

All Receive - Agenda Item # 6
For the Information of the:
CITY COUNCIL
Date 9-17-19 CA CC
CM COO DCM (3)



Council Memorandum

September 16, 2019

To: Honorable Mayor Hall and Members of the City Council
From: Marissa Kawecki, Deputy City Attorney *MK*
Via: Scott Chadwick, City Manager
Re: **Additional Materials Related to Staff Report Item No. 6—Amendment to the Carlsbad Municipal Code to Authorize Enforcement of Designated Electric Vehicle Charging Stations in Public Parking Areas**

This memorandum provides a minor change to this ordinance for introduction which would authorize enforcement of designated electric vehicle charging stations in certain public parking areas. If adopted, this ordinance would be codified under section 10.40.190 of the Carlsbad Municipal Code. Subsection A, the defined terms section of the proposed ordinance, has been modified to define the term “connected” (see Exhibit A). Subsection B, the restrictions section of the proposed ordinance, has also been modified to add the word “connected” (see Exhibit A). The purpose of this additional term is to clarify that an electric vehicle must be actively charging or connected for the purpose of charging at all times while parked in an electric vehicle charging station. This requirement is consistent with State Vehicle Code sections 22511 and 22511.1.

Attachments:

A. Ordinance to add section 10.40.190 to the Carlsbad Municipal Code, entitled “Electric vehicle charging stations in public parking areas,” incorporating the aforementioned amendment

cc: Elaine Lukey, Chief Operations Officer
Celia Brewer, City Attorney
Charles Balteria, Public Works Program Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, AMENDING TITLE 10, CHAPTER 10.40 OF THE CARLSBAD MUNICIPAL CODE BY ADDING SECTION 10.40.190 TO AUTHORIZE ENFORCEMENT OF DESIGNATED ELECTRIC VEHICLE CHARGING STATIONS LOCATED IN PUBLIC PARKING AREAS.

WHEREAS, On January 26, 2018, Governor Brown signed Executive Order B-48-18, which set a statewide goal of achieving 5 million zero-emission vehicles in California by 2030;

WHEREAS, in implementing Executive Order B-48-18, the City of Carlsbad seeks to promote and support the growth of electric vehicle infrastructure within city limits by maximizing the utility of, and traffic flow near, electric vehicle charging stations;

WHEREAS, State Vehicle Code section 22511(a)(1) gives local municipalities the authority to designate, by ordinance or resolution, parking stalls or spaces located in an off-street parking facility owned or operated by the municipality for use exclusively as electric vehicle charging stations;

WHEREAS, State Vehicle Code section 22511(a)(2) gives local municipalities the authority to designate, by ordinance or resolution, parking stalls or spaces located on a public street for use exclusively as electric vehicle charging stations;

WHEREAS, State Vehicle Code section 22511 permits a local municipality, provided the municipality has posted signage in conformance with the California Manual of Traffic Control Devices, to remove and store any vehicle that is found illegally parked in parking stalls or spaces located on a public street or in an off-street parking facility owned or operated by the municipality, which are exclusively designated for electric vehicle charging;

WHEREAS, State Vehicle Code section 22511(f) explicitly states that the statute does not interfere with existing law governing the ability of a local municipality to adopt ordinances related to local parking programs;

WHEREAS, State Vehicle Code section 22511.1(a) explicitly states that a vehicle shall not park or occupy a parking space authorized by section 22511 unless the vehicle is connected for electric vehicle charging purposes;

WHEREAS, State Vehicle Code section 22511.1(b) states that a person shall not obstruct, block or otherwise inhibit access to parking spaces designated as electric vehicle charging stations pursuant to section 22511.1(a).

