

ADOPTED ORDINANCE CITY OF RAHWAY, NEW JERSEY

No. O-3-24

ORDINANCE OF THE CITY OF RAHWAY MUNICIPAL COUNCIL, AMENDING CHAPTER 401, "VEHICLES AND TRAFFIC" OF THE CODE OF THE CITY OF RAHWAY TO CREATE ARTICLE XII ENTITLED ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT

WHEREAS, this Ordinance sets forth procedures for the installation of Electric Vehicle Supply/Service Equipment (EVSE) and Make-Ready parking spaces and establishes associated regulations and other standards within the City of Rahway (hereinafter referred to as "City"); and

WHEREAS, supporting the transition to electric vehicles contributes to the City's commitment to sustainability and is in the best interest of public welfare; and

WHEREAS, installation of EVSE and Make-Ready parking spaces encourages electric vehicle adoption; and

WHEREAS, the City encourages increased installation of EVSE and Make Ready parking spaces.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Rahway, County of Union, State of New Jersey, being the governing body thereof, that Chapter 401, "Vehicles and Traffic is hereby amended to read as follows to add the Article XII, "Electric Vehicle Supply/Service Equipment" as follows:

All new language is depicted in **bold and underline**

All language deletions are depicted in ~~strikethrough~~

Language that remains unchanged is not highlighted in anyway

Article XII ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT

§401-92 Definitions

- A. Certificate of occupancy: The certificate provided for in N.J.A.C. 5:23-2, indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the act and the regulations. See "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and regulations adopted pursuant thereto.**
- B. 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.
- C. 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.
- D. 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."
- E. 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 (C.48:25-1 et al.). Private EVSE: EVSE that has restricted access to specific users (e.g., single and two-family homes, executive parking fleet parking with no access to the general public).
- F. Wireless Power Transfer Equipment (WPTE): As defined in the NEC, Chapter 625, equipment consisting of a charger power converter and a primary pad. The two devices are either separate units or contained within one enclosure.

§401-93 Approvals and Permits

- A. 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.**
- B. EVSE and Make-Ready Parking Spaces installed pursuant to Section D. below in development applications that are subject to site plan approval are considered a permitted accessory use as described in 1. Above.**
- C. All EVSE and Make-Ready parking spaces shall be subject to applicable local and/or Department of Community Affairs permit and inspection requirements.**
- D. The members of the Police Division or such members of the Bureau of Traffic and Parking assigned by the Chief Law Enforcement Officer shall enforce all signage and installation requirements described in this ordinance. Failure to meet the requirements in this ordinance shall be subject to the same enforcement and penalty provisions as other violations of City's land use regulations.**
- E. An application for development for the installation of EVSE or Make-Ready 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 administrative officer, provided the application meets the following requirements:**
- 1. 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;**
 - 2. 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**
 - 3. 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 (C.52:27D-119 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.

F. An application pursuant to Section E above shall be deemed complete if:

- 1. The application, including the permit fee and all necessary documentation, is determined to be complete,**
- 2. A notice of incompleteness is not provided within 20 days after the filing of the application, or**
- 3. A one-time written correction notice is not issued by the Zoning 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.**

G. For all EVSE and WPTE installed, the disconnecting means shall be provided and installed in a readily accessible location. If the disconnecting means is installed remote from the equipment, a plaque shall be installed on the equipment denoting the location of the disconnecting means.

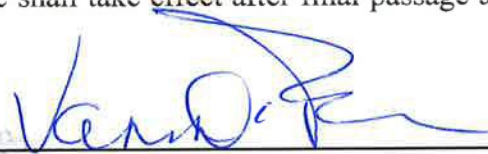
BE IT FURTHER ORDAINED, If any section, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, all ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED, this ordinance shall take effect after final passage and publication as provided by law.

MOTION: Parson **SECOND:** Entire Council
YES: Brooks, Gibilisco Miles, Mojica, Newbury,
Parker, Timmons, Parson
NO: None
ABSTAIN: None
ABSENT: Brown

INTRODUCTION: January 8, 2024
ADOPTION: February 12, 2024



Vannie D. Parson, Council President



APPROVAL Raymond A. Giacobbe, Mayor



ATTEST Jeffrey J. Jotz, City Clerk