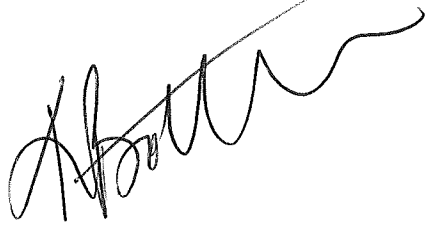


**AN ORDINANCE
BY**



AN ORDINANCE TO AMEND PART III (CODE OF ORDINANCES—LAND DEVELOPMENT CODE), APPENDIX B (ELECTRICAL CODE AMENDMENTS), CHAPTER 1 (ADMINISTRATION), SECTION 101 (TITLE AND SCOPE) OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA TO ADD A NEW SECTION TO BE CODIFIED AS SECTION 101.8 ENTITLED "ELECTRIC VEHICLE CHARGING INFRASTRUCTURE READINESS REQUIREMENT FOR NEW CONSTRUCTION"; TO AMEND CHAPTER 150 (CODE OF ORDINANCES-TRAFFIC AND VEHICLES), ARTICLE II (ADMINISTRATION AND ENFORCEMENT), SECTION 150 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA TO ADD A NEW SECTION TO BE CODIFIED AS SECTION 150-30 ENTITLED "ENFORCEMENT OF ELECTRIC VEHICLE PARKING"; AND FOR OTHER PURPOSES.

WHEREAS, the State of Georgia ranks second in the United States for sales of both electric vehicles ("EV") and plug-in hybrid electric vehicles ("PHEV") with the current population being approximately 25,000 vehicles; and

WHEREAS, the Atlanta Metropolitan Area currently has 80% of the total number of EVs and PHEVs in the State of Georgia at approximately 20,000 vehicles; and

WHEREAS, there has been expressed interest from constituents to have EV and PHEV charging infrastructure available at the locations they frequent, including, but not limited to, multifamily residences, hotels, and office buildings; and

WHEREAS, the City of Atlanta ("City") has seen an increase in commercial development within the City limits due to increased economic development; and

WHEREAS, municipalities have seen growth of EV and PHEV infrastructure and deployment within their respective jurisdictions; and

WHEREAS, the installation of the electric vehicle supply equipment ("EVSE") is made cost effective when the infrastructure is installed during the initial construction phase as opposed to retrofitting existing buildings to accommodate the new electrical equipment; and

WHEREAS, the parking of any non-charging vehicles in parking spaces containing EVSE that are reserved for EV and PHEV charging restricts the availability of EV and PHEV charging equipment, making it difficult for EV and PHEV drivers to charge their vehicles; and

WHEREAS, the City should continue its support of plug-in electric vehicles and its efforts in constructing EV and PHEV charging infrastructure as this further supports the City's sustainability goals.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1. That Part III, Appendix B, Chapter 1, Section 101 of the City of Atlanta Code of Ordinances shall be amended by adding a new Section to be codified as Section 101.8 (Electric Vehicle Charging Infrastructure Readiness Requirement for New Construction), which shall read as follows:

101.8. - Electric Vehicle Charging Infrastructure Readiness Requirement for New Commercial Construction.

(a) Definitions:

(1) Electric Vehicle (EV): An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, powered by an electric motor that draws current from a rechargeable storage battery, fuel cell, photovoltaic array, or other source of electric current which is charged by being plugged into an electrical source. For the purpose of this ordinance, off-road, self-propelled electric vehicles, such as industrial trucks, hoists, lifts, transports, golf carts, airline ground support equipment, tractors, boats, and the like, are not included. an automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, powered by an electric motor that draws current from a rechargeable storage battery, fuel cell, photovoltaic array, or other source of electric current which is charged by being plugged into an electrical source.

(2) Electric Vehicle Supply Equipment (EVSE): The conductors, including the ungrounded, grounded, and equipment grounding conductors, and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

(3) Electric Vehicle Supply Equipment (EVSE) infrastructure: The equipment, as defined by the National Electrical Code, which is provided to support future electric vehicle charging. This shall include, but not be limited to: the design load placed on electrical panels and service equipment to support the additional electrical demand, the panel capacity to support additional feeder / branch circuits, the installation of raceways, both underground and surface mounted, to support the electrical vehicle supply equipment.

(4) Plug-In Hybrid Electric Vehicle (PHEV): An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, powered by an electric motor that draws current from a rechargeable storage battery, fuel cell, photovoltaic array, or other source of electric current which is charged by being plugged into an electrical source, and having a second source of motive power such as gasoline or diesel.

