

Introduced: 10/12/2021
Public Hearing: 11/09/2021
Adopted: 11/09/2021

**TOWNSHIP OF TEWKSBURY
HUNTERDON COUNTY, NEW JERSEY
ORDINANCE NO. 08-2021**

**AN ORDINANCE OF THE TOWNSHIP OF TEWKSBURY, HUNTERDON
COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING THE
TOWNSHIP CODE OF ORDINANCES AND THE TOWNSHIP
DEVELOPMENT REGULATIONS ORDINANCE TO INCLUDE
ELECTRIC VEHICLE SUPPLY AND SERVICE EQUIPMENT, AND
MAKE-READY PARKING SPACES**

WHEREAS, the Township Committee of the Township of Tewksbury (the “Township”) supports the transition to electric vehicles and expresses its commitment to sustainability in the best interest of public welfare; and

WHEREAS, installation of electric vehicle supply and service equipment (“EVSE”) and make-ready parking spaces encourages electric vehicle adoption; and

WHEREAS, the Township encourages increased installation of EVSE and Make Ready parking spaces; and

WHEREAS, adoption of this ordinance supports the State of New Jersey’s goals to reduce air pollutants and greenhouse gas emissions from the transportation sector as outlined and supported by various programs related to New Jersey’s 2019 Energy Master Plan, Global Warming Response Act (P.L.2007, c.112), and EV Law (P.L. 2019, c. 362); and

WHEREAS, P.L. 2021, c.171, which Governor Murphy signed into law on July 9, 2021, requires EVSE and make-ready parking spaces be designated as a permitted accessory use in all zoning or use districts and establishes associated installation and parking requirements; and

WHEREAS, the Township Committee finds and declares that this amendment to the Development Regulations Ordinance to establish standards and regulations for the safe and efficient installation of EVSE and Make-Ready Parking Spaces at appropriate locations is in the best interests of the health, safety and welfare of the Township and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Tewksbury, Hunterdon County, New Jersey, as follows:

SECTION 1. Article III, Definitions, Section 301, Words and Terms Defined, of the Township Development Regulations Ordinance is hereby amended and supplemented to add the following terms:

Charging Level: The amount of voltage provided to charge an electric vehicle varies depending on the type of EVSE as follows:

1. Level 1 operates on a fifteen (15) to twenty (20) amp breaker on a one hundred twenty (120) volt AC circuit.
2. Level 2 operates on a forty (40) to one hundred (100) amp breaker on a two hundred eight (208) or two hundred forty (240) volt AC circuit.
3. Direct-current fast charger (DCFC) operates on a sixty (60) amp or higher breaker on a four hundred eighty (480) volt or higher three phase circuit with special grounding equipment. DCFC stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

Electric vehicle: Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.

Electric Vehicle Supply/Service Equipment or EVSE: The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. EVSE may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. EVSE is synonymous with the term “electric vehicle charging station.”

Make-Ready Parking Space: The pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a “plug and play” basis. Make-Ready is synonymous with the term “charger ready,” as used in P.L.2019, c.362 (C.48:25-1, et al.).

Private EVSE: EVSE that has restricted access to specific users, such as single and two-family homes, or executive parking fleet parking with no access to the general public.

Publicly-Accessible EVSE: EVSE that is publicly available, such as park and ride, public parking lots and garages, on-street parking, shopping center parking or non-reserved parking in multi-family parking lots.

SECTION 2. Article IX, Fees, Guarantees, Inspections, Off-Tract Improvements and General Enforcement, Section 912, Electric Vehicle Supply/Service Equipment Approvals and Permits, of the Township Development Regulations Ordinance is hereby created as follows:

1. An application for development submitted solely for the installation of EVSE or Make-Ready Parking Spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning or use districts and shall not require a variance pursuant to N.J.S.A.40:55D-70.
2. EVSE and Make-Ready Parking Spaces installed pursuant to development applications that are subject to site plan approval are considered a permitted accessory use as described in this chapter.
3. All EVSE and Make-Ready Parking Spaces shall be subject to all applicable Township and Department of Community Affairs permit and inspection requirements.
4. The Zoning Officer shall enforce all EVSE and Make-Ready Parking Space signage and installation requirements. Failure to meet the requirements of this chapter shall be subject to the same enforcement and penalty provisions as other violations of the Township's Development Regulations Ordinance.
5. An application for development for the installation of EVSE or Make-Ready Parking Spaces at an existing gasoline service station, an existing retail establishment, or any other existing building shall not be subject to site plan or other land use board review, shall not require variance relief pursuant to N.J.S.A.40:55D-1, et seq., or any other law, rule, or regulation, and shall be approved through the issuance of a zoning permit by the Zoning Officer, provided the application meets the following requirements:
 - a. the proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan or subsequent approvals for the existing gasoline service station, retail establishment, or other existing building;

- b. all other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and
 - c. the proposed installation complies with the construction codes adopted in or promulgated pursuant to the State Uniform Construction Code Act" (P.L.1975, c.217), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.
6. An application pursuant to this chapter shall be deemed complete if:
- a. the application, including the permit fee and all necessary documentation, is determined to be complete,
 - b. a notice of incompleteness is not provided within 20 days after the filing of the application, or
 - c. a one-time written correction notice is not issued by the Zoning Officer, Construction Official or other Township officer within 20 days after filing of the application detailing all deficiencies in the application and identifying any additional information explicitly necessary to complete a review of the permit application.
7. EVSE and Make-Ready Parking Spaces installed at a gasoline service station, an existing retail establishment, or any other existing building shall be subject to applicable local and/or Department of Community Affairs inspection requirements.
8. A permitting application solely for the installation of electric vehicle supply equipment permitted as an accessory use shall not be subject to review based on parking requirements.

SECTION 3. Article VI, Design and Performance Standards, Section 634, Requirements for New Installations of EVSE and Make-Ready Parking Spaces, is hereby created as follows:

- 1. As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space, which shall include a multiple dwelling that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development, the developer or owner, as applicable, shall:
 - a. prepare as Make-Ready Parking Spaces at least 15 percent of the required off-street parking spaces, and install EVSE in at least one-third of the 15 percent of Make-Ready Parking Spaces;

- b. within three years following the date of the issuance of the certificate of occupancy, install EVSE in an additional one-third of the original 15 percent of Make-Ready Parking Spaces; and
 - c. within six years following the date of the issuance of the certificate of occupancy, install EVSE in the final one-third of the original 15 percent of Make-Ready Parking Spaces.
 - d. Throughout the installation of EVSE in the Make-Ready Parking Spaces, at least five percent of the electric vehicle supply equipment shall be accessible for people with disabilities.
 - e. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready Parking Spaces at a faster or more expansive rate than as required above.
2. As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in 1. above shall:
- a. Install at least one Make-Ready parking space if there will be 50 or fewer off-street parking spaces.
 - b. Install at least two Make-Ready Parking Spaces if there will be 51 to 75 off-street parking spaces.
 - c. Install at least three Make-Ready Parking Spaces if there will be 76 to 100 off-street parking spaces.
 - d. Install at least four Make-Ready Parking Spaces, at least one of which shall be accessible for people with disabilities, if there will be 101 to 150 off-street parking spaces.
 - e. Install at least four percent of the total parking spaces as Make-Ready Parking Spaces, at least five percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.
 - f. In lieu of installing Make-Ready Parking Spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.

- g. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready Parking Spaces at a faster or more expansive rate than as required above.
- h. Notwithstanding the provisions of Section e, above, a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home shall not be required to provide or install any electric vehicle supply equipment or Make-Ready Parking Spaces.

SECTION 4. Article VII, Zoning Provisions, Section 721.2, Electric Vehicle Supply/Service Equipment Minimum Parking Requirements, is hereby created as follows:

1. All parking spaces with EVSE and Make-Ready equipment shall be included in the calculation of minimum required parking spaces under this chapter.
2. A parking space prepared with EVSE or Make-Ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.
3. All parking space calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space.
4. Additional installation of EVSE and Make-Ready Parking Spaces above what is required may be encouraged, but shall not be required in development projects.

SECTION 5. Article VI, Design and Performance Standards, Section 635, Standards for New EVSE and Make-Ready Parking Spaces, is hereby created as follows:

1. The location and layout of EVSE and Make-Ready Parking Spaces is expected to vary based on the design and use of the primary parking area. It is expected that flexibility will be required to provide the most convenient and functional service to users. Standards and criteria should be considered guidelines and flexibility should be allowed when alternatives can better achieve objectives for provision of this service.
2. Installation:
 - a. Installation of EVSE and Make-Ready Parking Spaces shall meet the electrical subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.16.

- b. Each EVSE or Make-Ready parking space that is not accessible for people with disabilities shall be not less than 9 feet wide or 18 feet in length. Exceptions may be made for existing parking spaces or parking spaces that were part of an application that received prior site plan approval.
- c. To the extent practical, the location of accessible parking spaces for people with disabilities with EVSE and Make Ready equipment shall comply with the general accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
- d. Each EVSE or Make-Ready parking space that is accessible for people with disabilities shall comply with the sizing of accessible parking space requirements in the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.

3. Safety

- a. Each publicly-accessible EVSE shall be located at a parking space that is designated for electric vehicles only and identified by green painted pavement and/or curb markings, a green painted charging pictograph symbol, and appropriate signage pursuant to the requirements of this chapter.
- b. Where EVSE is installed, adequate site lighting and landscaping shall be provided in accordance with Township ordinances and regulations.
- c. Adequate EVSE protection such as concrete-filled steel bollards shall be used for publicly-accessible EVSE. Non-mountable curbing may be used in lieu of bollards if the EVSE is setback a minimum of 24 inches from the face of the curb. Any stand-alone EVSE bollards should be 3 to 4-feet high with concrete footings placed to protect the EVSE from accidental impact and to prevent damage from equipment used for snow removal.
- d. EVSE outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted, and shall contain a cord management system as described in e. below. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located as to not impede pedestrian travel, create trip hazards on sidewalks, or impede snow removal.

