

ORDINANCE NO. 2024-767

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORTUNA ADDING
CHAPTER 15.65 TO ARTICLE 15 OF THE FORTUNA MUNICIPAL CODE TO
PROVIDE PROCEDURES FOR EXPEDITING PERMITTING PROCESSING FOR
ELECTRIC VEHICLE CHARGING SYSTEMS AND DETERMINING THE ORDINANCE
TO BE EXEMPT FROM CEQA**

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

WHEREAS, the State of California recently adopted Assembly Bill 1236, which requires local agencies to adopt an ordinance that creates 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; and

WHEREAS, adoption of this Ordinance is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3), the "General Rule", which states that a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the project would have a significant effect on the environment; and

WHEREAS, the City Council has considered the staff report, supporting documents, public comment, and all appropriate information that has been submitted with this Ordinance; and

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

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

SECTION 1. Recitals. The above recitals are each incorporated by reference and adopted as findings by the City Council.

SECTION 2. CEQA. Adoption of this Ordinance is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3), the "General Rule", which states that a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the project would have a significant effect on the environment. The City Council hereby directs staff to prepare, execute, and file with the Humboldt County Clerk a notice of exemption within five (5) working days of the adoption of this Ordinance.

SECTION 3. Municipal Code Amendment. Chapter 15.65 is hereby added to Article 15 - Buildings and Construction--of the Fortuna Municipal Code in the form and substance set forth in **Exhibit "A"**, attached hereto and incorporated herein by reference. Without modifying the substance, following approval of this Ordinance, the City Clerk shall cause the Fortuna Municipal Code amendments to be consistent in form and style with Title 15 of the Fortuna Municipal Code.

SECTION 4. Effective Date. The effective date of this ordinance is thirty (30) days after its adoption by the City Council.

SECTION 5. Severability. If any provision of this Ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this resolution are severable. The City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any portion thereof.

SECTION 6. Limited Repeal. Any provision of the City of Fortuna Municipal Code or appendices thereto, inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, are hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

INTRODUCED and FIRST READING CONDUCTED at a regular meeting of the City Council of the City of Fortuna, California, on this 16th day of January, 2024 by the following vote:

AYES: Council Members Conley, Losey, Mobley, Mayor Pro Tem Johnson, Mayor Trent

NAYS: None

ABSENT: None

ABSTAIN: None

Tami Trent, Mayor

ATTEST:

Siana L. Emmons, City Clerk

SECOND READING CONDUCTED, PASSED, and ADOPTED at a regular meeting of the City Council of the City of Fortuna, California, on this 5th day of February, 2024 by the following vote:

AYES: Council Members Conley, Losey, Mobley, Mayor Pro Tem Johnson, Mayor Trent

NAYS: None

ABSENT: None

ABSTAIN: None

Tami Trent, Mayor

ATTEST:

Siana L. Emmons, City Clerk

Exhibit “A”

15.65

ELECTRIC VEHICLE CHARGING SYSTEMS

Sections:

- 15.65.010 Purpose**
- 15.65.020 Definitions**
- 15.65.030 Title, Words and Phrases**
- 15.65.040 Expedited Electric Vehicle Charging Station Permitting**
- 15.65.050 Expedited Review Process**
- 15.65.060 Permit Application Processing**
- 15.65.070 Association Approval**
- 15.65.080 Permit Application Processing**
- 15.65.090 Technical Review**
- 15.65.100 Electric Vehicle Charging Station Installation Requirements**

15.65.010 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 while promoting public health and safety and preventing specific adverse impacts in the installation and use of such charging stations. This Chapter is also purposed to comply with California Government Code Section 65850.7.

15.65.020 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 the utilization of one or more of the following:
 - 1. Electronic mail or email.
 - 2. The internet.
 - 3. Facsimile.

15.65.030 Title, Words and Phrases.

This Chapter shall be known as the City of Fortuna's Electric Vehicle Charging Station Permit Expediting Ordinance. The terms, phrases, and words used in this Chapter shall be construed in compliance with the definitions set forth by California Government Code Section 65850.7.

15.65.040 Expedited Electric Vehicle Charging Station Permitting.

Electric Vehicle Charging Stations which qualify for expedited permit processing, pursuant to Government Code Section 65850.7, shall be subject to the administrative permitting procedures set forth in this Chapter.

15.65.050 Expedited Review Process.

Consistent with Government Code Section 65850.7, the Building Official shall implement an expedited administrative permit review 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 administrative permit review process and checklist may refer to the recommendations in the checklist prescribed by 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. The City's adopted checklist shall be published on the City's website.

15.65.060 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 meets the requirements of the City adopted checklist, and is consistent with all applicable laws and health and safety standards, the 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 City. If the Building Official determines that the permit application is incomplete, he or she shall 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.

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

15.65.070 Association Approval.

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.

15.65.080 Permit Application Processing.

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 are consistent with all applicable laws, the 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 City. If the Building Official determines that the permit application is incomplete, he or she shall 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.

15.65.090 Technical Review.

It is the intent of this Chapter to encourage the installation of electric vehicle charging stations by removing obstacles to permitting charging stations so long as the action does not supersede the Building Official's authority to address higher-priority life-safety situations. If the Building Official makes a finding based on substantial evidence that the electric vehicle charging station could have a specific adverse impact upon public health or safety, as defined in Government Code 65850.7, the City may require the applicant to apply for a use permit.

15.65.100 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.