



**CITY OF ALBANY  
CITY COUNCIL AGENDA  
STAFF REPORT**

Agenda Date: July 16, 2018  
Reviewed by:NA

**SUBJECT:** Ordinance No. 2018-06 Amending to Section 9-1 “General Provisions” and Section 9-10 "Stopping, Standing and Parking” of the Albany Municipal Code

**REPORT BY:** Claire Griffing, Sustainability & Resilience Manager

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**SUMMARY**

Ordinance No. 2018-06 amending Section 9-1 “General Provisions” and Section 9-10 "Stopping, Standing and Parking” of the Albany Municipal Code defines electric vehicle charging spaces and establishes enforcement authority to ensure proper use of these designated spaces.

**STAFF RECOMMENDATION**

That the Council adopt Ordinance No. 2018-06 approving amendments to Section 9-1 “General Provisions” and Section 9-10 "Stopping, Standing and Parking” of the Albany Municipal Code - Second Reading - Pass to print.

**BACKGROUND**

At the July 2, 2018 City Council meeting, the City Council voted 5-0 to approve the ordinance for first reading.

**DISCUSSION**

The Ordinance is before Council for Second Reading – Pass-to-Print. If approved, a summary of the Ordinance will be published, and the Ordinance will be posted at each of the City’s posting locations (City Hall, Community Center, Senior Center, and the City’s website). The Ordinance will go into effect 30 days following adoption.

**Attachments**

1. Ordinance No. 2018-06 “An Ordinance of the Albany City Council Amending Section 9-1 ‘General Provisions’ and Section 9-10 ‘Stopping, Standing, and Parking’ of the Albany Municipal Code”

**ORDINANCE NO. 2018-06**

**AN ORDINANCE OF THE ALBANY CITY COUNCIL AMENDING SECTION 9-1  
“GENERAL PROVISIONS” AND SECTION 9-10 “STOPPING, STANDING AND  
PARKING” OF THE ALBANY MUNICIPAL CODE**

**WHEREAS**, Albany's Climate Action Plan, adopted in 2010, establishes a goal of reducing greenhouse gas emissions by 25% by the year 2020, and the General Plan includes additional reduction goals of 60% by 2035 and net zero emissions by 2050; and

**WHEREAS**, through the Climate Action Plan, the City of Albany has adopted a policy to incentivize electric and plug-in hybrid vehicles through development of automobile charging infrastructure and preferential street parking spaces; and

**WHEREAS**, the Bay Area Air Quality Management District awarded the City of Albany \$12,000 for the purchase of four ChargePoint Level 2 electric vehicle charging stations; and

**WHEREAS**, this project is included in the City’s Capital Improvement Plan and chargers are scheduled for installation in early fall 2018; and

**WHEREAS**, the City of Albany will operate and maintain the stations for its intended purpose of providing public electric vehicle charging sources for a minimum of three years; and

**WHEREAS**, updates to Chapter IX of the Albany Municipal Code – Motor Vehicles and Traffic are necessary to keep regulations current to include the evolving automobile industry.

1           NOW, THEREFORE, THE ALBANY CITY COUNCIL ORDAINS AS  
2 **FOLLOWS:**

3  
4 **SECTION 1: CHAPTER 9 OF THE ALBANY MUNICIPAL CODE, SECTION 9-1**  
5 **TITLED “GENERAL PROVISIONS” IS HEREBY AMENDED AS FOLLOWS:**

6 **9-1    GENERAL PROVISIONS.**

7 **9-1.1   Definitions.**

8 Editor's Note: For State law definitions contained in Vehicle Code, see Veh. C.A. §§100 to 676.

- 9  
10 a. Whenever any words or phrases used in this Chapter are not defined herein, but are now  
11 defined in the Vehicle Code, such definitions are incorporated herein and shall be deemed to  
12 apply to such words and phrases used in this Chapter as though set forth in this subsection in  
13 full.
- 14 b. The following words and phrases when used in this Chapter shall, for the purposes of this  
15 Chapter, have the meanings respectively ascribed to them in this subsection:

16 *Active charging* means that the connector from the charger is inserted into the electric vehicle  
17 inlet and electrical energy is being transferred for the purpose of recharging the batteries on  
18 board the electric vehicle.

19  
20 *Electric vehicle* means any motor vehicle registered to operate on California public roadways  
21 and operates, either partially or exclusively, on electrical energy. “Electric vehicle” includes but  
22 is not limited to: a battery electric vehicle and a plug-in hybrid electric vehicle.

23 *Electric vehicle charging space* means a parking space in the public right-of-way or on City  
24 property designated for public use that is served by battery charging station equipment that has  
25 as its primary purpose the transfer of electrical energy to a battery or other energy storage device  
26 in an electric vehicle.

27  
28 *Holidays* where used in this chapter or on official signs, shall mean the following days:

- 1 • New Year's Day (January 1)
- 2 • Martin Luther King, Jr. Day (third Monday in January)
- 3 • President's Day (third Monday in February)
- 4 • Memorial Day (last Monday in May)
- 5 • Independence Day (July 4)
- 6 • Labor Day (first Monday in September)
- 7 • Columbus Day (second Monday in October)
- 8 • Veterans Day (November 11)
- 9 • Thanksgiving Day (fourth Thursday in November)
- 10 • Christmas Day (December 25)

12 If any of the holidays enumerated above shall fall upon a Sunday, then the Monday following  
13 shall be considered as the holiday.

14 *Loading Zone* shall mean the space adjacent to a curb reserved for the exclusive use of vehicles  
15 during the loading or unloading of passengers or materials.

17 *Official time standard.* Whenever certain hours are named in this Chapter, they shall mean  
18 Standard Time or Daylight Saving Time, as may be in current use in the City.

20 *Oversized vehicles* shall mean any vehicle or combination of vehicle and trailer or dolly the  
21 dimension of which exceed twenty-two (22') feet in length, or ninety (90") inches in width, or  
22 ninety-six (96") inches in height or has a gross vehicle weight of eight thousand (8,000) pounds or  
23 greater.

24 *Park* shall mean to stand or leave standing any vehicle, whether occupied or not, otherwise than  
25 temporarily for the purpose of, and while actually engaged in loading or unloading of passengers  
26 or materials.

28 *Parkway* shall mean that portion of a street other than a roadway or a sidewalk.

1  
2 *Passenger loading zone* shall mean the space adjacent to a curb reserved for the exclusive use of  
3 vehicles during the loading or unloading of passengers.  
4

5 *Pedestrian* shall mean any person afoot.  
6  
7

8 *Police Officer* shall mean every Officer of the Police Department of this City, or any Officer  
9 authorized to direct or regulate traffic or to make arrests for violation of traffic regulations.  
10

11 *Recreational Vehicle* shall mean both of the following:

12 a. A motor home, travel trailer, truck camper, or camping trailer, with or without motive power,  
13 designed primarily for human habitation for recreational, emergency, or other occupancy that  
14 meets all of the following criteria:

15 1. It is built on a single chassis.

16 2. It is either self-propelled, truck-mounted, or permanently towable on the highways  
17 without a permit.

18 b. A park trailer, as defined in Section 18009.3 of the Health and Safety Code. (Amended Sec. 2,  
19 Ch. 566, Stats. 2000. Effective January 1, 2001.)  
20

21 *Stop when required*, shall mean complete cessation of movement.  
22

23 *Stop or stand when prohibited* shall mean any stopping or standing of a vehicle, whether  
24 occupied or not, except when necessary to avoid conflict with other traffic, or in compliance with  
25 the direction of a Police Officer or official traffic-control device.

(Ord. #58-016, Art. I, §§1 to 8, 10, 11; 1958 Code §20.1; New; Ord. #97-08; Ord. #2010-05, §1)

26 **SECTION 2: CHAPTER 9 OF THE ALBANY MUNICIPAL CODE, SECTION 9-10**  
27 **TITLED “STOPPING, STANDING AND PARKING” IS HEREBY AMENDED AS**  
28 **FOLLOWS:**

1 **9-10.27 Electric Vehicle Parking Regulations.**

2 No person shall park any non-electric vehicle in a parking space that is designated as an electric  
3 vehicle charging space. Further, no person shall park an electric vehicle in an electric vehicle  
4 charging space when not performing active charging. No person shall park an electric vehicle in  
5 an electric vehicle charging space beyond the days and hours specified. The City Manager or  
6 his/her designee shall designate the location, days, and hours when electric vehicle parking is  
7 regulated by this section. The amount of the fine for violation of any of the provisions in this  
8 section shall be established in the Master Fee Schedule. The Police Department may remove and  
9 impound any vehicle that is in violation of any of the provisions in this section.  
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11

12 **SECTION 3: PUBLICATION AND EFFECTIVE DATE.**

13 This ordinance shall be posted at three public places within the City of Albany and shall become  
14 effective thirty days after the date of its posting.

15 **PASSED AND ADOPTED** by the City Council of the City of Albany at its meeting on the  
16 \_\_\_\_\_, by the following vote:

17  
18 AYES:

19 NOES:

20 ABSENT:

21 ABSTAIN:

22  
23 \_\_\_\_\_  
24 PEGGY MCQUAID, MAYOR  
25  
26  
27  
28