

Resolution

No. 22-223

REFERRING TO THE PLANNING COMMISSIONS
AND ADVISORY COMMITTEES TO THE MAUI
PLANNING COMMISSION A PROPOSED BILL TO
FACILITATE THE USE OF ELECTRIC VEHICLES

WHEREAS, the Council is considering a proposed bill to facilitate the use of electric vehicles; and

WHEREAS, Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, requires the appropriate Planning Commissions to review proposed land use ordinances and amendments and provide findings and recommendations to the Council; and

WHEREAS, Section 2.28.050, Maui County Code, authorizes Advisory Committees to provide recommendations to the Maui Planning Commission on matters within their respective community plan areas; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it refers the proposed bill entitled "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 10.78 AND AMENDING CHAPTER 19.36B, MAUI COUNTY CODE, RELATING TO PARKING SPACES AND CHARGING STATIONS FOR ELECTRIC VEHICLES," attached as Exhibit "1," to the Lānaʻi Planning Commission, Maui Planning Commission, and Molokai Planning Commission for findings and recommendations in accordance with Section 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, and to the Hāna Advisory Committee, South Maui Advisory Committee, and Pāʻia-Haʻikū Advisory Committee for findings and recommendations;
2. That it respectfully requests the Planning Commissions and Advisory Committees transmit their findings as expeditiously as possible; and

3. That certified copies of this resolution be transmitted to the Mayor, the Planning Director, the Lānaʻi Planning Commission, the Maui Planning Commission, the Molokai Planning Commission, the Hāna Advisory Committee, the South Maui Advisory Committee, and the Pāʻia-Haʻikū Advisory Committee.

paf:rem:22-193b

INTRODUCED BY:

Kelly T. King

KELLY TAKAYA KING

ORDINANCE NO. _____

BILL NO. _____ (2022)

**A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 10.78 AND
AMENDING CHAPTER 19.36B, MAUI COUNTY CODE, RELATING TO PARKING
SPACES AND CHARGING STATIONS FOR ELECTRIC VEHICLES**

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Section 291C-71, Hawai'i Revised Statutes, establishes policies to facilitate the use of electric vehicles and, among other things, requires places of public accommodation with 100 parking spaces to have at least one parking space designated as an electric vehicle charging station.

State of Hawai'i Act 75 (2021) states: "Each county may adopt ordinances to enforce the requirements of section 291-71, including the establishment of penalties for failure to comply with the requirements of that section or maintain electric vehicle charging systems in working order."

This Ordinance's purpose is to enforce the requirements of Section 291C-71, Hawaii Revised Statutes.

This Ordinance also has the potential to advance the following policies in the Countywide Policy Plan: "Encourage the use of sustainable energy to power vehicles."

SECTION 2. Article II of Title 10, Maui County Code, is amended by adding a new chapter to be appropriately designated and to read as follows:

"Chapter 10.78

ELECTRIC VEHICLE INFRASTRUCTURE

Sections:

- 10.78.010 Purpose.
- 10.78.020 Definitions.
- 10.78.030 Parking privileges.
- 10.78.040 Charging systems.
- 10.78.050 Alternatives and exemptions.

10.78.010 Purpose. This chapter's purpose is to facilitate the use of electric vehicles, including by enforcing section 291-71, Hawai'i Revised Statutes.

10.78.020 Definitions. Whenever used in this chapter, unless the context otherwise requires:

"Alternating current level 2 charging station," also referred to as "level 2 charging station," means an electric vehicle charging system that uses alternating current electricity providing at least six kilowatts per plug with a system that:

A. Is capable of providing electricity from a non-vehicle source to charge the batteries of one or more electric vehicles.

B. Meets recognized standards and protocols including Society of Automotive Engineers (SAE) J1772™ of SAE International and Tesla protocol.

C. Is designed and installed in compliance with chapter 16.18B.

"Electric vehicle" means any of the following:

A. A neighborhood electric vehicle as defined in this section.

B. A vehicle, with four or more wheels, that draws propulsion energy from a battery with at least four kilowatt hours of energy storage capacity that can be recharged from an external source of electricity.

C. A fuel cell electric vehicle.

"Electric vehicle charging system," excludes facilities or systems for refueling the hydrogen storage tank of a fuel cell electric vehicle with a system that:

A. Is capable of providing electricity from a non-vehicle source to charge the batteries of one or more electric vehicles.

B. Meets recognized standards, including standard SAE J1772 of SAE International.

C. Is designed and installed in compliance with chapter 16.18B.

“Fuel cell electric vehicle” means a zero-emission electric vehicle that uses a fuel cell to convert hydrogen gas and oxygen into electricity that is used in a vehicle powertrain for propulsion.

“Neighborhood electric vehicle” means a self-propelled, electrically powered motor vehicle to which all of the following apply:

A. The vehicle is emission-free.

B. The vehicle is designed to be and is operated at speeds of twenty-five miles per hour or less.

C. The vehicle has four wheels in contact with the ground.

D. The vehicle has a gross vehicle weight rating of less than three thousand pounds.

E. The vehicle conforms to the minimum safety equipment requirements as adopted in the Federal Motor Vehicle Safety Standard No. 500, Low Speed Vehicles (49 C.F.R. 571.500).

