

TO: Honorable Mayor and City Council
Attention: Laura C. Kuhn, City Manager

FROM: Gerald L. Hobrecht, City Attorney

SUBJECT: ORDINANCE AMENDING CHAPTER 10.20 OF THE VACAVILLE MUNICIPAL CODE RELATING TO THE STOPPING, STANDING, AND PARKING OF VEHICLES AND AMENDING CHAPTER 12.32 OF THE VACAVILLE MUNICIPAL CODE RELATING TO CAMPING WITHIN THE CITY LIMITS (SECOND READING)

DISCUSSION:

In order to promote the use of electric vehicles, the City has installed electric charging stations at various locations within the City for the purpose of refueling electric vehicles. The majority of these charging stations are located within seven City parking lots.

As of January 1, 2012, Section 22511(a) of the Vehicle Code provides that local authorities may designate stalls in parking lots owned or operated by the local authority for the exclusive purpose of parking and charging of electric vehicles. The statute defines an "electric vehicle" as any car, truck, or other vehicle that does not produce tailpipe or evaporative emissions or a plug-in hybrid electric vehicle (PHEV) as that term is used by the State Air Resources Board. The intent of the statute is to limit the use of such spaces to actively charging electric vehicles. Such vehicles cannot otherwise park in these spaces unless connected to the charger and actively charging. By limiting parking to actively charging vehicles, the chargers should become more available to electric vehicles in need of charging. This will eliminate usage by recreational vehicles who are parking in City stalls reserved for actively charging electric vehicles and converting the electricity.

The proposed ordinance would also clarify the City's camping ordinance to prohibit the use of vehicles, such as recreational vehicles, for overnight camping or stays on City property, such as City parking lots.

The proposed ordinance was introduced by title only on April 24, 2012 by a 5-0 vote of the City Council. Upon adoption, the ordinance will take effect thirty (30) days thereafter.

FISCAL IMPACT:

The fiscal impact to the General Fund as a result of this action will involve the cost of producing and placing signs (as required by Vehicle Code Section 22511) at the charging stations in City parking lots.

RECOMMENDATION:

By title only, to adopt the subject ordinance.

ORDINANCE NO. _____

**ORDINANCE AMENDING CHAPTER 10.20 OF THE VACAVILLE MUNICIPAL CODE
RELATING TO THE STOPPING, STANDING, AND PARKING OF VEHICLES AND
AMENDING CHAPTER 12.32 OF THE VACAVILLE MUNICIPAL CODE RELATING TO
CAMPING WITHIN THE CITY LIMITS**

WHEREAS, Section 22511(a) of the Vehicle Code provides that a local authority, by ordinance or resolution, may designate stalls or spaces in an off-street parking facility owned or operated by that local authority for the exclusive purpose of charging and parking a vehicle that is connected for electric charging purposes; and

WHEREAS, Section 22511(f) of the Vehicle Code provides that Section 22511 does not interfere with existing law governing the ability of local authorities to adopt ordinances related to parking programs within their jurisdiction, such as programs that provide free parking in metered areas or municipal garages for electric vehicles; and

WHEREAS, in order to promote and facilitate the use of electric vehicles, the City of Vacaville has provided electric charging stations within the City for the purpose of refueling electric vehicles; and

WHEREAS, an electric vehicle means any car, truck, or other vehicle that does not produce tailpipe or evaporative emissions or is a plug-in hybrid electric vehicle (PHEV), as that term is used by the State Air Resources Board; and

WHEREAS, the City wishes to ensure that the electric charging stations are available for the fueling of electric vehicles as defined herein and not for other purposes, such as the charging of batteries that are not intended or used for the expressed purpose of fueling electric vehicles.

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

SECTION 1. Recitals incorporated. The recitals set forth above are hereby incorporated by reference into this ordinance and made a part hereof.

SECTION 2. Section 10.20.020.X Amended. Section 10.20.020.X of the Vacaville Municipal Code is amended to read in full as follows:

X. Stop, stand or park a vehicle, cart, trailer, stand or other device on any street, alley, parkway or sidewalk for the purpose of distributing or selling food, services or merchandise within three hundred feet of the property line of any public or private school. This restriction on the distribution and sale shall commence thirty minutes before classes convene and continue until thirty minutes after classes end. This restriction shall not apply on days when school is not in session.

SECTION 3. Section 10.20.020.Z Added. Section 10.20.020.Z is added to the Vacaville Municipal Code to read in full as follows:

Z. In a space or stall in an off-street parking facility owned or operated by the city designated for the exclusive purpose of charging and parking a vehicle for electric charging purposes,

which is posted in accordance with Vehicle Code Section 22511, as may be amended or renumbered from time to time, nor shall any person connect any device, item, equipment, or thing to an electric charger located at such space or stall other than a vehicle, as defined herein. As used in this subsection Z;

1. A “vehicle” means a plug-in electric vehicle, including an electric vehicle (“EV”) and a plug-in hybrid electric vehicle (“PHEV”), and
2. An EV means a motor vehicle exclusively powered by an electric propulsion system; and,
3. A PHEV means a motor vehicle primarily powered by an electric propulsion system and secondarily by an internal combustion system, which powers the electric propulsion system when the on-board source of electricity is depleted or discharged.

SECTION 4. Section 12.32.020.A Amended. Section 12.32.020.A of the Vacaville Municipal Code is amended to read in full as follows:

A. “Camp”, “camping”, or “occupy camping facilities” means to do any of the following:

1. To sleep at any time between the hours of 11:00 p.m. and 8:30 a.m. in any of the following places:

a. Outdoors, with or without bedding, sleeping bag, blanket, mattress, tent, hammock, camping facility, or other similar protection, equipment or device;

b. In, on, or under any structure or thing not intended for human occupancy, whether with or without bedding, sleeping bag, blanket, mattress, tent, hammock, camping facility, or other similar protection, equipment or device.

2. To establish or maintain, outdoors or in, on, or under any structure, object or thing not intended for human occupancy, at any time between the hours of 11:00 p.m. and 8:30 a.m., a temporary or permanent place for sleeping by setting up any bedding, sleeping bag, blanket, mattress, tent, hammock, camping facility, or other sleeping equipment or device in such a manner as to be usable for sleeping purposes.

3. To establish or maintain, outdoors or in, on, or under any structure or thing not intended for human occupancy, at any time during the day or night, a temporary or permanent place for cooking or sleeping by setting up any bedding, sleeping bag, blanket, mattress, tent, hammock, camping facility, or other sleeping equipment or device or by setting up any cooking equipment, with the intent to remain in that location overnight.

SECTION 5. Section 12.32.030 Amended. Section 12.32.030 of the Vacaville Municipal Code is amended to read in full as follows:

It is unlawful and a public nuisance for any person or group of persons to camp, occupy camping facilities, or use camping paraphernalia in the following areas:

A. Any public property, improved or unimproved, including, but not limited to, public streets and sidewalks, parks, open space, and other property, not including a space or stall in an off-

street parking facility owned or operated by the city when occupied by a vehicle for electric charging purposes as permitted under Section 10.20.020.Z of this code; or

B. Except as otherwise permitted under Title 14 of this code, including Section 14.74.100 of this code, any private property.

SECTION 6. Severability. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

SECTION 7. Effective Date. This ordinance shall take effect thirty (30) days after passage thereof.

SECTION 8. Publication. This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

I HEREBY CERTIFY that this ordinance was introduced at a regular meeting of the City Council of the City of Vacaville, held on the 24th day of April 2012, and ADOPTED AND PASSED at a regular meeting of the City Council of the City of Vacaville, held on the 8TH day of May, 2012, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

Michelle A. Thornbrugh, City Clerk

Steve Hardy, Mayor

Date: _____