

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE NO. 526-2024

AN ORDINANCE AUTHORIZING FEES FOR USE OF ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) & MAKE-READY PARKING SPACES

WHEREAS, P.L. 2021, c.171, requires Electric Vehicle Supply and Service Equipment (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 pursuant to mandatory model ordinance published by the Commissioner of Community Affairs which shall be effective in each municipality; and

WHEREAS, P.L. 2021, c.171 provides that a municipality may by ordinance adopt reasonable standards to address installation, sightline, and setback requirements or other health and safety related specifications for electric vehicle supply equipment and Make-Ready parking spaces; and

WHEREAS, pursuant to Ordinance No. 450-2021, the City of Cape May adopted an ordinance establishing standards for EVSE and make-ready parking spaces; and

WHEREAS, the City Council has reviewed the matter with its professional staff and determined that it is appropriate to amend the ordinance to provide for a fee structure for publicly accessible City owned EVSE; and

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Cape May, Cape May County, State of New Jersey as follows:

SECTION 1. Section 525-89 (F)(6) of the Code of the City of Cape May is hereby amended as follows (with ~~striketrough~~ portions indicating deleted language and **bold/underlined** portions indicating new language):

§ 525-89 – Electric Vehicle Supply and Service Equipment (EVSE) and Make-Ready parking spaces

F. Reasonable standards for all new EVSE and make-ready parking spaces.

- (1) 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 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.
 - (a) The standards will at a minimum include the following:
 - [1] EVSEs shall be set back at least 1.5 feet from the designated off-street parking space.

- [2] A concrete bollard three feet in height shall be installed on the space-facing side of the EVSE located between the equipment and the curb or edge of parking space.
 - [3] EVSEs shall be mounted on a device no taller than four feet and shall contain a retraction device and/or place to hang permanent cords and connectors.
 - [4] Lighting sufficient to operate the EVSE shall be provided at all hours. A light sensor shall be installed to automatically adjust lighting levels.
 - [5] EVSEs shall be ADA accessible.
 - [6] All EVSE facilities installed at designated and/or listed historic properties shall be shielded from the public right-of-way to the greatest practicable extent. Should the placement of an EVSE out of the line-of-sight from a public right-of-way not be feasible, the EVSE shall be designed or decorated to be architecturally contextual with the building to which it is an accessory. Design shall be subject to approval of the Historic Preservation Commission.
- (b) The City of Cape May as a national historic landmark must ensure reasonable efforts are made to minimize impact and any detriments to the historic character of the City. For EVSE and/or make-ready spaces to be installed or placed within the Historic Preservation District, the Historic Preservation Commission may promulgate uniform design standards for such facilities which shall be incorporated herein by reference once adopted by City Council pursuant to § 529-39F of the City Code. Any specific requirements imposed by the City relating to design or placement of these facilities will be reasonable, non-discriminatory, and objective.

(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 nine 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) EVSE parking:
- (a) Publicly accessible EVSEs 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 N.J.S.A. 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 nonelectric vehicle in such a space, or to park an electric vehicle in such a space when it is not connected to the EVSE. Any nonelectric 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 described in the general penalty provisions of this Municipal Code. Signage indicating the penalties for violations shall comply with Subsection F(5) 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.
 - (d) Private parking. The use of EVSE shall be monitored by the property owner or designee.
- (4) 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 Subsection F(5) below.
 - (b) Where EVSE is installed, adequate site lighting and landscaping shall be provided in accordance with the City of Cape May's ordinances and regulations.
 - (c) Adequate EVSE protection such as concrete-filled steel bollards shall be used for a 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 three to four 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 Subsection F(4)(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 an 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 twenty-four-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 City of Cape May shall require the owners/designee of publicly accessible EVSEs to provide information on the EVSEs geographic location, date of installation, equipment type and model, and owner contact information.

(5) Signs.

- (a) Publicly accessible EVSEs 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 a 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 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, or exit and shall comply with Subsection F(5)(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:
 - [1] Hour of operations and/or time limits if time limits or tow-away provisions are to be enforced by the municipality or owner/designee;
 - [2] Usage fees and parking fees, if applicable; and
 - [3] Contact information (telephone number) for reporting when the equipment is not operating or other problems.

(6) Fees.

- (a) Installation of EVSE and/or make-ready parking spaces pursuant to Subsections C and/or D of this article are subject of an initial municipal assessment of \$1,000 per EVSE and/or make-ready parking space.
- (b) In addition to the initial municipal assessment above, any publicly accessible EVSE or private EVSE that charges a fee for use shall be subject to the requirement to obtain a mercantile license for the same, which shall be \$300 per each EVSE. Fees charged by the owner/designee of EVSE shall be available on the EVSE or posted at or adjacent to the EVSE parking space. If the owner/designee of a publicly accessible EVSE or private EVSE does not charge a fee for use, the EVSE will be exempt from the annual mercantile license requirement.
- (c) Any revenue for the above assessments and fees are to be deposited in the Parking Trust Account of the City of Cape May Parking Trust Account maintained by the City specifically for the periodic purchase, lease, acquisition or maintenance of off-street parking lots to serve the City.
- (d) For publicly accessible municipal EVSE, in addition to any applicable parking meter fees, the fee to use parking spaces within the municipality identified as EVSE spaces shall be for each hour that the electric vehicle is connected to the EVSE. The following is an initial table of fees associated with use of City EVSE. However, these fees are subject to change and may be updated or amended by further Resolution adopted by City Council.**

	Level 2	Level 2 + increment	Level 3	Level 3 + increment
City of Cape May	\$1.75/hr first 4 hours	\$3.50/hr thereafter	\$0.40/kwh	\$0.25/min after 1 hr

- (e) Private EVSE. Nothing in this chapter 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. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 3. Should any section, paragraph, sentence, clause or phase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

SECTION 4. This Ordinance shall become effective 20 days after final passage and publication, according to law.

CITY OF CAPE MAY, a municipal corporation
of the State of New Jersey

ATTEST:

Erin C. Burke, City Clerk

BY: _____
Zachary M. Mullock, Mayor

Ordinance 526-2024 was introduced at a Work Session meeting of the City Council of the City of Cape May, held on February 6, 2024 and was further considered for final passage during a Work Session Meeting of the City Council, held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on March 5, 2024 at 5:00 P.M. at which time a Public Hearing was held.

Brian E. Turner, Deputy City Clerk

Roll Call	Ayes	Nays	Absent	Abstain	Motion	Second
Yeager	X					
Meier	X					
McDade	X					X
Baldwin	X				X	
Mullock	X					

Introduced: February 6, 2024
 1st Publication: February 14, 2024
 2nd Reading & Adoption: March 5, 2024
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