(b) All new Group A, B, E, I, M, R-1 and R-2 occupancies, as regulated by the International Building Code, are required to provide EVSE infrastructure to accommodate

the future installation of Electric Vehicle Supply Equipment. The infrastructure shall be provided per this section.

(1) The EVSE infrastructure shall be installed per the requirements of the current edition of the National Electrical Code (NFPA 70) as adopted and amended by the State of Georgia for enforcement by the City of Atlanta.

(a) The off road parking provided for buildings containing Group A, B, E, I, M, R-1 and R-2 occupancies shall have EVSE infrastructure installed at the parking spaces dedicated for the use of the building.

(b) The ratio of electric vehicle parking spaces to non-electrical vehicle parking spaces shall be 1:5.

(2) All new off-road parking, or the expansion of existing off-road parking for buildings supporting Group A, B, E, I, M, R-1 and R-2 occupancies shall include EVSE infrastructure based on the total number of parking spaces established in subsection (b).

(3) The EVSE infrastructure shall include a raceway, which is continuous from the branch circuit / feeder panel location to the future PHEV / EV parking space. The raceway shall be sized and installed per the National Electrical Code; however, in no case shall the EVSE infrastructure raceway be less than 1" (one inch) in size. The EVSE infrastructure raceway shall include a pull rope or line installed for future conductor installation, with the raceway sealed and labeled for future use.

(4) The electrical equipment room, when provided for new Group A, B, E, I, M, R-1 and R-2 occupancies must have a dedicate space for the future installation of EVSE. This space shall be identified on all construction documents submitted for review, and the dedicate space shall not allow for violation of the National Electrical Code prescriptive requirements regulating working space clearances around equipment, or violation of the National Electrical Code prescriptive requirements governing the entrance to and egress from electrical equipment working space.

(5) During construction of the electrical equipment room, all raceways installed for the EVSE infrastructure shall terminate at the space dedicated for the future EVSE installation.

(6) Prior to the final electrical inspection approval, the space dedicated within the electrical equipment room for the future EVSE installation shall have the wall stenciled or marked legibly with the following text: "FUTURE ELECTRIC VEHICLE CHARGING EQUIPMENT AND PANELS".

(7) The proposed placement and installation of EVSE infrastructure or equipment shall not allow for any violation of the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101).

- (8) The placement of EVSE shall not create a trip hazard or violation of the accessible path of travel when the cord is connected to an EV or PHEV.

SECTION 2. That Part III, Appendix B, Chapter 1, Section 101 of the City of Atlanta Code of Ordinances shall be amended by adding a new Section to be codified as Section 101.9 (Electric Vehicle Charging Infrastructure Readiness Requirement for New Residential Construction), which shall read as follows:

101.9. - Electric Vehicle Charging Infrastructure Readiness Requirement for New Residential Construction.

All new Group R-3 occupancies, as regulated by the International Building Code, and all new single family dwellings, two-family dwellings and townhomes regulated by the International Residential Code are required to provide EVSE infrastructure to accommodate the future installation of Electric Vehicle Supply Equipment. The infrastructure shall be provided per this section.

(a) The EVSE infrastructure shall be installed per the requirements of the current edition of the National Electrical Code (NFPA 70) as adopted and amended by the State of Georgia for enforcement by the City of Atlanta.

(b) All dwellings regulated by this section shall provide sufficient electrical capacity for a 40-ampere 240-volt branch circuit for the future installation of Electric Vehicle Supply Equipment.

(c) An area shall be provided within the attached or detached garage for placement of Electric Vehicle Supply Equipment.

(d) Absent an attached or detached garage, an underground electrical conduit shall be provided between the dwelling and the designated parking space for the dwelling. The EVSE infrastructure shall include a raceway, which is continuous from the branch circuit / feeder panel location to the future PHEV / EV parking space designated for the dwelling. The raceway shall be sized and installed per the National Electrical Code; however, in no case shall the EVSE infrastructure raceway be less than 1” (one inch) in size. The EVSE infrastructure raceway shall include a pull rope or line installed for future conductor installation, with the raceway sealed and labeled for future use.

SECTION 3. That Chapter 150, Article I, Section 150-1 (Definitions) of the City of Atlanta Code of Ordinances which currently provides as follows:

Sec. 150-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

All-terrain vehicle (ATV) means any motorized vehicle designed for off-road use which is equipped with four low-pressure tires, a seat designed to be straddled by the operator, and handlebars for steering [See O.C.G.A. Section 40-1-1(3)].

