

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY**

GENERAL ORDINANCE NO. 2229

**AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO
SUPPLEMENT ELECTRIC VEHICLE INFRASTRUCTURE REGULATIONS**

WHEREAS, the Mayor and Town Council have strived to provide leadership and guidance on emerging topics important to the people of the Town of Westfield (the “Town”); and

WHEREAS, the Mayor and Town Council recognize the importance of supporting the use of alternative fuel vehicles in the interest of improving air quality and reducing noise, as well as to slow the effects of climate change; and

WHEREAS, the Mayor and Town Council anticipates a growing trend in the use of electric vehicles and the need for supporting electric vehicle supply/service equipment (“EVSE”); and

WHEREAS, the Mayor and Town Council have previously created an EVSE framework that has improved the quality of life in the Town, attracted businesses to the Town, and encouraged the purchase of electric vehicles; and

WHEREAS, continuing to support the transition to electric vehicles contributes to the Town’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 Town 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 (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.

NOW, THEREFORE, BE IT ORDAINED:

SECTION I. Article 24, “Electric Vehicle Infrastructure Regulations,” of Chapter LUL, “Land Use Ordinance,” of the Town Code shall be and is hereby amended as follows:

ARTICLE 24

ELECTRIC VEHICLE INFRASTRUCTURE CODE

Sec. 24.01. Establishment and Purpose

A. This Article shall be known hereinafter as, “the Electric Vehicle Infrastructure Code.”

- B. The Electric Vehicle Infrastructure Code is designed to encourage the transition to electric vehicle use and to expedite the establishment of a convenient, cost-effective electric vehicle infrastructure that such a transition necessitates.

Sec. 24.02. Alterations or Repairs

Alterations or repairs, other than increasing the height or area of a new structure, may be made to any structure to comply with this Article, provided that such alterations or repairs also comply with all other provisions to the Land Use Ordinance, the Exterior Property Maintenance Code, and all applicable building and construction codes.

Sec. 24.03. Word Usage Generally

- A. *Interchangeability.* Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.
- B. *Terms defined in other codes.* Where terms are not defined in this article and are defined in the Uniform Construction Code, they shall have the same meanings ascribed to them as in the Uniform Construction Code.
- C. *Terms not defined.* Undefined terms shall have their ordinarily accepted meanings.
- D. *The word "shall"* is always mandatory and not merely directory.

Sec. 24-04. Terms Defined

As used in this Article, the following terms shall have the meanings indicated:

- A. *AC:* alternating current (electricity).
- B. *Battery:* (pl. batteries) a cell or cells onboard an electric vehicle which is used for storing and furnishing electrical energy for the purpose of propelling the vehicle.
- C. *Battery Electric Vehicle ("BEV"):* an electric vehicle with an onboard battery that operates exclusively from electrical energy from the battery, which battery is charged from an electrical power source (charging station) not onboard the vehicle.
- D. *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.
- E. *Charging Level:* the standardized indicators of electrical force, or voltage at which an electric vehicle's battery is recharged. Typical electric vehicle charging levels and specifications are:
 1. Level 1 – Slow battery charging (AC). Level 1 operates on a 15-20-amp breaker on a 120-volt AC circuit.
 2. Level 2 – Medium battery charging (AC). Level 2 operates on a 40-100-amp breaker on a 208 or 240-volt AC circuit.
 3. Level 3 – Fast battery charging (DC). Level 3 operates on a 60-amp or higher breaker on a 480-volt or higher three-phase circuit with special grounding equipment. Level 3

stations can also be referred to as DCFC or as rapid-charging stations that are typically characterized by industrial-grade electrical outlets that allow for faster recharging of electric vehicles .

- F. *Charging Station*: equipment that has as its primary purpose the transfer of electric energy by conductive or inductive means to a battery or other energy storage device located onboard an electric vehicle. Various types of charging stations include:
 - 1. *Accessible EVSE*: a charging station incorporated into or immediately adjacent to a handicapped parking space as “handicapped parking space” is defined by Sec. 13-21.3(a) of the Town Code.
 - 2. *Level 3 EVSE*: (sometimes referred to as a DC Fast charging station) a charging station that provides any single-phase voltage or current rating higher than that of Level 2, or any three-phase supply voltage configuration.
 - 3. *Private EVSE*: a charging station that is: (1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking, etc.); or (2) publicly owned and restricted access (e.g., fleet parking with no access to the general public).
 - 4. *Public EVSE*: a charging station that is: (1) publicly owned and publicly available (e.g., park & ride, public parking lots, on-street parking, etc.); or (2) privately owned and publicly available (e.g., shopping center parking, non-reserved parking in multi-family parking lots, etc.).
- G. *Charging Station Space*: a dedicated, marked space that identifies the use thereof as exclusively for the charging of electric vehicles.
- H. *DC*: direct current (electricity).
- I. *Electric Scooters and/or Motorcycles*: a 2-wheel or 3-wheel electric vehicle that operates exclusively on electrical energy stored in the vehicle’s batteries.
- J. *Electric Vehicle*: a vehicle that operates, either partially or exclusively, on electrical energy from a charging station or other electrical energy source that is stored in the vehicle’s battery for propulsion purposes. “Electric vehicle” includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) electric scooters or motorcycles. Electric vehicles are licensed and registered for operation on public and private highways, roads, and streets.
- K. *Electric Vehicle Supply/Service Equipment (“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.”
- L. *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.).

- M. *Neighborhood Electric Vehicle*: an electric vehicle with four (4) wheels that conforms to federal regulations under C.F.R. § 571.500, which can attain a speed of 20 miles per hour (mph) from a stand-still within one (1) mile but cannot exceed a speed of more than 25 mph.
- N. *Non-Electric Vehicle*: a vehicle that does not meet the definition of “electric vehicle” as provided herein.
- O. *Plug-In Hybrid Electric Vehicle (“PHEV”)*: an electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor, and; (2) charges its battery primarily by connecting to a charging station or other electrical source not on board the vehicle; (3) may additionally be able to sustain a battery charge using an on-board internal combustion-driven generator; and (4) has the ability to be propelled through the use of electricity.
- P. *Motor Vehicle*: has the same meaning as provided in Section 39:1-1, *et seq.* of the Revised Statutes of the State of New Jersey.

Sec. 24.05. 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 24.06 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 Zoning 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 Town of Westfield’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 (N.J.S.A. 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.

Sec. 24.06. 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.

- B. 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.
- C. 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.
- D. As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in 1. 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 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.

Sec. 24.07 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 applicable Town or State regulations.
- 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 24.06A. above may be encouraged but shall not be required in development projects.

Sec. 24.08 Charging Station Requirements and Design Criteria

A. General Requirements

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 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.
3. 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.
4. 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.
5. With respect to all properties within the Town to which the requirements of this Article do not apply, in order to proactively plan for and accommodate the anticipated growth in market demand for electric vehicles, it is strongly encouraged, but not required, that all new construction on such properties be constructed to provide a 220-240-volt/40-amp outlet on a dedicated circuit in close proximity to designated vehicle parking to accommodate the potential future hardwire installation of a Level 2 charging station.

B. Charging Station Space Location and Design Criteria for Multi-Family Residential and Non-Residential Development.

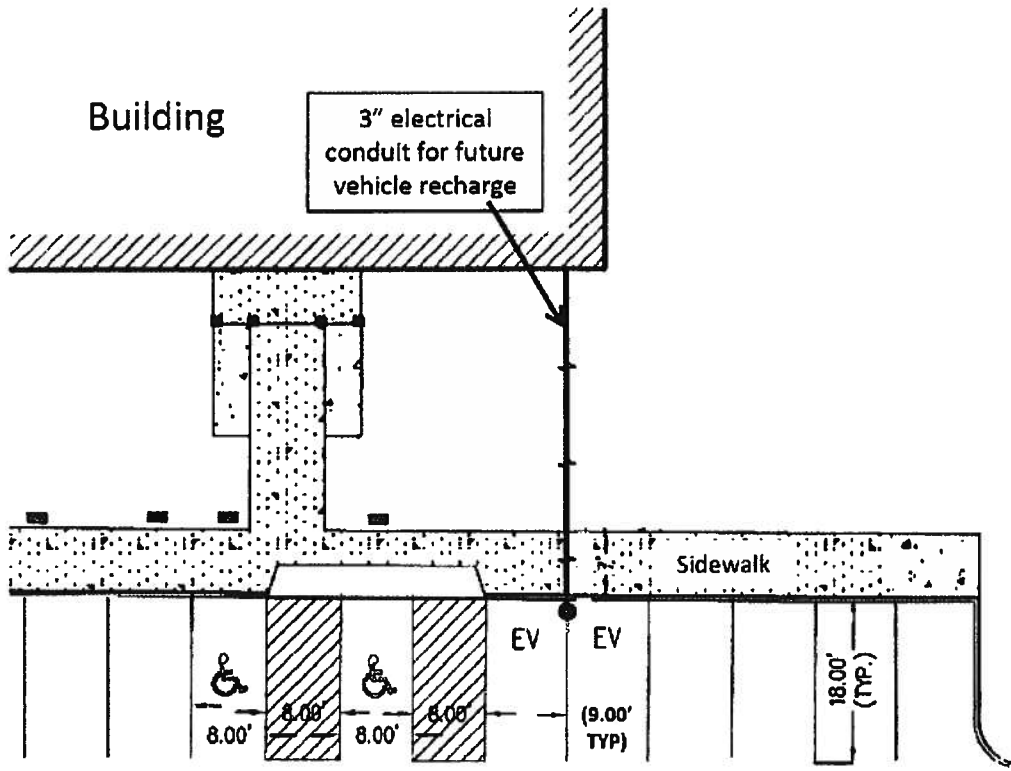
1. Where provided, spaces for charging station purposes are required to include the following:
 - i. *Signage.* Each EVSE space shall be posted with signage as described further herein in Sec. 24-08.
 - ii. *Maintenance.* Charging station equipment shall be maintained in all respects. Contact information, such as a phone number, shall be provided on the charging station equipment for reporting purposes when the equipment is not functioning correctly, or other equipment problems are encountered.

- iii. *Accessibility.* Where charging station equipment is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the charging station equipment shall be located so as not to interfere with accessibility requirements of the New Jersey Accessibility Code, N.J.A.C. 5:23-7.2, *et seq.*, or other applicable accessibility standards.
- iv. *Lighting.* Where charging station equipment is installed, adequate site lighting shall be provided in accordance with the Town Code.
- v. *Charging Station Equipment.* All required charging stations shall be Level 2 or Level 3, which may be determined at the property owner's discretion. Charging station 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 retraction device and/or a place to hang permanent cords and connectors a safe distance above the ground or pavement surface. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located as to not impede pedestrian travel or create trip hazards on sidewalks.
- vi. *Charging Station Equipment Protection.* Adequate charging station equipment protection, such as concrete-filled steel bollards, shall be used. Non-mountable curbing may be used in lieu of bollards, if the charging station is setback at least 24 inches from the face of the curb.
- vii. *Data Collection.* To allow for maintenance and notification, the Town shall require the owners of public charging stations to provide information on the charging station's geographic location, date of installation, equipment type and model, and owner contact information.
- viii. *Usage Fees.* An owner of a charging station is not prohibited from collecting a fee for the use of a charging station, in accordance with applicable State and Federal regulations. Fees shall be prominently displayed on the charging station.

2. Those providing charging station spaces should consider the following:

- i. *Notification.* Information on the charging station, identifying voltage and amperage levels and time of use, fees, or safety information.
- ii. *Signage.* Installation of directional signs at appropriate decision points to effectively guide motorists to the charging station space(s) as described further herein.
- iii. *Location (Specific to On-Street Parking).* Placement of a single charging station is preferred at the beginning or end stall on a block face.

Sec. Sec. 24.07. Charging Station Location(s)



Example Site Plan – “Rough-In” of Electric Vehicle Charging Stations

Accessible Charging Stations. It is strongly encouraged, but not required, that a minimum of one (1) accessible charging station be provided. Accessible charging stations should be in close proximity to the building or facility entrance and shall be connected to a barrier-free accessible route of travel to and from the building or facility. It is not necessary to designate the accessible charging station exclusively for the use of disabled persons. Below are two options for providing for accessible electric vehicle charging stations:

OFF-STREET ACCESSIBLE CHARGING STATION EXAMPLE - OPTION 1

Accessible EV Charging Station

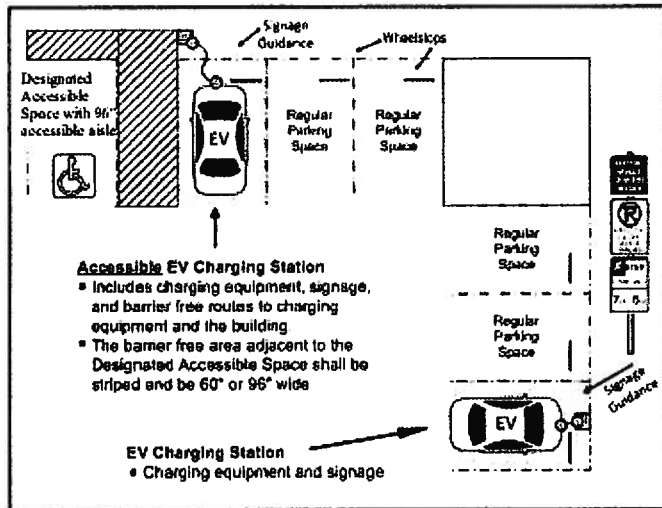
- Includes charging equipment, signage, and barrier free routes to charging equipment and the building.
- The barrier free area adjacent to the Accessible EV Station shall be striped and be a minimum of 44" wide.

EV Charging Station

- Charging equipment and signage

Puget Sound area parking garage.
Photo by ECOTality North America.

OFF-STREET ACCESSIBLE CHARGING STATION EXAMPLE - OPTION 2



Fashion Island Shopping Mall, Newport Beach, CA.
Photo by LightMoves.