- e. Each EVSE shall incorporate a cord management system or method to minimize the potential for cable entanglement, user injury, or connector damage. Cords shall be retractable or have a place to hang the connector and cord a safe and sufficient distance above the ground or pavement surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.
- f. Where EVSE is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the EVSE shall be located so as not to interfere with accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
- g. Publicly-accessible EVSEs shall be maintained in all respects, including the functioning of the equipment. A 24-hour on-call contact shall be provided on the equipment for reporting problems with the equipment or access to it. To allow for maintenance and notification, the Township shall require the owners/designee of publicly-accessible EVSE to provide information on the EVSE's geographic location, date of installation, equipment type and model, and owner contact information.

4. Signs

- a. Publicly-accessible EVSE shall have posted regulatory signs, as identified in this section, allowing only charging electric vehicles to park in such spaces. For purposes of this section, "charging" means that an electric vehicle is parked at an EVSE and is connected to the EVSE. If time limits or vehicle removal provisions are to be enforced, regulatory signs including parking restrictions shall be installed immediately adjacent to, and visible from the EVSE. For private EVSE, installation of signs and sign text is at the discretion of the owner.
- b. All regulatory signs shall comply with visibility, legibility, size, shape, color, and reflectivity requirements contained within the Federal Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration.
- c. Wayfinding or directional signs, if necessary, shall be permitting at appropriate decision points to effectively guide motorists to the EVSE parking space(s). Wayfinding or directional signage shall be placed in a manner that shall not interfere with any parking space, drive lane, or exit and shall comply with b. above.

- d. In addition to the signage described above, the following information shall be available on the EVSE or posted at or adjacent to all publicly-accessible EVSE parking spaces:
 - i. Hour of operations and/or time limits if time limits or tow-away provisions are to be enforced by the municipality or owner/designee;
 - ii. Usage fees and parking fees, if applicable; and
 - iii. Contact information (telephone number) for reporting when the equipment is not operating or other problems.

SECTION 6. Title 10, Vehicles and Traffic, Article IV, EVSE and Make-Ready Parking Spaces, is hereby created as follows:

10.16.060 – Definitions.

Electric vehicle: Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.

Electric Vehicle Supply/Service Equipment or EVSE: The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. EVSE may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. EVSE is synonymous with “electric vehicle charging station.”

Make-Ready Parking Space: means the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a “plug and play” basis. Make-Ready is synonymous with the term “charger ready,” as used in P.L.2019, c.362.

Private EVSE: EVSE that has restricted access to specific users, such as single and two-family homes, or executive parking fleet parking with no access to the general public.

Publicly-accessible EVSE: EVSE that is publicly available, such as park and ride, public parking lots and garages, on-street parking, shopping center parking or non-reserved parking in multi-family parking lots.

10.16.061 - Parking of vehicles at EVSE and Make-Ready Parking Spaces.

- A. Publicly-accessible EVSE shall be reserved for parking and charging electric vehicles only. Electric vehicles shall be connected to the EVSE.
- B. Electric vehicles may be parked in any parking space designated for parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
- C. Public Parking. Pursuant to NJSA 40:48-2, publicly-accessible EVSE parking spaces shall be monitored by the Township Police Department and enforced in the same manner as any other parking. It shall be a violation of this Section to park or stand a non-electric vehicle in such a space, or to park an electric vehicle in such a space when it is not connected to the EVSE. Any non-electric vehicle parked or standing in a EVSE parking space or any electric vehicle parked and not connected to the EVSE shall be subject to a fine and/or impoundment of the offending vehicle as provided in this Title.
- D. Private Parking. The use of EVSE shall be monitored by the property owner or designee.

SECTION 7. Title 10, Vehicles and Traffic, Article V, Violations, is hereby created as follows:

10.16.070 – Penalty and Removal of Vehicles.

- A. Except for violations of the handicapped parking regulations set forth in Article II of this Title, violations of this Title shall be punishable by a fine not to exceed \$50.00 or a term of community service not exceeding 15 days, or both.
- B. Upon making a determination that a vehicle parked or standing in violation of this Title is a nuisance and a menace to the safe and proper regulation of traffic, any police officer may order the removal of such vehicle. The owner of the removed vehicle shall pay the reasonable costs of the removal and storage which may result from such removal, before regaining possession of the vehicle

SECTION 8. All actions of the Township taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.

SECTION 9. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any remaining part thereof.

SECTION 10. All Ordinances or parts of Ordinances of the Township of Tewksbury heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 11. This Ordinance shall take effect immediately upon its final passage, approval and publication as provided by law.

I HEREBY CERTIFY the above to be a true copy of an Ordinance introduced by the Township Committee of the Township of Tewksbury at a duly convened meeting held on October 12, 2021 and adopted on November 9, 2021.

Jennifer Ader
Township Clerk