

BOROUGH OF UPPER SADDLE RIVER

ORDINANCE #04-21

AN ORDINANCE TO AMEND CHAPTER 150 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED, “ZONING” TO PROVIDE THAT ELECTRIC VEHICLE CHARGING STATIONS ARE A PERMITTED ACCESSORY USE AND PERMITTED ACCESSORY STRUCTURE IN ALL ZONING DISTRICTS IN THE BOROUGH.

WHEREAS, electric vehicles contribute to Upper Saddle River’s commitment to sustainability and are in the interest of public welfare and;

WHEREAS, permitting electric charging stations encourages electric vehicle use; and

WHEREAS, the Borough encourages greater ownership and use of electric vehicles, and consistent therewith the Borough is amending the Zoning Ordinance to establish standards and regulations for the safe installation of plug-in electric vehicle charging stations at appropriate locations.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Upper Saddle River, in the County of Bergen, and State of New Jersey as follows:

Section 1.

Chapter 150 of the Code of the Borough of Upper Saddle River, Zoning, §150-3, Definitions, be and is hereby amended to add the following terms and the meanings as set forth:

ELECTRIC VEHICLE – Any vehicle that is licensed and

registered for operation on public and private highways, roads, and streets, operates either partially or exclusively on electrical energy from the grid, or an off-board source, that is stored on-board via a battery for motive purpose. "Electric vehicle" includes: (1) a battery electric vehicle; and (2) a plug-in hybrid electric vehicle.

ELECTRIC VEHICLE CHARGING STATION – A public or private parking space that is served by battery 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 in an electric vehicle.

Section 2.

Chapter 150 of the Code of the Borough of Upper Saddle River, Zoning, Article V, Supplementary Regulations, is hereby amended to add a new Section designated as §150-29.3 and to read as follows:

§150-29.3. Electric Vehicle Charging Stations.

A. Approvals and Permits.

(1) Electric vehicle charging stations shall be permitted as an accessory use or accessory structure in all zoning districts of the Borough.

(2) Permits and approvals for electric charging stations shall be granted or denied by the Construction Official. Site plan review and approval by the Planning Board shall not be required.

B. Location.

(1) An electric vehicle charging station, if located on the exterior of a property, shall be required to be located in the rear yard or side yard of the premises. Location in the front yard of a property is not permitted.

(2) An electric vehicle charging station shall be located on a lot on which there exists at the time of construction a permitted principal use.

(3) An electric vehicle charging station shall be located a minimum distance of twenty-five (25) feet from the property line.

C. General Regulations.

(1) Multifamily buildings with five (5) or more units shall have electric vehicle charging stations as ten (10%) percent of the approved parking spaces. Electric vehicle charging station spaces may be included in the calculation for minimum required parking spaces required in accordance with §150-29.

(2) Each electric vehicle charging station space shall be not less than nine (9) feet wide or eighteen (18) feet in length. Where feasible, a vehicle charging station should comply with ADA standards.

(3) Public electric vehicle charging stations are reserved for parking and charging electric vehicles only. It shall be unlawful for any person to park or leave standing a vehicle in a space designated for the charging of plug-in electric vehicles unless the vehicle is connected for charging purposes and actively charging. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.

(4) Identification signage for electric vehicle charging stations shall be posted immediately adjacent to and visible to the parking space and have a designated sign not greater than seventeen (17) inches by twenty-two (22) inches in size. One (1) sign per electric vehicle charging space is required.

(5) Charging station outlets and connector devices shall be no less than thirty-six (36) inches and no higher than forty-eight (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 sufficient and safe distance above the ground or pavement surface. Equipment mounted on pedestals, lighting posts, or other devices shall be designated and located so as not to impede pedestrian travel or create trip hazards.

(6) 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 set back a minimum of twenty-four (24) inches from the face of the curb.

(7) Lighting of electric vehicle charging stations shall be in accordance with lighting standards applicable to the District wherein the electric vehicle charging station is located.

Section 3. Violations and Penalties.

Any person found guilty of violating the provisions of this Ordinance shall be subject to such fines and penalties as set forth in §1-15 of the Borough Code.

Section 4. Severability.

If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not effect, impair or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such judgment shall be rendered.

Section 5. Inconsistent Ordinances Repealed.

All ordinances or parts or ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 6. Effective Date.

This Ordinance shall take effect after publication thereof and final passage as required by law.

JOANNE L. MINICHETTI, Mayor

JOY C. CONVERTINI, Borough Clerk

Introduced:

Adopted:

Approved: