



Legislation Text

File #: 120040, **Version:** 1

120040

SUBSTITUTE 1

110141

ALD. KOVAC

A substitute ordinance relating to electric vehicle charging stations.

101-25-1 am

101-27.8 cr

101-34-2-b am

101-34-7-b am

309-22 cr

This ordinance authorizes the department of public works to set aside sites for the exclusive use of electric vehicle recharging by the public, prohibits parking at these recharging stations unless recharging electric vehicles, authorizes the sale of electric vehicle recharging services to the public and proscribes the pricing method for the recharging services sold.

The price these recharging services shall include:

1. The cost of the electricity itself.
2. All applicable taxes.
3. Related capital, operating and maintenance costs.
4. A site fee for out-of-pocket site costs and lost city revenues if the site was used for another purpose.
5. The cost of credit card processing or other direct sale costs.
6. A 1.5% premium on cost of the electricity sold.

In addition, this ordinance stipulates the penalties for illegally parking at an electric vehicle recharging station will be the same as the penalties for illegally parking vehicles at city parking meters.

Whereas, Common Council File Number 110141, adopted July 26, 2011, authorizes the Department of Administration - Office of Environmental Sustainability to spend Energy Efficiency Conservation Block Grant funding to locate electric vehicle charging stations on city property; and

Whereas, The use of electric vehicles promotes the health and welfare of Milwaukee

residents by enhancing air quality; and

Whereas, The incipient demand for public electric vehicle recharging stations is underserved by existing private-sector recharging stations at Milwaukee Area Technical College and Schlitz Park; and

Whereas, Providing an infrastructure of electric vehicle recharging stations on city property will promote the greater use of electric vehicles, which will in turn increase demand for public electric vehicle recharging stations, prompting the private sector to enter the market; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 101-25-1 of the code is amended to read:

101-25. Towing Away of Vehicles.

1. AUTHORITY. Whenever any police officer, or the commissioner of public works or any of the commissioner=s designees finds a vehicle standing upon any highway in violation of ss. 101-3, 101-22.5, 101-23, 101-23.2, 101-24, 101-24.1, 101-24.2, 101-26, 101-26.5, 101-26.7, 101-27, >>101-27.8, <<101-29 and 101-32, the officer, or commissioner of public works or the commissioner’s designee is authorized to remove the vehicle to either private or public parking or storage premises. The removal may be performed by or under the direction the officer, or the commissioner or public works or the commissioner=s designee, or a towing contractor under contract with the city. The vehicle reclamation charge that is imposed in order to reclaim a vehicle under this section shall be \$105 per vehicle and \$20 for each day of storage. An additional reclamation charge shall be imposed for the actual costs, including costs of labor, incurred in the treatment, disposal, removal or abatement of any substance, chemical or other material contained within or upon a vehicle when, in the judgment of the commissioner or commissioner’s designee, such action is necessary to render the vehicle into a safe and sanitary condition. The vehicle reclamation charge shall be paid to the commissioner of public works at the storage facility and the vehicle may be released from storage upon payment of all vehicle reclamation charges and presentation of proper identification. A notice informing the owner of the location of the vehicle, the procedure for reclaiming the vehicle and the availability of a review before the city attorney shall be mailed to the last known address within 24 hours after removal.

Part 2. Section 101-27.8 of the code is created to read:

101-27.8. Electric Vehicle Recharging Stations.

1. FINDINGS. The common council finds the use of electric vehicles promotes the health and welfare of residents by enhancing air quality, and finds further that locating electric recharging stations in the city for the exclusive use of recharging electric vehicles promotes the use of electric vehicles.

2. DEFINITONS. a. “Electric vehicle” means any vehicle locomoting solely or partially under electric power provided by a rechargeable battery or other electric power storage device.

b. "Electric vehicle recharging station" means any parking space, either in a parking facility or on the street, or other site set aside by the city with electric recharging facilities for the exclusive use of electric vehicles when recharging the batteries or other devices used to store electric power for locomoting such electric vehicles.

3. RESTRICTIONS. No vehicle shall be permitted to park, stop or stand in an electric vehicle recharging station except an electric vehicle actively recharging the batteries or other electric power storage devices used to locomote the vehicle.

4. SIGNAGE. The commissioner of public works shall post appropriate signs at each electric vehicle recharging station stipulating the parking restrictions and designating each as a tow-away zone.

5. PENALTY. Any vehicle in violation of the restrictions of this section shall be subject to forfeiture as set forth in s. 101-34 and tow away provisions set forth in s. 101-25.

Part 3. Sections 101-34-2-b and 7-b of the code is amended to read:

101-34. Stipulation Procedure; Nonmoving Traffic Violations.

2. FORFEITURE SCHEDULE.

b. Citations issued for violation of ss. 101-27-7-d, >>[101-27.8](#), <<101-30 and 101-32-6: \$22.

7. PENALTY.

b. Violations of ss. 101-27-7-d, >>[101-27.8](#), <<101-30 and 101-32-6: \$22 to \$52.

Part 4. Section 309-22 of the code is created to read:

309-22. Selling Electric Vehicle Recharging Services to the Public. The department of public works may sell electric vehicle recharging services to the public. The price for recharging services shall be set by the commissioner of public works and periodically updated as needed to reflect changes in underlying costs. The price shall include:

1. The cost of the electricity itself.

2. All applicable taxes.

3. A pro rata share of the capital, operating and maintenance costs of the recharging station.

4. A recharging station site fee equal to the pro rata share to out-of-pocket site costs plus a reasonable estimate made by the commissioner of public works of revenues lost by the city, if any, had the site been used in a manner consistent with comparable property.

5. The cost of credit card processing or other direct sale costs.

6. A premium of 1.5% per kilowatt hour of cost of the electricity itself.

APPROVED AS TO FORM

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

Office of Environmental Sustainability

Common Council-City Clerk

Jim R. Owczarski

April 23, 2012

LRB #138741

Aaron Cadle

May 21, 2012