ORDINANCE NO. 22-008


FACTS

1. The City Council of the City of Pacific Grove (City) regulates parking within City limits and finds that designating parking spaces in public parking lots to allow for the charging of electric vehicles is in alignment with City Council Goal #2 Environmental Stewardship.

2. On April 25, 2022 electric charging stations were put online for (6) designated parking spaces in City Parking Lot #2.

3. California Assembly Bill 1452, which provides that by ordinance a local authority may designate parking spaces for the exclusive purpose of charging and parking a vehicle that is connected for electric charging purposes, codified as California Vehicle Code §22511.

4. The City has determined it is appropriate to impose parking regulations to electric vehicles actively charging in designated City Parking Lot spaces to ensure availability of electric charging stations for Pacific Grove residents, local employees, and visitors.

5. This ordinance amends the Pacific Grove Municipal Code to add Chapter 16.40.710 prohibiting the parking of vehicles not actively charging in a designated electric vehicle charging parking space.

6. In the enactment of this ordinance, the City followed the guidelines adopted by the State of California and published in the California Code of Regulations, Title 14, Section 15000, et seq. and the enactment of this ordinance action does not constitute a “project” as defined by California Environmental Quality Act (CEQA) because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment.

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

SECTION 1. The foregoing Facts are adopted as findings of the City Council as though set forth in fully within the body of this ordinance.

SECTION 2. A new section 16.40.710 shall be added to Chapter 16.40, entitled “Parking in Designated Electric Charging Parking Spaces” shall be created, as follows:
It shall be unlawful for any person, firm, or corporation to park or leave standing a vehicle in a stall or space on any public street, public parking lot, or other public place designated as an electric vehicle charging space, unless the vehicle is connected and actively charging using City electric vehicle supply equipment.

(a) Statement of Purpose: The purpose of this section is to establish parking regulations for parking stalls designated as electric vehicle charging spaces.

(b) Definitions: For the purposes of this section, the following words and phrases shall have the following meanings:

(1) “Electric vehicle supply equipment” has the same definition as that term is used in the latest published version of the California Electrical Code, that is in effect, and applies to any level or capacity of supply equipment installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

(2) “Electric vehicle charging space” means a parking stall or space designated by the City Traffic Engineer for charging electric vehicles.

(c) Exceptions: Emergency vehicles, utility company vehicles, and commercial vehicles, while in the process of providing emergency services or repairs.

(d) Enforcement: Any violation of this section shall constitute an infraction and may be enforced pursuant to Chapter 1.16 PGMC.

SECTION 3. The City Manager is directed to execute all documents and to perform all other necessary City acts to implement this Ordinance.

SECTION 4. If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 5. In accord with Article 15 of the City Charter, this ordinance shall become effective on the thirtieth (30th) day following its passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 15th day of June, 2022, by the following vote:

AYES: Mayor Peake, Councilmembers Amelio, Coletti, and Poduri.
NOES: None.
ABSENT: Mayor Pro Tem McAdams, Councilmembers Smith and Tomlinson.
APPROVED:

BILL PEAKE, Mayor

ATTEST: SANDRA KANDELL, City Clerk

DATED: 6/17/2022

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney