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ORDINANCE #2023-10

Introduction: July 24, 2023

Adoption:

AN ORDINANCE AUTHORIZING AND ENCOURAGING ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT & MAKE-READY PARKING SPACES

WHEREAS, the Township of South Orange Village wishes to set forth and establish procedures, regulations and other standards for the installation of Electric Vehicle Supply/Service Equipment ("EVSE") and Make-Ready Parking Spaces; and

WHEREAS, supporting the transition to electric vehicles contributes to the Township of South Orange Village'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 Township of South Orange Village 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 NJ's 2019 Energy Master Plan, Global Warming Response Act (P.L.2007, c.112 (C.26:2C-37 et al.)), 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 of South Orange Village encourages greater ownership and use of electric vehicles, thus the Township of South Orange Village is amending the Zoning Ordinance to establish standards and regulations for the safe and efficient installation of EVSE and Make-Ready parking spaces at appropriate locations.

NOW THEREFORE BE IT ORDAINED, by the Board of Trustees of the Township of South Orange Village, a municipal corporation of New Jersey located in Essex County thereof, as follows:

SECTION 1.

Chapter 185, Section 174 is hereby amended and restated with the addition of Section 185-174 (G) as follows:

G. ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT AND MAKE-READY PARKING SPACES



1. Purpose

The purpose of this ordinance is to promote and encourage the use of electric vehicles by requiring the safe and efficient installation of EVSE and Make-Ready parking spaces through municipal parking regulations and other standards. EVSE and Make-Ready parking spaces will support the State's transition to an electric transportation sector, reducing automobile air pollution, greenhouse gas emissions, and storm water runoff contaminants. The goals are to:

- a. Provide adequate and convenient EVSE and Make-Ready parking spaces to serve the needs of the traveling public.
- b. Provide opportunities for residents to have safe and efficient personal EVSE located at or near their place of residence.
- c. Provide the opportunity for non-residential uses to supply EVSE to their customers and employees.
- d. Create standard criteria to encourage and promote safe, efficient, and cost-effective electric vehicle charging opportunities in all zones and settings for convenience of service to those that use electric vehicles.

2. Definitions

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.

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

- a. Level 1 operates on a fifteen (15) to twenty (20) amp breaker on a one hundred twenty (120) volt AC circuit.
- b. 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.
- c. 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 "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 (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).

Publicly-accessible EVSE: EVSE that is publicly available (e.g., park & ride, public parking lots and garages, on-street parking, shopping center parking, non-reserved parking in multi-family parking lots, etc.).

3. 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 C.40:55D-70.
- b. EVSE and Make-Ready Parking Spaces installed pursuant to Section 4 below in development applications that are subject to site plan approval are considered a permitted accessory use as described 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 zoning officer and/or municipal engineer 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 the Township of South Orange Village'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 C.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. 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.
- h. 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.



4. Requirements for New Installation of EVSE and Make-Ready Parking Spaces

- a. 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:
 - 1) 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;
 - 2) 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
 - 3) 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.
 - 4) 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.
 - 5) 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.
- b. As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in a. above shall:
 - 1) Install at least one Make-Ready parking space if there will be 50 or fewer off-street parking spaces.
 - 2) Install at least two Make-Ready parking spaces if there will be 51 to 75 off-street parking spaces.
 - 3) Install at least three Make-Ready parking spaces if there will be 76 to 100 off-street parking spaces.
 - 4) 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.
 - 5) 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.
 - 6) In lieu of installing Make-Ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.



- 7) 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.
- 8) Notwithstanding the provisions of this Section, 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.

5. Minimum Parking Requirements

- a. All parking spaces with EVSE and Make-Ready equipment shall be included in the calculation of minimum required parking spaces, pursuant to Section 185-174.
- b. 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.
- c. All parking space calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space.
- d. Additional installation of EVSE and Make-Ready parking spaces above what is required in Section D. above may be encouraged, but shall not be required in development projects.

6. Reasonable Standards for All New EVSE and Make-Ready Parking Spaces

- a. When an applicant proposes to provide EVSE in a manner not in compliance with the below standards, design waiver relief shall be required by the Planning Board or Zoning Board of Adjustment.
- b. Installation
 - 1) 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.
 - 2) Each EVSE or Make-Ready parking space that is not accessible for people with disabilities shall have minimum dimensions of 9 feet wide by 18 feet long for standard parking spaces, 8 feet wide by 22 feet long for parallel parking spaces, and 8 feet wide by 16' long for compact parking spaces. EVSE mounted to the ground, either directly or on a pedestal, pole, or other apparatus, shall not be located within these minimum dimensions and shall provide an area at least 3 feet wide by 3 feet long for installation and operation of the EVSE. Exceptions may be made for existing parking spaces meeting the dimensional requirements or parking spaces that were part of an application that received prior site plan approval.



