

ORDINANCE NO. 2026-05
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS AMENDING
CHAPTER 15.110 (ELECTRIC VEHICLE CHARGING SYSTEMS & STATIONS) OF
THE WINTERS MUNICIPAL CODE

WHEREAS, the City of Winters ("City") has authority to adopt this ordinance pursuant to the general police power granted to cities by Article XI, Section 7 of the California Constitution.

WHEREAS, Chapter 15 of the Winters Municipal Code regulates Buildings and Construction; and

WHEREAS, the Office of Planning and Research informed the Community Development Department of noncompliance with Assembly Bill 1236 via email to staff; and

WHEREAS, the City Council held a public hearing on April 21, 2026, on the proposed ordinance to allow public testimony and comment; and

WHEREAS, staff submitted the public hearing notice to the Winters Express on March 27, 2026, and was subsequently published on April 1, 2026; and

WHEREAS, the City Council desires to amend the Winters Municipal Code to gain compliance with Assembly Bill 1236 and Government Code 65850.7 as it pertains to Electric Vehicle Charging Systems & Stations to be consistent with state law.

THE CITY COUNCIL OF THE CITY OF WINTERS DOES ORDAIN AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to add various sections of the text in the Winters Municipal Code necessary to ministerially regulate the permitting of Electric Vehicle Charging Systems & Stations.

Section 2. Addition to Chapter 15.110. Chapter 15 (Electric Vehicle Charging Systems & Stations) of Title 15 (Buildings and Construction) of the Winters Municipal Code is hereby amended in its entirety to read as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

Section 3. Conflicting Laws. To the extent that there is any conflict between the provisions of this Ordinance and any provision of the Winters Municipal Code, an ordinance, or a resolution or policy, all such conflicting provisions shall be superseded by this Ordinance.

Section 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable. This City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

Section 5. CEQA. The City Council finds that no further environmental review is necessary for the project under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (Common Sense Exemption) of Title 14 of the California Code of Regulations (State CEQA Guidelines) because adoption of the ordinance has no potential for resulting in physical change in the environment, directly or indirectly, as it clarifies and furthers the intent and scope of the City's existing not permit or authorize new or increased intensity of uses.

Section 6. Effective Date and Publication. The City Clerk shall certify to the adoption of this Ordinance, and the City Clerk shall cause this Ordinance to be posted or published as prescribed by law. This Ordinance shall take effect thirty (30) days following its adoption.

INTRODUCED on the 21__day of April__, 2026, and **PASSED AND ADOPTED** by the City Council of the City of Winters on this 5th__ day of May_, 2026, by the following vote:

AYES: Council Members Casavecchia, Loren, Scianna, Mayor Pro Tem Biasi, Mayor Vallecillo
NOES: None
ABSENT: None
ABSTAIN: None

CITY OF WINTERS



Albert Vallecillo, Mayor

ATTEST:


Jeremy Craig, City Clerk

Exhibit "A"

Ordinance No. 2026-05

Chapter 15.110 ELECTRIC VEHICLE CHARGING SYSTEMS & STATIONS

15.110.10 Definitions.

(a) "Electric vehicle charging station" or "charging station" means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electric Code and delivers electricity from a source outside an electric vehicle into a plug-in vehicle.

(b) "Electronic submittal" means the utilization of one or more of either electronic mail, the internet, or facsimile.

(c) "Feasible method to satisfactorily mitigate" or "avoid the specific adverse impact" includes, but is not limited to, any cost-effective method, condition or mitigation imposed by the city on another similarly situated application in a prior successful application for a similar permit.

(d) "Specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. (Ord. 2026-05).

15.110.020 Purpose.

The purpose of this chapter is to promote and encourage the use of electric vehicles by creating an expedited, streamlined permitting process for electric vehicle charging stations while promoting public health and safety and preventing specific adverse impacts in the installation and use of such charging stations. (Ord. 2026-05).

15.110.030 Applicability.

Section 65850.7 of the California Government Code provides that every city, county or city and county shall adopt an ordinance that creates an expedited, streamlined permitting process for electric vehicle charging stations.

(a) This chapter applies to the permitting of all electric vehicle charging systems in all areas of the city limits.

(b) Electric vehicle charging systems legally established or permitted prior to the effective date of the chapter are not subject to the requirements of this chapter unless physical modifications or alterations are undertaken that materially change the size, type or components of an electric vehicle charging system in such a way as to require

new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit. (Ord. 2026-05).

15.110.040 Electric vehicle charging system requirements.

(a) All electric vehicle charging systems shall meet the requirements of the California Electrical Code, the Society of Automotive Engineers, the National Electric Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories, and rules of Public Utilities Commission regarding safety and reliability.

(b) Installation of electric vehicle charging stations shall be incorporated into load calculations of all new or existing electrical services and shall meet the requirements of the California Electric Code. Electric vehicle charging equipment shall be considered a continuous load.

(c) Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the California Building or Residential Code as applicable per occupancy, and the provisions of the manufacturer's installation instructions. Mounting of charging stations shall not adversely affect building elements.

(d) Electric vehicle charging stations shall be located on a parcel appropriately zoned for such use, as determined by the director of the planning and building services department. Any determination by the planning and building services department director that an electric vehicle charging station is not allowed on a particular parcel as a result of that parcel's zoning is appealable to the city council in accordance with Chapter 2.44 (Hearings and Appeals). The requirements detailed in this chapter for the acceptance and issuance of a building permit application for an electric vehicle charging station shall not commence until after the city council has rendered its decision on said appeal filed pursuant to Chapter 2.44 (Hearings and Appeals). (Ord. 2026-05).

15.110.050 Duties of the Chief Building Official.

(a) All documents required for the submission of an electric vehicle charging system application shall be made available to the public on the city's website.

(b) Within thirty days of the effective date of the ordinance codified in this chapter, the planning and building services department shall make a checklist of all requirements with which electric vehicle charging systems shall comply to be eligible for expedited review available to the public.

(c) The electric vehicle charging system permit process and checklist shall substantially conform to the recommendations contained in the most recent version of the Plug-in Electric Vehicle Infrastructure Permitting Checklist contained in the Zero-Emission Vehicles in California: Community Readiness Guidebook adopted by the Governor's Office of Planning and Research.

(d) The Chief Building Official shall allow the electronic submittal of the electric vehicle charging station application. (Ord. 2026-05).

15.110.060 Permit review requirements.

(a) Review of the permit application shall be limited to the Chief Building Official's review of whether the application meets local, state, and federal health and safety requirements. The application shall be administratively reviewed by the Chief Building Official as a nondiscretionary permit.

(b) The city shall not condition approval of an application on the approval of an association, as that term is defined by Civil Code Section 4080.

(c) An application for an electric vehicle charging station shall be deemed complete and the permit available for issuance, when the Chief Building Official determines that the application satisfies all requirements found in the checklist.

(d) If an application is deemed incomplete, a written plan check correction notice will be available to the applicant within ten working days, detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be given to the applicant for resubmission. If, at any time, legislation is adopted that requires review for acceptance and issuance of a permit in less time than indicated in this section, the Chief Building Official shall comply with said legislation. The checklist provided by the planning and building services department pursuant to Section 15.110.050, and any other pertinent information pertaining to submittal of an application, shall indicate any new time limits that may be established by the legislature after adoption of this chapter.

(e) The Chief Building Official, in consultation with the city Planner and building services department, may require an applicant to apply for a use permit if the Chief Building Official finds, based on substantial evidence, that the electric vehicle charging station could have a specific, adverse impact upon the public health and safety. Any such use permit shall be submitted and will be considered in accordance with Chapter 17.20 (Use Permits) of this code.

(1) If the applicant is not satisfied with the Chief Building Official's determination that a use permit is required, he/she may, within thirty days after such action, appeal in writing to the planning commission by filing an appeal with the planning and building service department and paying the fee established by the city council for appeals to the planning commission.

(A) Public Hearing. Within sixty days of filing an appeal with the planning and building services department, the appeal shall be scheduled for public hearing before the planning commission. Notice of the hearing shall be given by publication at least one time in a newspaper of general circulation, and by mail or delivery to the subject property owner and applicant and to all record owners of property immediately adjacent

to the subject property, at least ten days prior to the hearing. If there is no newspaper in general circulation, the notice will be posted in at least three public locations, as determined by the director of the planning and building services department. Any appeal hearing shall be de novo.

(B) Appeal to the City Council. Any interested party not satisfied with the planning commission's decision may appeal to the city council within ten days of the planning commission's action regarding the appeal. Such an appeal shall be submitted in writing to the city clerk, along with the appropriate fee established by the city council for appeals and shall detail the basis for the appeal. Whenever possible, the city council shall hold a public hearing on the appeal within sixty days of receipt by the clerk. Notice of the hearing shall be given by publication at least one time in a newspaper of general circulation, and by mail or delivery to the subject property owner and to all record owners of property immediately adjacent to the subject property, at least ten days prior to the hearing. If there is no newspaper in general circulation, the notice will be posted in at least three public locations, as determined by the director of the planning and building services department. Any appeal hearing shall be de novo.

(f) If a use permit is required, the application for the use permit may be denied if the planning commission, or city council on appeal, makes written findings, based on substantial evidence in the record, that the proposed installation would have a specific, adverse impact upon the public health or safety and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. Such findings shall include the basis for the rejection of potential feasible alternatives for preventing the specific, adverse impact. (Ord. 2026-05).