

## ORDINANCE NO. 7,909-N.S.

AMEND BERKELEY MUNICIPAL CODE SECTION 6.24.137, DESIGNATION OF AND RESTRICTIONS FOR ELECTRIC VEHICLE PARKING SPACES, TO ESTABLISH A SCHEDULE OF RATES FOR ELECTRIC VEHICLE CHARGING STATIONS, AND AUTHORIZE THE CITY MANAGER TO ADJUST THE RATES IN ACCORDANCE WITH THE CALIFORNIA PUBLIC UTILITY COMMISSION'S ELECTRICITY RATE INCREASES

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Section 6.24.137 is amended to read as follows:

A. *Designation of Parking Spaces.* The City Traffic Engineer is authorized in accordance with the purposes of this chapter to designate spaces in off-street public parking facilities for the exclusive parking of electric vehicles that are connected to electric vehicle charging stations for the purpose of transfer of electricity to the battery or other energy storage device of an electric vehicle.

B. *Signs or Markings.* Upon designation of a parking space or spaces for the exclusive use of electric vehicles pursuant to Subsection A of this section, the Public Works department shall place signs or markings giving adequate notice that the parking space or spaces are restricted and to be used only for such electric vehicles. The signs or markings shall be in compliance with California Vehicle Code § 22511 indicating that vehicles left standing in violation of the restriction may be removed. The parking restriction shall not apply to the designated parking spaces until the sign or markings have been placed.

C. In parking stalls designated by the use of markings and/or posting as electric vehicle charging stations, only electric vehicles are allowed to park for charging events during designated hours.

D. It is unlawful for the operator of any vehicle to allow a vehicle to park or stand in a designated electric vehicle charging station longer than the posted time limit.

E. It is unlawful for the operator of an electric vehicle to allow that vehicle to park or stand in a designated electric vehicle charging station unless the vehicle is actively conducting a charging event.

F. The police department is authorized to cite and/or remove or cause the removal of vehicles parked in violation of this section in accordance with California Vehicle Code § 22511.

G. Fees for use of electric vehicle charging stations at electric vehicle parking spaces hereinabove set forth in 6.24.137 shall be as follows:

1. Baseline energy fee of \$0.30 per kilowatt-hour, effective from 12:00 a.m. to 4:00 p.m. and from 9:00 p.m. to 12:00 a.m. everyday.
2. Time-of-Use energy fee of \$0.40 per kilowatt-hour, effective from 4:00 p.m. to 9:00 p.m. everyday.
3. Ancillary fee of \$1.50 per charging session.
4. Overstay fee of \$1.00 per minute up to 30 minutes, effective after 4 hours and 15 minutes of charging from 5:00 a.m. to 10:00 p.m. everyday.
5. The City Manager may adjust the energy fees by increments no smaller than one cent (\$0.01).
6. The maximum allowable annual percentage increase in energy fees shall not exceed the annual percentage increase in PG&E's average electric rate, published in Table 1.8 of the California Public Utility Commission's most current Assembly Bill 67 Annual Report on electric and gas utility costs.
7. Adjustments to the energy fees associated with the use of electric vehicle charging stations shall be posted to the City's website no later than 30 days prior to the adjustment.
8. Energy fees may be adjusted no more than once per fiscal year.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on May 14, 2024, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Hahn, Humbert, Kesarwani, Lunaparra, Taplin, Wengraf, and Arreguin.

Noes: None.

Absent: None.