

**ORDINANCE NO. 25-2017**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
ADDING ELK GROVE MUNICIPAL CODE CHAPTER 16.07 RELATING TO  
ELECTRIC VEHICLE CHARGING STATION PERMIT STREAMLINING  
(CEQA EXEMPT)**

**WHEREAS**, the City of Elk Grove strives to maintain a streamlined and efficient process for all permit applicants; and

**WHEREAS**, California Government Code Section 65850.7, which was added by Assembly Bill 1236 (AB 1236) in 2015, became effective on January 1, 2016, requires all local agencies to ensure that building permits for Electric Vehicle Charging Stations receive administrative, non-discretionary approval by building officials, and implements the use of a checklist to facilitate the expediting of these permits; and

**WHEREAS**, the City of Elk Grove has provided expedited permitting of Electric Vehicle Charging Stations through the use of a checklist prior to the passage of AB 1236; and

**WHEREAS**, this ordinance codifies the City of Elk Grove's expedited permitting of Electric Vehicle Charging Stations, and the City's implementation of electronic submittal and a checklist to facilitate such permits, all consistent with Government Code section 65850.7.

**NOW, THEREFORE**, the City Council of the City of Elk Grove does ordain as follows:

**Section 1: Purpose**

The purpose of this ordinance is to promote and encourage the use of electric vehicles by codifying the City's 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 adopted in order to comply with California Government Code Section 65850.7.

**Section 2: CEQA Findings and Evidence**

**California Environmental Quality Act (CEQA)**

**Finding:** No further environmental review is required under the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

**Evidence:** Section 15061 (b)(3) of Title 14 of the California Code of Regulations (the CEQA Guidelines) describes the General Rule that CEQA only applies to projects 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.”

The amendments to the Elk Grove Municipal Code are administrative in nature, do not approve any physical development, and do not have the potential to result in individually or cumulatively significant effects on the environment. Therefore, the passage of this ordinance is exempt CEQA review under the General Rule and no further environmental review is necessary. (CEQA Guidelines, § 15061(b)(3)).

Section 3: Action - Adopt Elk Grove Municipal Code Chapter 16.07, titled Electric Vehicle Charging Stations.

Elk Grove Municipal Code Chapter 16.07 is hereby adopted to read as follows:

Chapter 16.07  
ELECTRIC VEHICLE CHARGING STATIONS

Sections:

- 16.07.100 Definitions.
- 16.07.200 Expedited Permitting Process.
- 16.07.300 Permit Application Processing.
- 16.07.400 Technical Review.
- 16.07.500 Electric Vehicle Charging Station Installation Requirements.
- 16.07.600 Right of Appeal.

16.07.100 Definitions.

A. "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.

B. "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. "Electronic submittal" means an application submittal pursuant to this chapter by utilizing one (1) or more of the following:

1. Electronic mail or email;
2. The internet; or
3. Facsimile.

#### 16.07.200 Expedited Permitting Process.

Consistent with Government Code Section 65850.7, the Development Services Director shall develop and implement an expedited, streamlined permitting process for electric vehicle charging stations, and shall 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, 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.

#### 16.07.300 Permit Application Processing.

A. Prior to submitting an application for processing, the applicant shall verify, subject to the technical review set forth at EGMC Section 16.07.400, that the installation of an electric vehicle charging station shall 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. Subject to the technical review set forth at EGMC Section 16.07.400, a permit 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 meet the requirements of the City adopted checklist, are consistent with all applicable laws and health and safety standards, and do not require a Minor Conditional Use Permit or Parking Reduction Permit following the technical review set forth at EGMC Section 16.07.400, the City 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 electrical utility serving the City of Elk Grove. If the Building Official determines that the permit application is incomplete, he or she shall, within thirty (30) days of receipt of an application or resubmitted application or application materials, 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. Failure to timely issue a notice of incomplete application within the time frames set forth herein shall result in the application being deemed complete.

C. Consistent with Government Code Section 65850.7, the Building Official shall allow for electronic submittal of permit applications covered by this article 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.

#### 16.07.400 Technical Review.

A. It is the intent of this chapter 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 Development Services Director makes a 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 this chapter, the City may require the applicant to apply for a Minor Use Permit or a Parking Reduction Permit, dependent on the specific impacts.

B. In the technical review of a charging station, 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.

#### 16.07.500 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.

#### 16.07.600 Right of Appeal.

A. Notwithstanding any other provision of law, the denial or conditioning of an electric vehicle charging station permit by the Building Official may be appealed by the applicant by filing a written appeal with the Building Official within thirty (30) days from the date of that action or decision. Said appeal shall be processed in accordance with the Board of Appeals procedures contained in Division II, Section 113 of the California Building Code. The decision of the Board of Appeals shall be final, and there shall be no further or other right of appeal.

B. Notwithstanding any other provision of law, the decision on any Minor Conditional Use Permit or Parking Reduction Permit required by this chapter may be appealed by the applicant as provided in EGMC Section 23.14.060.

#### Section 4: No Mandatory Duty of Care.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

#### Section 5: Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

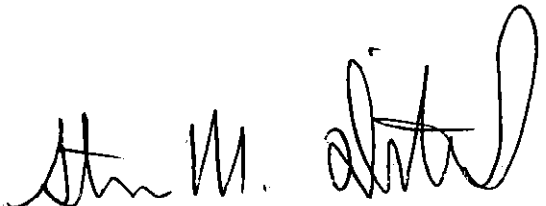
Section 6: Savings Clause

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and effect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

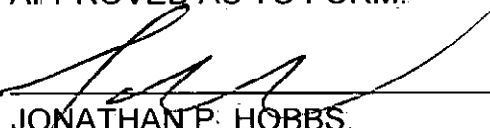
Section 7: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

**ORDINANCE:** 25-2017  
**INTRODUCED:** September 13, 2017  
**ADOPTED:** September 27, 2017  
**EFFECTIVE:** October 27, 2017

  
 STEVEN M. DETRICK, VICE MAYOR  
 of the CITY OF ELK GROVE

ATTEST:  
  
 JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:  
  
 JONATHAN P. HOBBS,  
 CITY ATTORNEY

Date signed: October 4, 2017

**CERTIFICATION  
ELK GROVE CITY COUNCIL ORDINANCE NO. 25-2017**

STATE OF CALIFORNIA       )  
COUNTY OF SACRAMENTO    )       ss  
CITY OF ELK GROVE         )

*I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on September 13, 2017 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on September 27, 2017 by the following vote:*

**AYES :**                   **COUNCILMEMBERS:**    *Detrick, Hume, Nguyen, Suen*  
**NOES:**                   **COUNCILMEMBERS:**    *None*  
**ABSTAIN:**               **COUNCILMEMBERS:**    *None*  
**ABSENT:**                **COUNCILMEMBERS:**    *Ly*

**A summary of the ordinance was published pursuant to GC 36933(c) (1).**

  
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**Jason Lindgren, City Clerk  
City of Elk Grove, California**