“Networked” refers to electric vehicle charging systems that are able to connect to the internet.

“Place of public accommodation” means a business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the general public as customers, clients, or visitors.

“Plug” means an accessory to an electric vehicle charging system capable of charging a single electric vehicle and compatible with alternating current level 2 charging stations or direct current fast charger protocols.

10.78.030 Parking privileges. Only electric vehicles may be parked in a parking space designated and marked as reserved for electric vehicles. Only electric vehicles that are plugged in with the intent to charge may be parked in a parking space equipped with an electric vehicle charging system that is designated and marked as reserved for electric vehicle charging.

10.78.040 Charging systems. A. All new places of public accommodation are subject to the following electric vehicle charger installation and dedicated, standard size, parking space requirements, for each increment of fifty parking stalls:

1. Networked alternating current level 2 chargers with a total of at least two plugs and two dedicated parking stalls for places of public accommodation constructed by December 31, 2023.

2. Networked alternating current level 2 chargers with a total of at least four plugs and four dedicated parking stalls for places of public accommodation constructed by December 31, 2025.

3. Networked alternating current level 2 chargers with a total of at least six plugs, and six dedicated parking stalls for places of public accommodation constructed by December 31, 2027.

4. Networked alternating current level 2 chargers with a total of at least eight plugs and eight dedicated parking stalls for places of public accommodation constructed by December 31, 2029.

B. All existing places of public accommodation are subject to the following electric vehicle charger installation and dedicated, standard size, parking space requirements, for each increment of fifty parking stalls:

1. Networked alternating current level 2 chargers with a total of at least two plugs and two dedicated parking stalls for places of public accommodation constructed by December 31, 2025.

2. Networked alternating current level 2 chargers with a total of at least four plugs and four dedicated parking stalls for places of public accommodation constructed by December 31, 2027.

3. Networked alternating current level 2 chargers with a total of at least six plugs, and six dedicated parking stalls for places of public accommodation constructed by December 31, 2029.

4. Networked alternating current level 2 chargers with a total of at least eight plugs and eight dedicated parking stalls for places of public accommodation constructed by December 31, 2031.

C. Existing places of public accommodation not subject to subsection 10.78.040(B) must comply with section 291-71, Hawai'i Revised Statutes, by December 31, 2025, and are otherwise subject to the other provisions of this section.

D. All existing electric vehicle chargers must be maintained in good working order.

E. A dedicated parking space must be provided for each electric vehicle plug. Dedicated parking spaces for electric vehicle charging must be clearly marked and include signage that states that parking is only for electric vehicles that are actively charging.

F. At least one of the parking spaces designated for electric vehicles must be an accessible stall, as defined by the Americans with Disabilities Act, and must not displace or

reduce other accessible stalls required by the Americans with Disabilities Act.

G. Electric vehicle charging stations are required to be available for use by the public during such times as the place of public accommodation is also open for public use.

H. Site owners are not precluded from charging a fee for the use of the charging station or additional fees should a vehicle remain in the space after charging has been completed.

10.78.050 Alternatives and exemptions. A. For each set of eight plugs required under section 10.78.040, the requirements may alternatively be met by one direct current fast charger, if there is at least one level 2 compatible plug for each requirement of eight plugs.

B. Places of public accommodation are exempted from the applicable requirements of section 10.78.050 if:

1. Documentation is provided by a qualified professional or the public electric utility verifying the lack of established electrical service or adequate electrical infrastructure to provide electrical service capable of supporting alternating current level 2 charging stations.

2. The location is identified as being in the highest flood risk zone as established by the Federal Emergency Management Agency's Digital Flood Insurance Rate Map.

C. Owners of multiple parking facilities within the State of Hawai'i who intend to use the aggregation allowance in section 291-71, Hawai'i Revised Statutes, must provide the director with documentation to demonstrate that the electric vehicle charging requirements have been met at the time of construction."

SECTION 3. Chapter 19.36B, Maui County Code, is amended by adding the following chapter to be appropriately designated and to read as follows:

"19.36B.130 Electric vehicle charging stations. A. In all zoning districts, places of public accommodation with at least one hundred parking spaces available for use by the general public must have at least one parking space equipped with an electric vehicle charging system located anywhere in the parking structure or lot, unless exempt under section 291-71, Hawaii Revised Statutes; except that no parking space designated for electric vehicles may

displace or reduce accessible stalls required by the Americans with Disabilities Act Accessibility Guidelines.

B. In all zoning districts, no vehicle is permitted to park in a parking space equipped with an electric vehicle charging system while not actively charging.

C. In all zoning districts, electric vehicle charging stations must be designated, clearly marked, and the exclusive designation enforced.

D. Whenever used in this chapter, unless the context otherwise requires:

“Electric vehicle” means the same as in chapter 10.78.

“Places of public accommodation” means the same as in chapter 10.78.”

SECTION 4. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 5. This Ordinance takes effect on approval.

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