

S U M M A R Y

AN ORDINANCE to amend Chapter 48 of the 2019 Detroit City Code, *Utilities*, by adding Article IV, *Electric Vehicle Charging*, to include Section 48-4-1, *Authority*, Section 48-4-2, *Definitions*, Section 48-4-3, *Payment of costs; repayment to City*; Section 48-4-4, *Signals identifying electric vehicle charging station rates and towing notice requirements*, Section 48-4-5, *Electric power provided by DTE; electric vehicle charging station rate formula; changing rates*, Section 48-4-6, *Idling fees; grace period; maximum fee cap; waivers*, Section 48-4-7, *Establishment of kWh adder rates and idling fees*, Section 48-4-8, *Forms of designated payment; unused per session fees*, Section 48-4-9, *Vehicles impeding an electric vehicle charging station*, and Section 48-4-10, *Annual report*, to encourage the adoption of electric vehicles and provide residents with greater accessibility to clean transportation options, aligning with the City's goal of reducing transportation-related emissions and promoting a healthier environment.

1 **BY COUNCIL MEMBER _____:**

2 **THIS ORDINANCE** amends Chapter 48 of the 2019 Detroit City Code, *Utilities*, by
3 adding Article IV, *Electric Vehicle Charging*, to include Section 48-4-1, *Authority*, Section 48-4-
4 2, *Definitions*, Section 48-4-3, *Payment of costs; repayment to City*; Section 48-4-4, *Signals*
5 *identifying electric vehicle charging station rates and towing notice requirements*, Section 48-4-
6 5, *Electric power provided by DTE; electric vehicle charging station rate formula; changing rates*,
7 Section 48-4-6, *Idling fees; grace period; maximum fee cap; waivers*, Section 48-4-7,
8 *Establishment of kWh adder rates and idling fees*, Section 48-4-8, *Forms of designated payment;*
9 *unused per session fees*, Section 48-4-9, *Vehicles impeding an electric vehicle charging station*,
10 and Section 48-4-10, *Annual report*, to encourage the adoption of electric vehicles and provide
11 residents with greater accessibility to clean transportation options, aligning with the City's goal of
12 reducing transportation-related emissions and promoting a healthier environment.

13 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**
14 **THAT:**

15 **Section 1.** Chapter 48 of the 2019 Detroit City Code, be amended by adding Article IV,
16 *Electric Vehicle Charging*, consisting of Sections 48-8-1 through 48-8- 20, to read as follows:

17 **CHAPTER 48. UTILITIES**

18 **ARTICLE IV. ELECTRIC VEHICLE CHARGING**

19 **Sec. 48-4-1. Authority.**

20 By virtue of obligations and authority placed upon the Public Lighting Department by the
21 2012 Detroit City Charter, being Section 7-904, Powers and Duties, the Public Lighting
22 Department shall furnish and sell power in the form of electricity to any person, firm, division, or
23 corporation within or outside of the City to the extent permitted by law and exercise other powers

and perform other duties necessary to carry out the function of providing users with accessibility to electric vehicle charging capabilities. The obligations and authority of the Charter are consistent with the power of cities and municipal electric utilities under Michigan law, including but not limited to MI Const. art. VII, § 24, MCL 1174.f(a) and MCL 460.807.

Sec. 48-4-2. Definitions.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Charging session means the time when an electric vehicle is connected to an electric vehicle charging station paying for charging.

Direct current fast charging station means a charging infrastructure that delivers direct current charging to electric vehicles using a 480 volt, 3-phase electrical circuit.

Electric Vehicle Charging Station or *EVC* means direct current fast charging stations (DCFC) stations and/or Level 2 charging stations operated and maintained by the Contractor on behalf of the City.

Estimated energy dispensed means the total of electric power sold from a charging station.

Idling means occupying a charging space without actively charging and remaining connected to a charging station after the charging session is complete.

Level 2 charging station means a charging infrastructure that provides alternating current charging to electric vehicles, using a 208-240 volt electrical circuit.

kWh means kilowatt-hour, which is a unit of measurement for electric energy which includes the amount of energy used by a device that is consuming one thousand watts of power for one hour.

1 kWh adder rate means a calculation based on total operational costs divided by estimated
2 energy dispensed.

3 Operational costs means the expenses incurred by the City to maintain and provide electric
4 vehicle charging services including but are not limited to: City funded site costs; program
5 management, workforce development, community engagement, the operational life of the
6 infrastructure, operational and maintenance costs, costs to repair damaged infrastructure, software
7 upgrades, and construction costs and equipment.

8 Pass-through DTE Energy rate means rates approved by the Michigan Public Service
9 Commission for electricity costs incurred by the City as a customer of DTE Energy that are
10 incorporated into the electric vehicle charging rate as a pass-through cost to the electric vehicle
11 charging station user.

12 PLD means Public Lighting Department.

13 **Sec. 48-4-3. Payment of costs; repayment to City**

14 (a) All receipts, revenues, and funds derived from City owned and operated electric
15 vehicle chargers shall be deposited in the PLD EV Enterprise Fund, with an accounting provided
16 to the Chief Financial Officer. The PLD EV Enterprise Funds shall take into consideration and
17 preserve, for the use for which the same were set aside and accumulated, all funds of the City
18 which stood to the credit of the Public Lighting Department for chargers at the time of the effective
19 date of this Ordinance.

20 (b) The Chief Financial Officer shall delineate all monies provided by other City
21 departments to support the activities of this initiative after the effective date of this Ordinance, on
22 an as needed basis.

1 (c) No part of the funds held in the PLD EV Enterprise Fund as a result of operating
2 the electric vehicle chargers may be transferred to the general operating fund or used for any
3 purpose other than undertaking, implementing, maintaining, operating and replacing, as needed,
4 the electric vehicle chargers. This provision shall not prohibit the Public Lighting Department
5 from paying the City for the value of services rendered to the Public Lighting Department by the
6 City or from repaying monies to the General Fund that were initially provided to support the
7 establishment of the electric vehicle charger program.

8 (d) If Federal, State or other Grant Funds are used to support this initiative, the Chief
9 Financial Officer, or designee, shall ensure that all grant requirements, in accordance with the
10 Grant Agreement, are adhered to. This includes requirements for procurement, grant-funded staff,
11 reporting, financial/auditing compliance, and other requirements identified by the funder, to ensure
12 that the use of the funding is allowable under the Grant Agreement.

13 **Sec. 48-4-4. Signals identifying electric vehicle charging station rates and towing notice**
14 **requirements.**

15 (a) Any electric vehicle charging station installed owned and operated by the City shall
16 display a signal indicating legal electric vehicle charging station rates not exceeding the maximum
17 electric vehicle charging rate which has been established for that area or zone of the City upon
18 which such electric vehicle charging station is installed.

19 (b) Any electric vehicle charging station installed by the City on private real property
20 shall post a notice in accordance with the requirements of MCL 257.252k that authorizes the
21 towing or removal of a vehicle that obstructs or otherwise impedes an electric vehicle charging
22 station.

1 **Sec. 48-4-5. Electric power provided by DTE Energy; electric vehicle charging station rate**
2 **formula; changing rates;**

3 (a) The electric power for electric vehicle charging services shall be provided by DTE
4 Electric Company to the City as a customer at rates approved by the Michigan Public Service
5 Commission and shall be incorporated into the rate as a pass-through cost to the customer.

6 (b) The electric charging station rate shall be based on a total of the pass-through DTE
7 Energy rate and the kWh adder rate.

8 (c) The Public Lighting Department shall automatically adjust the electric vehicle
9 charging station rate based on fluctuations of the pass-through DTE Energy rate, with the approval
10 of the Office of the Chief Financial Officer.

11 (d) The kWh adder rate shall be established by the Public Lighting Department in
12 accordance with Section 48-4-7 of this Code, *Establishment of kWh adder rates and idling fees.*

13 **Sec. 48-4-6. Idling fees; grace period; maximum fee cap; waivers.**

14 (a) An idling fee established in accordance with Section 48-4-7 of this Code,
15 *Establishment of kWh adder rates and idling fees*, shall be applied to a vehicle that remains
16 connected to a charging station after charging is complete and occupying a charging space without
17 actively charging.

18 (b) A grace period of 15 minutes shall be provided to each charging user after charging
19 is complete.

20 (c) Idling fees shall not exceed a period of more than eight hours after a charging
21 session is completed. Any vehicle that remains idling at a charging station for a period of more
22 than eight hours shall be eligible to be towed in accordance with Section 48-4-9 of this Code,
23 *Vehicles impeding an electric vehicle charging station.*

(d) Idling fees may be waived in cases of documented emergencies by the Public Lighting Department or its authorized designee.

Sec. 48-4-7. Establishment of kWh adder rates and idling fees.

(a) The Director of the Public Lighting Department is authorized to establish kWh adder rates and idling fees with the approval of City Council, through the adoption of a resolution, for the operational cost of issuing electric vehicle charging services and any lost revenue resulting from vehicles which obstruct or otherwise impede an electric vehicle charging station. After adoption of a resolution by the City Council and approval of the resolution by the Mayor, the kWh adder rates and idling fees shall be:

(1) Published in a daily newspaper of general circulation and in the Journal of City Council;

(2) Made available at the Public Lighting Department and at the Office of the City Clerk; and

(3) Reviewed by the Director of the Public Lighting Department at least once every year.

Sec. 48-4-8. Forms of designated payment; unused per session fees.

(a) Forms of payment accepted may include credit or debit cards with a minimum of a \$2.00 charging session, or any such other means of payment designated by the Public Lighting Department.

(b) Any unused “per session” fees are surrendered. Refund for unused “per session” fee shall not be available.

1 **48-4-9. Vehicles impeding an electric vehicle charging station.**

2 The City, or its authorized agents, may forthwith remove or cause the removal of any
3 vehicle and the contents thereof or any other thing which obstructs or otherwise impedes an
4 electric vehicle charging station in the City in accordance with Chapter 46, Article 2 of the Code,
5 Enforcement. The fee to be paid by the owner or operator of any vehicle so moved shall be the
6 cost incurred by the City for such removal or for causing such removal to be made.

7 **Sec. 48-4-10. Annual Report.**

8 The Public Lighting Department, or its authorized designee, shall provide City Council
9 with an annual report of the revenue received and propose any adjustments to the rates necessary
10 to align charging rates with the cost of service based on actual usage data.

11 **Secs. 48-4-11 – 48-4-20. Reserved.**

12 **Section 2.** All ordinances or parts of ordinances in conflict with this ordinance are
13 repealed.

14 **Section 3.** This ordinance is hereby declared necessary for the preservation of the
15 public peace, health, safety, and welfare of the people of the City of Detroit.

16 **Section 4.** Where this ordinance is passed by a two-thirds majority of City Council
17 Members serving, it shall be given immediate effect and shall become effective upon publication
18 in accordance with Section 4-118(1) of the 2012 Detroit City Charter. Where this ordinance is
19 passed by less than two-thirds majority of City Council Members serving, it shall become effective
20 30 days after publication in accordance with Section 4-118(2) of the 2012 Detroit City Charter.

Approved as to form:

Conrad L. Mallett
Corporation Counsel