

ORDINANCE NO. 2017-317

**AN ORDINANCE OF THE TOWN OF WINDSOR
ADDING CHAPTER 6 TO TITLE VII OF THE TOWN OF WINDSOR CODE TO
ESTABLISH AN EXPEDITED STREAMLINED PERMITTING PROCESS FOR
ELECTRIC VEHICLE CHARGING STATIONS**

WHEREAS, the State of California and the Town of Windsor desire to promote and encourage the use of fuel-efficient electric vehicles; and

WHEREAS, on October 8, 2015, Governor Jerry Brown signed AB1236, amending Government Code Section 65850.7, which requires local agencies to adopt an ordinance that creates an expedited and streamlined permitting process for electric vehicle charging stations; and

WHEREAS, the Town Council of the Town of Windsor seeks to implement AB 1236 through the creation of an expedited, streamlined permitting process for electric vehicle charging stations; and

WHEREAS, the Town of Windsor has established the required checklist of all requirements with which electric vehicle charging stations shall comply with in order to be eligible for expedited review; and

WHEREAS, the Town Council of the Town of Windsor finds that it is in the interest of the health, welfare, and safety of the public to provide an expedited, streamlined permitting process to encourage and facilitate the convenient development of electric vehicle charging stations; and

WHEREAS, the Town Council held a public hearing on September 20, 2017 introducing and holding a first reading of the proposed ordinance, wherein all members of the public wishing to speak on the proposed ordinance or guidance documents were given a chance to address the Council.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF WINDSOR DOES
HEREBY ORDAIN AS FOLLOWS:**

Section 1: The above recitals constitute a part of the findings made by the Town Council in adopting this Ordinance.

Section 2: Chapter 6 is hereby added to Title VII of the Town of Windsor Code to read as follows:

EXPEDITED STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS

7-6-100 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 intended to comply with the requirements of California Government Code Section 65850.7, as it may be amended from time to time. This chapter allows the Town of Windsor to achieve these goals while protecting public health and safety.

7-6-105 Applicability.

This chapter applies to the permitting of all electric vehicle charging stations in the Town of Windsor. Electric vehicle charging stations legally established or permitted prior to the effective date of this ordinance 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 a system in such a way as to require new permitting. Routine operations and maintenance or in-kind replacements shall not require a permit.

7-6-110 Definitions.

As used in this chapter:

- A. **“Building Official”** means the Building Official for the Town of Windsor or the Building Official’s designee.
- B. **“Electric vehicle charging station” (EVCS) 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, in effect on the date of permit issuance, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.
- C. **“Electronic submittal”** means the utilization of one or more of the following:
 - 1. Email;
 - 2. Internet;
 - 3. Facsimile.
- D. **“Expedited permitting process” or “expedited review”** means the process outlined in Section 7-6-115 for permit review and inspection requirements.
- 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.

F. **“Town”** means the Town of Windsor.

7-6-115 Expedited permitting process.

The Building Official shall implement an expedited streamlined permitting process for electric vehicle charging stations, and 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 Town’s adopted checklist shall be published on the Town’s website and shall be accessible to the public.

7-6-120 Electric vehicle charging station requirements.

All electric vehicle charging stations shall meet applicable health and safety standards and requirements imposed by the State, the Town of Windsor, and Rincon Valley and Windsor Fire Protection Districts. Electric vehicle charging stations shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

7-6-125 Duties of Building Division and Building Official.

All documents required for the submission of an expedited electric vehicle charging station application shall be made available on the publicly accessible Town of Windsor website. Electronic submittal of the required permit application and documents by email, the internet, or facsimile, shall be made available to all electric vehicle charging station permit applicants.

The Town of Windsor’s Building Division shall adopt and maintain a standard plan and checklist of all requirements with which electric vehicle charging stations shall comply to be eligible for expedited review.

The electric vehicle charging station permit process, standard plan(s), and checklist(s) shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the Zero-Emission Vehicles in California: Community Readiness Guidebook published by the Governor’s Office of Planning and Research.

All fees prescribed for the permitting of electric vehicle charging stations must comply with Government Code Sections 65850.55, 66015, and 66016, and State Health and Safety Code Section 17951, as the same may be amended from time to time.

7-6-130 Permit review and inspection requirements.

The Town of Windsor’s Building Division shall adopt an administrative, nondiscretionary review process to expedite approval of electric vehicle charging stations within 30 days of the

adoption of the ordinance codified in this chapter. The Building Division shall issue a building permit or other nondiscretionary permit the same day for over-the-counter applications, or within one to three business days for electronic applications, of receipt of a complete application that meets the requirements of the approved checklist and standard plan.

If an application 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 permit issuance shall be sent to the applicant for resubmission.

Review of the application shall be limited to the Building Official's determination of whether the application meets local, state, and federal health and safety requirements. The Building Official may require an applicant to apply for a use permit if the Building Official finds, based on substantial evidence, that the electric vehicle charging system could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed to the Planning Commission per Chapter 27.52 Zoning Ordinance.

7-6-135 Discretionary permit period.

If the Building Official determines that an installation could have a specific, adverse impact upon public health and safety, a use permit shall be required and an application must be made to the Planning Division on the form required with all necessary information and fees.

The Planning Commission may deny the use permit only if it adopts written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact.

Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

The Town of Windsor shall not condition approval of an application on the approval of an association, as defined in Section 4080 of the Civil Code.

Section 3: CEQA. This ordinance is exempt from environmental review under the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15378 and 15061(b)(3), as amendments to administrative provisions pertaining to the review and processing of ministerial permits for EV charging stations do not have the potential for causing a significant effect on the environment.


Section 4: Severability. If any section, subsection, sentence clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Town of Windsor Council hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 5: Effective and Operative Dates. This ordinance shall become effective thirty (30) days from adoption pursuant to California Government Code Section 36937.

Section 6: Certification; Publication. The Town Clerk shall cause this ordinance to be published and/or posted within fifteen days after its adoption.

PASSED, APPROVED AND ADOPTED the 1st day of November 2017, by the following vote:

AYES:	COUNCILMEMBERS MILLAN, OKREPKE, SALMON, VICE MAYOR FOPPOLI AND MAYOR FUDGE
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	NONE



DEBORA FUDGE, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK