

ORDINANCE NO. 3708

AN ORDINANCE of the City of Port Angeles, Washington amending portions of Chapter 10.20.070 and 13.10.060 of the Port Angeles Municipal Code to allow for the re-sale electricity expressly for EV charging stations by entities other than the City of Port Angeles.

THE CITY COUNCIL OF THE CITY OF PORT ANGELES DO HEREBY ORDAIN

AS FOLLOWS:

**Section 1.** Ordinances 2451 and 2341 as amended, and Chapters 10.20.070 and 13.10.060 of the Port Angeles Municipal Code are hereby amended by amending sections of Chapters 10.20.070 and 13.10.060 as follows:

**10.20.070 Restricted parking zones.**

- A. *"No parking zone"*. No vehicle, except an authorized emergency vehicle, shall park, stand, or stop in a no parking zone as delineated by red curb marking and/or appropriate signs.
- B. *"Loading zone."* No vehicle shall park, stop or stand in a loading zone designated by yellow curb marking and/or appropriate signs, except for the purpose of, and only for such period of time necessary for, expeditious loading or unloading of a commercial or passenger vehicle. In no case shall the stop for loading or unloading of articles or materials or passengers exceed 15 minutes in time.
- C. *"Taxi zone."* No vehicle, other than a for-hire vehicle properly licensed by the City of Port Angeles, shall stop, stand, or park in a taxi zone designated by yellow curb marking and/or appropriate signs.
- D. *"Police zone."* No vehicle, other than one upon official police business, shall stop, stand, or park in a police zone designated by green curb marking and/or appropriate signs.
- E. *"Bus stop."* No vehicle shall park, stop or stand in a bus stop, except a bus, either to lay over in an operating schedule, or while waiting for, loading, or unloading passengers, provided that such bus provides regularly scheduled service with the jurisdiction of the City authority.

F. "Electric Vehicle (EV) Charging" Except for an electric vehicle (EV) that is being charged, no vehicle shall park, stand, or stop in a parking zone designated by curb markings and/or appropriate signs designated solely for the purpose of charging EVs. No EV shall remain in a designated parking zone beyond the period of time necessary to gain a full EV charge or for a period beyond the specific charging station timeframe purchased, whichever is less.

FG. *"Disabled parking zone."*

1. It is a traffic infraction for any person to park a vehicle in a disabled parking zone without a special license plate, or placard, as provided for in RCW 46.16.381. A person charged with a violation hereof shall not be determined to have committed an infraction if he or she produces in court or prior to the court appearance the special license plate, or placard required herein or demonstrates he or she was entitled to the same at the time of being ticketed.

#### **13.10.060 Meters.**

E. The customer shall not install or use equipment or devices to submeter electricity for the purpose of reselling or otherwise apportioning the costs of electric energy usage; except that the Department shall permit the apportionment of electricity for boat mooring establishments, Electric Vehicle Charging Stations, and recreational vehicle (RV) parks under the following circumstances:

1. Electrical service to boat mooring establishments and recreational vehicle parks may be master metered. The Department will not provide meters for individual spaces nor directly bill individual tenants at a boat moorage establishment or recreational vehicle park for which a master metering arrangement has been established.

2. Apportionment of electricity by customer-operator shall be considered a service provided by a boat mooring establishment or recreational vehicle park. The charge for such service shall be reasonable and nondiscriminatory and shall not exceed the operator's average cost per KWH as billed by the City plus the operator's reasonable cost of providing such service, and shall not exceed the proportion of the costs for which the boat moorage or recreational vehicle park tenant is responsible.

3. Operators of Electric Vehicle charging stations may charge for such service by establishing fees. Electric vehicle charging services must comply with metering requirements of section 13.12 and must not interfere with the service of other customers.

**Section 2. - Corrections.** The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of the scrivener's/clerical errors, references to other local, state, or federal laws, codes, rules or regulations, or ordinance numbering, section/subsection numbers and any references thereto.

**Section 3. - Severability.** If any provisions of this Ordinance, or its application to any person or circumstances, are held invalid, the remainder of the Ordinance, or application of the provisions of the Ordinance to other persons or circumstances, is not affected.

**Section 4. - Effective Date.** This Ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED by the City Council of the City of Port Angeles at a regular meeting of said Council held on the 6<sup>th</sup> day of December, 2022.



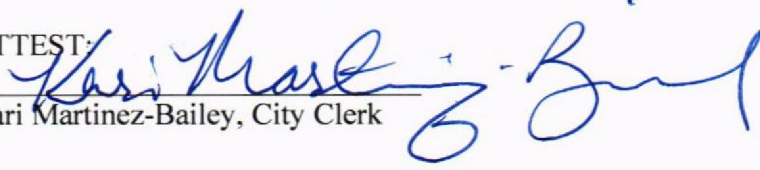
Kate Dexter, Mayor

APPROVED AS TO FORM:



William E. Bloor, City Attorney

ATTEST:



Kari Martinez-Bailey, City Clerk

**Summary of Ordinances Adopted by the Port Angeles City Council on December 6, 2022**

**ORDINANCE NO. 3705**

AN ORDINANCE of the City of Port Angeles, Washington, adopting the 2023 budget for the fiscal year ending December 31, 2023.

**ORDINANCE NO. 3706**

AN ORDINANCE of the City of Port Angeles, Washington, levying regular ad valorem property taxes for collection in the fiscal year 2023, and directing the City Clerk to certify said amount to the Board of Clallam County Commissioners.

**ORDINANCE NO. 3707**

AN ORDINANCE of the City of Port Angeles, Washington, amending the City's 2022 budget.

**ORDINANCE NO. 3708**

AN ORDINANCE of the City of Port Angeles, Washington amending portions of Chapter 10.20.070 and 13.10.060 of the Port Angeles Municipal Code to allow for the re-sale electricity expressly for EV charging stations by entities other than the City of Port Angeles.

These Ordinances, being an exercise of a power specifically delegated to the City legislative body, are not subject to referendum. These Ordinances shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

The full texts of Ordinances are available at City Hall in the Clerk's office, on the City's website at [www.cityofpa.us](http://www.cityofpa.us) or will be mailed upon request.

Kari Martinez-Bailey  
City Clerk

Published by summary: Saturday, December 10, 2022



**Date:** December 6, 2022  
**To:** City Council  
**From:** Mike Healy, *Interim Public Works Director*  
**Subject:** EV Charging Municipal Code

**Summary:** Current municipal code authorizes only the Port Angeles Electric Utility to sell electric power. The attached change to the Code provides for privately owned and operated EV Charging Stations.

**Funding:** No cost to City.

**Recommendation:** Conduct the first reading of the Ordinance amending Sections 10.20.070 and 13.10.040 of the Port Angeles Municipal Code. Staff recommends waiving the second reading to allow for the immediate implementation of privately owned EV charging stations.

**Background / Analysis:** Section 13.10.040 of the Port Angeles municipal code states “No person, firm, company, or utility shall directly or indirectly sell, sublet, assign, or otherwise dispose of to another, electrical power received by him/her/they from the City.” This makes charging users for power from a commercial third-party EV charger illegal in Port Angeles.

Electric vehicles are here to stay, and communities need to increase the charging infrastructure to make the city attractive as a place to live and visit. The City of Port Angeles should not be in the business of large-scale EV charging but can act as a willing facilitator of this necessary service to the benefit of our residents and visitors alike. To increase the availability of EV charging the city code needs to be modified to allow the cost of EV charging infrastructure and electric power consumed to be recouped by the operator.

The attached changes are based on similar municipality’s codes that carve out paying for the use of EV chargers. They are intended to allow for a rapid expansion to EV Charging capabilities within Port Angeles for visitors and residents alike at no additional cost or investment to the municipality while keeping such fees reasonable and affordable. The proposed code changes also provide a penalty for non-electric vehicles using EV charging spaces.

**Funding Overview:**

The attached changes to the Port Angeles municipal code do not increase any costs to the City.