Comment: The illustrations and photos above show two options for providing accessible charging stations. Option 1 is a likely scenario for installation in existing parking lots. By using an existing wider end parking stall or restriping, an accessible charging station may be more cost effectively installed. Where feasible, a wider clear area around the equipment (60") is preferable. Additionally, this location away from the near building prime parking has a better likelihood of being available for disabled persons, since the accessible charging station is not exclusively reserved for disabled persons. Option 2 provides a location that has a shorter travel distance for disabled persons and can be easily installed in a new parking lot. This option may allow the installer to provide a wider, more fully compliant aisle.

While other options, depending on the specific layout of the new or reconfigured parking area, are likely, at a minimum, an accessible charging station must be located within accessible reach of the barrier-free access aisle (minimum 44-inch width) and the electric vehicle and connect to a barrier-free route of travel. However, because the charging station facility is not a parking facility, the accessible charging station does not need to be located immediately adjacent to the building entrances or reserved exclusively for the use of disabled persons.

Sec. 24-08. Signage

- A. Electric vehicle charging stations, other than in residential use, shall have posted signage, as identified in this section, allowing only charging electric vehicles to park in such spaces. For purposes of this subsection, "charging" means that an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.
- B. Each charging station space shall be posted with signage indicating the charging station space is only for use by electric vehicles for charging purposes. Days and hours of operations shall be included if time limits or tow away provisions are to be enforced.
- C. All signage shall include: (1) information on the charging station to identify voltage and amperage levels and any time of use, fees, or safety information; (2) as appropriate, directional signs to effectively guide motorists to the charging station space(s); and (3) any

additional optional signage may be posted to alert potential charging station users as to other expectations.

- D. All such signage shall additionally be compliant with the Manual Uniform Traffic Control Devices (“MUTCD”) as published by the Federal Highway Administration (“FHWA”) and shall be made at the recommended sizes described therein.

Sec. 24-09. Electric Vehicle Charging Station Regulations

- A. Charging stations, where provided for public use, are reserved for parking and charging electric vehicles only, except as otherwise provided by this Article.
- B. Electric vehicles may park in any parking space otherwise designated for parking, subject to the restrictions that would apply to any other vehicle generally.

Sec. 24-10. Prohibitions

When a sign authorized under Sec. 24-08 provides notice of a designated charging station space, no person shall park or stand a non-electric vehicle therein. Any non-electric vehicle parked or standing in a charging station space is subject to fine and/or impoundment of the offending vehicle as described in Section 24-13.

Sec. 24-11. Notice of Electric Vehicle Charging Station

Upon adoption of an ordinance by the Town establishing a charging station(s) in on-street or municipally-owned Town parking lots, the Town Engineer shall cause appropriate signs and markings to be placed in and around the designated charging station space(s), indicating prominently thereon the parking regulations therefor. The signs shall define time limits and hours of operation, as applicable, and shall state that the parking space is reserved for the charging of electric vehicles only. Charging station space regulation violators are subject to fine and/or impoundment of the offending vehicle.

Sec. 24-12. Applicability of Construction and Land Use Regulations

Nothing in this Section shall be interpreted as a waiver, replacement, or substitute for any installation that requires a Construction Code or Land Use Approval under applicable provisions of any statute, ordinance, rule or regulation. Installation of charging stations to an existing parking space is exempt from any such site plan review.

Sec. 24-13. Violations and Penalties

- A. The Police Department, through its officers, shall enforce this Article and shall make a record of any parking violation in public areas, including the state license or registration number of the vehicle, the date concerning the violation, and any other pertinent details. The police officer observing the violation shall attach to the vehicle or property a summons directing the owner or operator of the vehicle or property owner to appear before the Town of Westfield Municipal Court on a regular court night, or report to the violation clerk and pay the prescribed fine in accordance section 13-8(b) of the Town Code. All sums so paid shall be transmitted to the Town Treasurer. Any person receiving a summons for violating any of the provisions of this article may, in any event, be liable to any of the penalties imposed by this article upon conviction of such violation in the Municipal Court.
- B. The Zoning Officer shall enforce all signage and installation requirements described in this Article pursuant to the provisions of Article 21 to this Chapter.

SECTION II. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION III. If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

SECTION IV. This Ordinance shall take effect after passage and publication in the manner provided by law.

STATE OF NEW JERSEY)

: ss.

COUNTY OF UNION)

I, Tara Rowley, Town Clerk of the Town of Westfield, County of Union, State of New Jersey, hereby certify that the attached Ordinance is a true and exact copy of General Ordinance No. 2229, adopted on November 23, 2021 by the Town Council of the Town of Westfield



Tara Rowley, RMC
Municipal Clerk
Town of Westfield
County of Union
New Jersey

(SEAL)