Bus lane means the portion of a roadway designated for use by buses.

Central traffic district means all streets and portions of streets within the area described as follows: beginning at the intersection of North Avenue and Marietta Street; thence east on North Avenue to Piedmont Avenue; thence south on Piedmont Avenue to Capitol Avenue to Memorial Drive; thence west on Memorial Drive to Peachtree Street to Spring Street; thence north on Spring Street to Marietta Street; thence north on Marietta Street to North Avenue.

Curb loading zone means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

Freight curb loading zone means a space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight or passengers.

Lane-use control signals means special overhead signals having indications used to permit or prohibit the use of specific lanes of a street or highway or to indicate the impending prohibition of use.

Limited access highway means every highway, street or roadway to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from except at points and in the manner determined by the public authority having jurisdiction over the highway, street or roadway.

Off road vehicle means any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water snow, ice, marsh, swampland, or other natural terrain and not intended for use predominantly on public roads. The term includes, but is not limited to four-wheel drive vehicles, low pressure tire vehicles, and non-highway tire vehicles (See O.C.G.A. § 40-7-3).

Passenger curb loading zone means a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

School crossing means a crossing commonly used by school children in going to and from school and so identified by appropriate signs.

Temporarily handicapped person means a handicapped person whose disability or incapacity can be expected to last for not more than 180 days.

Is hereby amended and modified as follows:

Sec. 150-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

All-terrain vehicle (ATV) means any motorized vehicle designed for off-road use which is equipped with four low-pressure tires, a seat designed to be straddled by the operator, and handlebars for steering [See O.C.G.A. Section 40-1-1(3)].

Bus lane means the portion of a roadway designated for use by buses.

Central traffic district means all streets and portions of streets within the area described as follows: beginning at the intersection of North Avenue and Marietta Street; thence east on North Avenue to Piedmont Avenue; thence south on Piedmont Avenue to Capitol Avenue to Memorial Drive; thence west on Memorial Drive to Peachtree Street to Spring Street; thence north on Spring Street to Marietta Street; thence north on Marietta Street to North Avenue.

Curb loading zone means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

Electric vehicle (EV) means an automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, powered by an electric motor that draws current from a rechargeable storage battery, fuel cell, photovoltaic array, or other source of electric current which is charged by being plugged into an electrical source.

Freight curb loading zone means a space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight or passengers.

Lane-use control signals means special overhead signals having indications used to permit or prohibit the use of specific lanes of a street or highway or to indicate the impending prohibition of use.

Limited access highway means every highway, street or roadway to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from except at points and in the manner determined by the public authority having jurisdiction over the highway, street or roadway.

Off road vehicle means any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water snow, ice, marsh, swampland, or other natural terrain and not intended for use predominantly on public roads. The term includes, but is not limited to four-wheel drive vehicles, low pressure tire vehicles, and non-highway tire vehicles (See O.C.G.A. § 40-7-3).

Passenger curb loading zone means a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

Plug-in hybrid electric vehicle (PHEV) means an automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, powered by an electric motor that draws current from a rechargeable storage battery, fuel cell, photovoltaic array, or other source of electric current which is charged by being plugged into an electrical source, and having a second source of motive power such as gasoline or diesel.

School crossing means a crossing commonly used by school children in going to and from school and so identified by appropriate signs.

Temporarily handicapped person means a handicapped person whose disability or incapacity can be expected to last for not more than 180 days.

SECTION 4. That Chapter 150, Article II, Section 150 of the City of Atlanta Code of Ordinances shall be amended by adding a new Section to be codified as Section 150-30 (Enforcement of Electric Vehicle Parking), which shall read as follows:

Sec. 150-30. – Enforcement of Electric Vehicle Parking

Enforcement of this division, including issuance of citations for vehicles parked in restricted areas, shall be the responsibility of parking enforcement officers, the parking management service, and/or the police chief or his designee.