- 3) Each EVSE or Make-Ready parking space that is accessible for people with disabilities shall comply with the locational and sizing of accessible parking space requirements in the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
- c. Equipment
- 1) Publicly-accessible EVSE providing AC Level 2 charging shall provide the SAE J1772 plug type, and publicly-accessible EVSE providing DC fast charging shall provide CCS and ChaDeMO plugs. To the satisfaction of the approving authority, other charger(s) may be employed provided that such charger or combination thereof are compatible with all electric vehicles commonly available for consumer purchase.
 - 2) All EVSE shall not have permanent advertising. Any advertising shall be limited to advertisements located on an electronic operational or payment screen that is only activated when triggered by customer interaction with the operational or payment system.
- d. Location in Surface Parking Lots
- 1) EVSE parking spaces shall be setback in compliance with Section 185-113 of the Zoning Ordinance.
 - 2) All EVSE located within a surface parking lot shall be setback a minimum of 20' from the front property line. EVSE shall be setback a minimum of 5 feet from all other property lines, unless adjacent to a residential zone, where the minimum setback shall be 10 feet.
 - 3) All utility cabinets (switchgears, transformers, panels, service boxes) shall be screened by plants that provide year round coverage at least 5' in height and designed to blend in with the surrounding area, or may be wrapped or painted with an appropriate graphic design, subject to approval by the Zoning Officer.
 - 4) EVSE parking spaces in a surface parking lot shall have a 3' wide perimeter buffer area with either a 3' tall masonry wall or a 3' tall landscaped hedge.
 - 5) Publicly-accessible EVSE parking spaces shall be located within 100 feet of a building entrance.
- e. Operations
- 1) Publicly-accessible EVSE shall be reserved for parking and charging electric vehicles only. Electric vehicles must be connected to the EVSE to legally occupy an EVSE parking space.
 - 2) 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.
 - 3) Public Parking. Pursuant to NJSA 40:48-2, publicly-accessible EVSE parking spaces shall be monitored by the municipality's 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 fine and/or impoundment of the offending vehicle as regulated by the South Orange Parking Authority and Village Police. Signage indicating the penalties for violations shall comply with Section g. below. Any vehicle parked in such a space shall make the appropriate payment for the space and observe the time limit for the underlying parking area, if applicable.

- 4) Private Parking. The monitoring of the private parking is the responsibility of the property owner with regards to use, time limits, payments, and adherence to applicable standards.

f. Safety

- 1) 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 Section g. below.
- 2) Where EVSE is installed, adequate site lighting shall be provided in accordance with Sections 185-112, -113, and -116 and a minimum of 0.5 footcandles and a maximum of 2.5 shall be provided.
- 3) 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 shall be between 3 and 4-feet high with concrete footings placed to protect the EVSE from accidental impact and to prevent damage from equipment used for snow removal. Bollards may not be wrapped with advertising material.
- 4) 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 subsection 7. below. In the case of ceiling-mounted EVSE, outlets and connector devices may retract to a height above 48 inches, but the height of the outlets and connector devices when deployed and such deploying mechanism shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface.
- 5) All EVSE shall be mounted at a height above the base flood elevation, and EVSE shall be designed to be rainproof, floodproof, and fail-safe when not in use.



- 6) Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located as to not impede pedestrian travel, create trip hazards on sidewalks, or impede snow removal.
- 7) 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. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.
- 8) 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.
- 9) 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 of South Orange Village 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.

g. Signs

- 1) All signs associated with EVSE should be provided on a site plan or zoning permit layout plan to show quantity, dimensions, colors, text, and materials. This includes regulatory signs, wayfinding signs, and parking stall markings. Signs may not be illuminated. Any signs that are not required for regulatory purposes or wayfinding are subject to the sign requirements of the Village Code.
- 2) Publicly-accessible EVSE shall have posted regulatory signs, as identified in this section, allowing only charging electric vehicles to park in such spaces. 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.
- 3) 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.
- 4) Wayfinding or directional signs, if necessary, shall be permitted 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, vehicle exit, or pedestrian walkway and shall comply with subsection 2. above.

- 5) 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.
 - 6) EV parking spaces shall be listed/registered with prominent EV charging applications and/or Google including the usage hours information from item 5.i. above.
- h. Usage Fees
- 1) Private EVSE: Nothing in this ordinance shall be deemed to preclude a private owner/designee of an EVSE from collecting a fee for the use of the EVSE, in accordance with applicable State and Federal regulations. Fees shall be available on the EVSE or posted at or adjacent to the EVSE parking space.

SECTION 2.

After introduction, the Village Clerk is hereby directed to submit a copy of the within Ordinance, Attachment 1 and Memorandum of Explanation of the Proposed Amendments (with the memorandum being transmitted for informational purposes only and not as part of the proposed Ordinance) to the Planning Board of the Township of South Orange Village for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Board of Trustees, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Planning Board deems appropriate.

SECTION 3.

This Ordinance shall be construed as to not conflict with any provision of New Jersey or Federal law. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its subject is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4.



All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 5.

Upon passage, the Clerk may cause to be published at least once in newspaper(s) so designate by the Township of South Orange Village the following title and summary together with a notice of the date of passage or approval (or both):

AN ORDINANCE OF THE TOWNSHIP OF SOUTH ORANGE VILLAGE OF ESSEX COUNTY AUTHORIZING AND ENCOURAGING ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT & MAKE-READY PARKING SPACES

This Ordinance (Ordinance #2023-10) 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 Township of South Orange Village of Essex County.

SECTION 6.

This ordinance shall take effect upon final passage and publication as required by law.

SECTION 6.

On passage this ordinance shall be codified.

Introduction – First Reading

Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Brown			X			
Greenberg			X			
Haskins	X		X			
Hartshorn Hilton			X			
Jones			X			
Lewis-Chang		X	X			

CERTIFICATION

I, Ojetti E. Davis, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was introduced on first reading by the Board of Trustees at their meeting held on July 24, 2023.



Ojetti E. Davis

Ojetti E. Davis
Village Clerk

Adoption – Second Reading

Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Brown						
Greenberg						
Haskins						
Hartshorn Hilton						
Jones						
Lewis-Chang						

CERTIFICATION

I, Ojetti E. Davis, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was adopted on second reading by the Board of Trustees at their meeting held on August 14, 2023.

Ojetti E. Davis
Village Clerk

Adopted:

Attest:

Sheena C. Collum
Village President

Ojetti E. Davis
Village Clerk