sec. 8-9.02 Electric Vehicle Charging Stations Requirements.

- (a) "Electric vehicle charging station" or "charging station" means all of the following:
 - (1) Any level of electric vehicle supply equipment station;
 - (2) Is designed and built in compliance with Article 625 of the California Electrical Code;
 - (3) Delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle;
 - (4) Conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City, and all state and City health and safety standards;
- (b) 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.

Sec. 8-9.03 Duties of the Building Department.

- (a) A checklist and required permitting documentation of all requirements with which electric vehicle charging stations shall comply to be eligible for expedited review and all documents required for the submission of an expedited electric vehicle charging stations shall be published on the City's publicly accessible Internet Web site.
- (b) Electronic submittal of the required permit application and documents via email, or facsimile shall be made available to all electric vehicle charging stations permit applicants. Web site applications may be allowed at such time in the future that the technology is made available by the City.
- (c) An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.
- (d) The Building Department shall adopt a checklist and required permitting documentation of all requirements with which electric vehicle charging stations shall comply to be eligible for expedited review.
- (e) The checklist and required permitting documentation of all requirements with which electric vehicle charging stations 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" published by the Governor's Office of Planning and Research.

Sec. 8-9.04 Expedited Permit Review and Inspection Requirements.

- (a) The Building Department shall adopt an administrative, nondiscretionary review process to expedite the approval of electric vehicle charging stations applications within thirty (30) days of the adoption of this chapter.
- (b) An application for electric vehicle charging stations that meets the requirements of the checklist and required permitting documentation of all requirements shall be deemed complete, and the Building Department shall issue a building permit or other non-discretionary permit at expedited rate.
- (c) Review of the application shall be limited to the Building Department's review of whether the applicant meets local, state and federal health and safety requirements.
- (d) If an application for electric vehicle charging station is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permitting shall be provided to the applicant for resubmission.
- (e) Inspections shall be required and performed by the Building Department for electric vehicle charging stations.
- (f) The inspection shall be done in an efficient inspection process, in a timely manner, and should include consolidated inspections; inspection measures taken should be consistent with safety requirements to ensure that the electric vehicle charging stations are properly installed.
- (g) If electric vehicle charging station fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this chapter."

SECTION 3. CEQA. This Ordinance does not commit the City to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act.

SECTION 4. Severability. If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance, which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable. This Ordinance amends, adds to and deletes (as applicable) sections of the Ontario Municipal Code.

SECTION 5. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings and this Ordinance are based are located at the City Clerk's office located at 303 East "B" Street, Ontario, CA 91764. The custodian of these records is the City Clerk.

SECTION 6. Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

SECTION 7. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 1st day of November 2016.



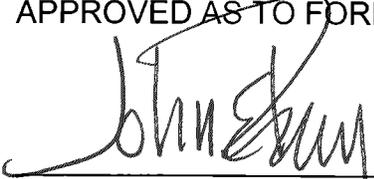
PAUL S. LEON, MAYOR

ATTEST:



SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:



BEST BEST & KRIEGER LLP
CITY ATTORNEY

