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WHEREAS, the City of Rialto (“City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, the City Council desires to ensure that spaces or stalls designated electric charging purposes are being efficiently and properly used for electric charging purposes.

Section 1. INCORPORATION BY REFERENCE

Section 2. ADDITION OF SECTION 10.28.172 AND 10.28.174 TO CHAPTER 10.28

OF THE RIALTO MUNICIPAL CODE

“10.28.172 - Stopping, Standing, and Parking.

10.28.174 - Parking of vehicles in stalls for electric charging purposes.

A. Pursuant to California Vehicle Code Section 22511, the City hereby designates certain stalls and spaces in City owned off-street parking facilities to be for the exclusive purpose

1 of parking and charging a vehicle that is connected for electric charging purposes.

2 B. The City Traffic Engineer, or City Director of Public Works, are authorized to post
3 signs in accordance with California Vehicle Code Section 22511(d)(1) at certain stalls and spaces
4 in City owned off-street parking facilities that require vehicles parked in such stalls and spaces to
5 be connected for electric charging purposes.

6 C. In accordance with California Vehicle Code Section 22511(c)(1), the City may cause
7 the removal and towing of a vehicle parked in a space or stall that is posted for electric charging
8 purposes that is not connected for electric charging purposes.

9 D. This section does not interfere with other or existing laws allowing the City to
10 regulate parking in City owned off-street parking facilities within the City.”

11 **Section 3. AMENDMENT TO SECTION 10.28.295 OF CHAPTER 10.28 OF THE**
12 **RIALTO MUNICIPAL CODE**

13 Section 10.28.295 of Chapter 10.28 is hereby amended and restated in its entirety as
14 follows:

15 **“10.28.295 – Violation**

16 Any violation of any regulation governing standing or parking of a vehicle under this
17 chapter is subject to a civil penalty. The enforcement of these civil penalties is governed by the
18 civil administrative procedure rules set forth in Division 17, Chapter 1, Article 3 of the California
19 Vehicle Code (Section 40200 et seq.). The City Council may establish penalties or fines for
20 violations of this Chapter by resolution.”

21 **Section 4. CEQA**

22 The City Council finds that this ordinance is not subject to the California Environmental
23 Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15060(c)(3) because this activity
24 is not a project as defined by Section 15378 of the CEQA Guidelines, California Code of
25 Regulations, Title 14, Chapter 3, and pursuant to CEQA Guidelines Section 15061(b)(3) because
26 it can be seen with certainty that it will not have a significant effect or physical change to the
27 environment.

28 **Section 5. SEVERABILITY**

1 If any section, subsection, subdivision, sentence, clause, phrase or portion of this
2 ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of
3 competent jurisdiction, then such decision shall not affect the validity of the remaining portions of
4 this ordinance. The City Council hereby declares it would have adopted this Ordinance and each
5 section, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that one
6 or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared
7 invalid or unconstitutional.

8 **Section 6. CERTIFICATION, PUBLICATION, AND EFFECTIVE DATE**

9 The City Clerk shall certify to the adoption of this ordinance and publish and post the
10 ordinance in accordance with Government Code Section 36933. This ordinance shall take effect
11 thirty (30) days after its date of adoption.

12
13 PASSED, APPROVED AND ADOPTED this 9th day of November, 2021.

14
15 _____
16 DEBORAH ROBERTSON, Mayor

17 ATTEST:

18
19 _____
20 BARBARA McGEE, City Clerk

21
22 APPROVED AS TO FORM:

23
24 _____
25 ERIC S. VAIL, City Attorney
26
27
28

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)

4 I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing
5 Ordinance No. _____ was duly passed and adopted at a regular meeting of the City Council
6 of the City of Rialto held on the _____ day of _____, 2021.

7 Upon motion of Councilmember _____, seconded by Councilmember
8 _____, the foregoing Ordinance No. _____ was duly passed and adopted.

9 Vote on the Motion:

10 AYES:

11 NOES:

12 ABSENT:

13 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City
14 of Rialto, this _____ day of _____, 2021.

15
16 _____
Barbara A. McGee, City Clerk
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