- (a) No person shall park an internal combustion engine vehicle in electric vehicle parking spaces, as defined by Section 16-29.001(56)(a).
- (b) No person shall park an internal combustion engine vehicle in electric vehicle parking spaces-public use, as defined by Section 16-29.001(56)(c).
- (c) No person shall park any vehicle, including an electric vehicle or plug-in hybrid electric vehicle, in electric vehicle parking spaces, as defined by Section 16-29.001(56)(a) if such vehicle is not in the process of charging.
- (d) No person shall park any vehicle, including an electric vehicle or plug-in hybrid electric vehicle in electric vehicle parking spaces-public use, as defined by Section 16-29.001(56)(c) if such vehicle is not in the process of charging.
- (e) When a violation as described in subsections (a), (b), (c), or (d) above occurs, a citation shall be issued and a mandatory fine of \$35.00 shall be imposed.
- (f) If the mandatory \$35.00 fine set out in subsection (e) above is not paid in full within 14 days of the issuance of the citation, the fine shall increase from \$35.00 to \$70.00.

(g) If the \$70.00 fine set out in subsection (f) above is not paid in full within 45 days of the issuance of the citation, the fine shall increase from \$70.00 to \$95.00.

(h) Should the violator elect to appeal the issuance of the citation described herein to the municipal court, the municipal court, pursuant to the provisions of section 1-8 of the Code of Ordinances, is authorized to impose a civil monetary penalty against persons who violate this section in an amount not to exceed \$1,000.00 for each such violation. Upon the proper filing of an appeal within 14 days of the issuance of the citation, the late fees described in subsections (f) and (g) above will be suspended.

(i) Any fines that are occurred incurred from parking in electric vehicle charging spaces are hereby used solely for the maintenance, purchase, and expansion of infrastructure for electric vehicles within the boundaries of the City of Atlanta.

(j) Any sworn police officer or parking enforcement officer may cause any vehicle to be immobilized if the vehicle has been issued a minimum of three unsatisfied, delinquent citations, in accordance with Section 150-88(h).

SECTION 5. That all ordinances and parts of ordinances in conflict with this ordinance are hereby waived to the extent of the conflict.

Electric Vehicle Legislation Talking Points

Quick History:

- The Atlanta Metro area has 80% of the electric vehicle (EV) population in the State of Georgia: 20,000 vehicles out of 25,000.
- As more people purchase EVs, the need for EV charging infrastructure has increased.
- Developing “EV ready” policies is a way that cities can be supportive and proactive to a rapidly expanding technology.
- Costs of installing EV infrastructure (cable raceway installation and space on electrical box) during construction is a fraction of the cost of adding this infrastructure after construction.
- As vehicles come to the City, they will need spaces to charge their vehicles.
 - Gas vehicles and electric vehicles will take up spaces without using the charging station making it difficult for EV drivers to use their vehicles.

What this legislation does:

- Requires all ***new*** commercial and single family residential built within the City of Atlanta limits to be “EV-ready”
 - Applies to Groups A, B, E, I, M, R-1, R-2, R-3
- Specifies what size conduit wire must be used for EV infrastructure and requires that one of every five (20%) parking spaces in commercial parking decks be EV-ready
- Creates an enforcement mechanism for vehicles that park in dedicated EV charging spaces that are not electric vehicles charging
 - \$35.00 fine that goes to funding future expansion of charging stations within City limits
 - Vehicle immobilization or tow that follows current City guidelines
- **Existing buildings will not be affected by this legislation**

Committee _____
 Date _____
 Chair _____
 Referred To _____

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee _____
 Date _____
 Chair _____
 Referred To _____

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
Readings
 Consent V Vote RC Vote

CERTIFIED

MAYOR'S ACTION

AN ORDINANCE
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AN ORDINANCE TO AMEND PART III (CODE OF ORDINANCES—LAND DEVELOPMENT CODE), APPENDIX B (ELECTRICAL CODE AMENDMENTS), CHAPTER 1 (ADMINISTRATION), SECTION 101 (TITLE AND SCOPE) OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA TO ADD A NEW SECTION TO BE CODIFIED AS SECTION 101.8 ENTITLED "ELECTRIC VEHICLE CHARGING INFRASTRUCTURE READINESS REQUIREMENT FOR NEW CONSTRUCTION"; TO AMEND CHAPTER 150 (CODE OF ORDINANCES—TRAFFIC AND VEHICLES), ARTICLE II (ADMINISTRATION AND ENFORCEMENT), SECTION 150 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA TO ADD A NEW SECTION TO BE CODIFIED AS SECTION 150-30 ENTITLED "ENFORCEMENT OF ELECTRIC VEHICLE PARKING"; AND FOR OTHER PURPOSES.

- CONSENT REFER
- REGULAR REPORT REFER *CDHS*
- ADVERTISE & REFER
- 1ST ADOPT 2ND READ & REFER
- PERSONAL PAPER REFER

Date Referred: _____
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