**SB 1291 Sample Ordinance Template**

ORDINANCE NUMBER \_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL / COUNTY BOARD OF SUPERVISORS OF THE CITY OF \_\_\_\_\_\_\_\_\_\_ / COUNTY OF \_\_\_\_\_\_\_\_\_\_
SETTING FORTH PROCEDURES FOR EXPEDITING PERMITTING PROCESSING FOR HYDROGEN FUELING SYSTEMS

WHEREAS the State of California and the City of \_\_\_\_\_\_\_\_\_\_ / County of \_\_\_\_\_\_\_\_\_\_ has consistently promoted and encouraged the use of fuel-efficient hydrogen vehicles; and

WHEREAS, the State of California adopted Senate Bill 1291, which requires local agencies to create and implement an expedited and streamlined permitting process for hydrogen fueling stations; and

WHEREAS, creation of an expedited, streamlined permitting process for hydrogen fueling stations would facilitate convenient refueling of hydrogen vehicles and help reduce the City’s / County’s reliance on environmentally damaging fossil fuels.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF \_\_\_\_\_\_\_\_\_\_ / COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF \_\_\_\_\_\_\_\_\_\_ DOES ORDAIN AS FOLLOWS:

MUNICIPAL CODE / COUNTY CODE CHAPTER \_\_\_\_\_\_\_\_\_\_

SECTION 1. PURPOSE

The purpose of this Chapter is to promote and encourage the use of hydrogen fuel cell electric vehicles by creating an expedited, streamlined permitting process for hydrogen fueling stations while promoting public health and safety and preventing specific adverse impacts in the development and use of such hydrogen fueling stations. This Chapter is also purposed to comply with California Government Code Section 65850.7.

SECTION 2. DEFINITIONS

1. “Hydrogen fueling station” means the equipment used to store and dispense hydrogen fuel to vehicles according to industry codes and standards that is open to the public.
2. “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.
3. “A 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 a city, county, or city and county on another similarly situated application in a prior successful application for a permit.
4. “Electronic submittal” means the utilization of one or more of the following:
	1. Electronic mail or email.
	2. The internet.
	3. Facsimile.

SECTION 3. EXPEDITED PERMITTING PROCESS

 Consistent with Government Code Section 65850.7, the Building Official shall implement an expedited, streamlined permitting process for hydrogen fueling stations and adopt a checklist of all requirements with which hydrogen fueling stations shall comply with in order to be eligible for expedited review. The expedited, streamlined permitting process and checklist may refer to the recommendations found on the Governor’s Office of Business and Economic Development’s website. The City’s / County’s adopted checklist shall be published on the City’s / County’s website.

SECTION 4. PERMIT APPLICATION PROCESSING

1. Prior to submitting an application for processing, the applicant shall verify that the installation of a hydrogen fueling station will not have specific, adverse impact to public health and safety and building occupants. Verification by the applicant includes but is not limited to: architectural, fire, building, electrical, and mechanical plans**.** A permit application that satisfies the information requirements in the City’s / County’s adopted checklist shall be deemed complete and be promptly processed. Upon confirmation by the Building Official that the permit application and supporting documents meet the requirements of the City / County adopted checklist and is consistent with all applicable laws and health and safety standards, the Building Official shall, consistent with Government Code Section 65850.7, approve the application and issue all necessary permits. Such approval does not authorize an applicant to utilize the hydrogen fueling station until approval is granted by the City / County. If the Building Official determines that the permit application is incomplete, a written correction notice shall be issued to the applicant, detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.
2. Consistent with Government Code Section 65850.7, the Building Official shall allow for electronic submittal of permit applications covered by this Ordinance and associated supporting documentation. In accepting such permit applications, the Building Official shall also accept electronic signatures on all forms, applications, and other documentation in lieu of a wet signature by any applicant.

SECTION 5. TECHNICAL REVIEW

1. It is the intent of this Ordinance to encourage the installation of hydrogen fueling stations by removing obstacles to permitting for hydrogen fueling stations so long as the action does not supersede the Building Official’s authority to address higher priority life-safety situations. If the Building Official makes a finding based on substantial evidence that the hydrogen fueling station could have a specific adverse impact upon the public health or safety, as defined in this Chapter, the City / County may require the applicant to apply for a use permit.
2. In the technical review of a hydrogen fueling station, consistent with Government Code Section 65850.7, the Building Official shall not condition the approval for any hydrogen fueling station permit on the approval of such a system by an association, as that term is defined by Civil Code Section 4080.

SECTION 6. HYDROGEN STATION INSTALLATION REQUIREMENTS

 A hydrogen fueling station shall meet all the following, as applicable:

1. Safety and performance standards established by the Society of Automotive Engineers and accredited nationally recognized testing laboratories.
2. All applicable state laws and regulations pertaining to hydrogen fueling, including any rules established by the California Air Resources Board, California Energy Commission, or California Department of Food and Agriculture regarding safety, reliability, weights, and measures.
3. National Fire Protection Association, Hydrogen Technologies Code - NFPA 2
4. Guidance established by the Governor’s Office of Business and Economic Development, as outlined in the Hydrogen Station Permitting Guidebook.

SECTION 7. Any provision of the City of \_\_\_\_\_\_\_\_\_\_ Municipal Code / County of \_\_\_\_\_\_\_\_\_\_ County Code or appendices thereto, inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, are hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 8. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council / County Board of Supervisors hereby declares that it would have passed this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 9. The Mayor shall sign and the City / County Clerk shall attest to the passage of this Ordinance. The City / County Clerk shall cause this Ordinance, or a summary thereof to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective on [enter date].

APPROVED AS TO FORM:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NAME

City Attorney / County Counsel