

CITY OF SEATTLE
ORDINANCE 127075
COUNCIL BILL 120840

AN ORDINANCE relating to the City Light Department; amending Section 21.49.100 of the Seattle Municipal Code to authorize electric vehicle charging stations to submeter electricity.

WHEREAS, the City of Seattle is committed to the electrification of transportation to address the climate crisis, including the reduction of greenhouse gas emissions; and

WHEREAS, electric vehicle sales are increasing in numbers and their use is integral to the State of Washington and City of Seattle's transportation electrification plans; and

WHEREAS, electric vehicle users require sufficient charging infrastructure sited throughout the Department's service area to rely upon electric vehicles for transportation; and

WHEREAS, publicly available electric vehicle charging stations are commonly designed with an integrated electric meter to measure the amount of electricity supplied to an electric vehicle and paid for by the charging station customer; and

WHEREAS, Section 21.49.100.G of the Seattle Municipal Code prohibits submetering of electricity; and

WHEREAS, Section 21.49.100.H of the Seattle Municipal Code provides for exceptions to the general prohibition on submetering, but does not currently include an exception for electric vehicle charging stations; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 21.49.100 of the Seattle Municipal Code (SMC), which was last amended by Ordinance 124978, is now amended as follows:

21.49.100 Application and contract provisions

A. Sole provider. In order to ensure safety and system integrity, the customer shall be required to purchase all electricity from the Department or from sources approved by the Department.

H. Prohibition of submetering: exceptions

1. The Department shall not provide electricity to any customer who submeters any part of the electricity for the purpose of resale or apportionment or who otherwise apportions the costs of electric energy use to any other consumer, except that the Department shall permit such resale or apportionment for the following purposes:

a. Boat mooring establishments. New or upgraded service to boat mooring establishments shall be master metered. The Department will not provide meters for individual moorage spaces nor directly bill individual boat moorage tenants at a boat moorage establishment where a new service has been installed or an existing service has been upgraded after September 25, 1982. Resale by customer operators shall be at an average rate not to exceed the operator's average cost per kWh as billed by the Department and shall not exceed the proportion of the costs for which the boat moorage tenant is responsible.

b. Mobile home parks. This exception applies to only those mobile home park operators submetering and reselling electricity as of August 1, 1980. New or upgraded services to mobile home parks will be provided in accordance with written Department rules and regulations. Resale by customer operators shall be at an average rate not to exceed the operator's average cost per kWh as billed by the Department and shall not exceed the proportion of the costs for which the mobile home park tenant is responsible.

1 c. Electric Vehicle Charging Stations. Electric vehicle chargers and charging stations
2 may be submetered for the following purposes:

3 i. Billing of end users for electricity dispensed from a charger with a State Weighing and
4 Measuring Devices endorsement to an electric vehicle and measured by a submeter integrated
5 with the charger.

6 ii. Supplying electricity solely for the purposes of electric vehicle charging in common
7 parking facilities in which the individual or entity to be billed by the customer operator for the
8 submetered electricity occupies, rents, or owns a dedicated parking space and charger. Resale of
9 electricity by the customer operator under this paragraph shall be at the actual cost per kWh or an
10 average rate not to exceed the customer operator's average cost per kWh as billed by the
11 Department, and shall not exceed the proportion of the costs for electricity provided to the
12 charger.

13 ~~((e.))~~ d. Other purposes. On a case-by-case basis, the Department may permit a
14 customer, subject to the provisions of subsection 21.49.110.J, to submeter for the purpose of
15 apportioning the cost of electric energy; provided, however, such determination must be based
16 on an objective review and must relate to an economic imbalance relating to service and/or
17 protection of each customer's rights under this Chapter and chapter 80.28 RCW. Resale by
18 customer operators shall be at an average rate not to exceed the operator's average cost per kWh
19 as billed by the Department and shall not exceed the proportion of the costs for which the tenant
20 is responsible.

21 2. Except for in cases of electric vehicle chargers with integrated submeters used as
22 described in subsection 21.49.100.H.1.c.i, ((S))submetering permitted under this subsection
23 21.49.100.H shall:

1 a. Be a permanent installation compliant with the National Electrical Code (NEC), as
2 well as State and local codes, and for electric vehicle supply equipment, be operated and
3 maintained in compliance with applicable law, including but not limited to RCW 19.94.550
4 through RCW 19.94.585, inclusive;

5 b. Be inspected and approved by the authority having jurisdiction;

6 c. Be listed for the purpose by a recognized testing laboratory;

7 d. Be compliant with American National Standards Institute (ANSI) C12.20 0.5
8 Accuracy Class;

9 e. Have records showing accuracy tests traceable to the National Institute of Standards
10 and Technology (NIST); and

11 f. Have maintenance records for the life of the equipment.

12 3. Except for in cases of electric vehicle chargers with integrated submeters used as
13 described in subsection 21.49.100.H.1.c.i, ((A))all records shall be maintained in accordance
14 with State regulations, and open to inspection and audit. On request, at no charge to the tenant or
15 to the owner, operator, or dedicated user of the electric vehicle charger or charging station billed
16 for submetered electricity, the customer operator shall provide accuracy tests traceable to NIST.

17 The Department shall charge the customer operator for all costs resulting from confirming
18 compliance with the above requirements and investigating or correcting impermissible
19 submetering.

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Section 2. This ordinance shall take effect as provided by Seattle Municipal Code
Sections 1.04.020 and 1.04.070.

Passed by the City Council the 3rd day of September, 2024,
and signed by me in open session in authentication of its passage this 3rd day of
September, 2024.



President _____ of the City Council

☒ Approved / ☐ returned unsigned / ☐ vetoed this 5th day of September, 2024.



Bruce A. Harrell, Mayor

Filed by me this 5th day of September, 2024.



Scheereen Dedman, City Clerk

(Seal)

Attachments: