

ORDINANCE NO. 916-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, ADDING A NEW CHAPTER 15.64 (ELECTRIC VEHICLE CHARGING STATION PERMITS) TO TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE BLYTHE MUNICIPAL CODE

WHEREAS, the City of Blythe has the authority, under its police power, to enact regulations for the public peace, morals and welfare of the City; and

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

WHEREAS, in 2015, the State of California adopted Assembly Bill (“AB”) 1236, which requires local agencies to adopt an ordinance that creates an expedited and streamlined permitting process for electric vehicle charging systems; and

WHEREAS, AB 1236 also requires every city and county to administratively approve applications to install electric vehicle charging stations in an expedited and timely manner, and it prohibits cities and counties from denying an application for a use permit unless it makes certain written findings; and

WHEREAS, it is in the public health, safety and welfare of the residents and businesses of the City to provide an expedited, streamlined permitting process for electric vehicle charging stations to assure the effective deployment of electric vehicle charging stations technology, in accordance with AB 1236; and

WHEREAS, this Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Ordinance has been found to be exempt pursuant to CEQA Guidelines Section 15061(b)(3) (General Rule) because the Ordinance will not have a significant effect on the environment; and

WHEREAS, all legal requirements prior to the adoption of this Ordinance have occurred.

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

SECTION 1. Recitals. The City Council finds that all the recitals, facts, findings, and conclusions set forth above in the preamble of this Ordinance are true and correct.

SECTION 2. Amendment to Title 15. Title 15 (Buildings and Construction) of the Blythe Municipal Code is hereby amended to add a new Chapter 15.64 as follows:

Chapter 15.64 - ELECTRIC VEHICLE CHARGING STATION PERMITS.

15.64.010 – Purpose.

The purpose of this chapter is to promote and encourage the use of electric vehicles by creating an expedited, streamlined permitting process for electric vehicle charging stations that complies with California Government Code Section 65850.7 while promoting public health, safety and welfare and preventing specific adverse impacts in the installation and use of such charging stations.

15.64.020 – Definitions.

The following words, terms and phrases when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. “Building Official” means the building official of the city or his or her designee.
- B. “Electronic submittal” means utilization of one or more of the following: electronic mail or email, the internet, or facsimile.
- C. “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 electric vehicle.
- D. “Feasible method to satisfactorily mitigate 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.
- E. “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.

15.64.030 – Expedited permitting process.

Consistent with California Government Code Section 65850.7, the building official shall implement an expedited, streamlined permitting process for electric vehicle charging stations, and adopt a checklist of all requirements with which electric vehicle charging stations shall comply 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.

15.64.040 – Electric vehicle charging station requirements.

- A. An electric vehicle charging station shall meet all applicable health and safety standards and requirements of local, state, and federal laws and regulations.
- 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, including, but not limited to, Underwriters Laboratories, and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.
- 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.

15.64.050 – Permit application processing.

- A. 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.
- B. 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's adopted checklist, and is consistent with all applicable laws and health and safety standards, the building official shall, consistent with California Government Code Section 65850.7, administratively 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.
- C. If the building official determines that the permit application is incomplete, he or she shall issue a written correction notice to the applicant within the time period established by California Government Code Section 65850.71, detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.
- D. The building official shall not condition the approval for any electric vehicle charging station permit on the approval of such system by an association, as that term is defined by California Civil Code Section 4080.
- E. Consistent with California Government Code Section 65850.7, the building official shall allow for electronic submittal of permit applications and associated supporting documentation. 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.

15.64.060 – Technical review.

- A. Consistent with California Government Code Section 65850.7, it is the intent of this chapter to encourage the installation of electric vehicle charging stations by removing obstacles to, and minimizing costs of, permitting for charging stations so long as the action does not supersede the building official's authority to identify and address higher priority life-safety situations.

- B. If the building official 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, the city may require the applicant to apply for a use permit. The building official shall not deny an application for a use permit to install an electric vehicle charging station unless he or she makes written findings based on substantial evidence in the record that:
1. The proposed installation would have a specific, adverse impact upon the public health or safety; and
 2. There is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. Such findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

15.64.070 – Appeals.

The decisions of the building official set forth in this chapter may be appealed to the city council. An appeal shall be in writing and shall be filed with the city clerk within ten calendar days of the date of building official's decision. Appeals shall be accompanied by the fee required for the taking of such appeals, which fee shall be set by city council resolution.

15.64.080 – Fees.

The fees for permits issued under this chapter shall be as established by city council resolution.

SECTION 3. Environmental Compliance. The City Council hereby finds that it can be seen with certainty that there is no possibility the adoption and implementation of this Ordinance will have a significant effect on the environment. The Ordinance is therefore exempt from the environmental review requirements of the California Environmental Quality Act pursuant to Section 15061(b)(3) (General Rule) of Title 14 of the California Code of Regulations.

SECTION 4. Inconsistencies. Any provision of the Blythe Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 5. Severability. If any section, subsection, 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, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Blythe hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 6. Effective Date. This Ordinance shall take effect thirty (30) days after its final passage.

SECTION 7. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

PASSED, APPROVED AND ADOPTED this 9th day of August, 2022, by the following called vote to wit:

AYES:	Reynolds, DeConinck, Rodriguez, Halby and Burton
NOES:	None
ABSENT:	None
ABSTAIN:	None

Published by: Mallory Crecelius, City Clerk
Published on: August 17, 2022