

**LEMOYNE BOROUGH**  
**Cumberland County, Pennsylvania**  
**ORDINANCE NO. 783**

**AN ORDINANCE OF THE COUNCIL FOR THE BOROUGH OF LEMOYNE, CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING CHAPTER 550 OF THE CODE OF THE ORDINANCES OF THE BOROUGH OF LEMOYNE BY ADDING SECTION 550-88 ELECTRIC VEHICLE CHARGING STATIONS (EVCS) OR ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE) FOR BOTH PRIVATE AND COMMERCIAL/INDUSTRIAL USE AS AN ACCESSORY USE AND REGULATING THE LOCATION OF PUBLIC CHARGING STATIONS.**

**BE IT ENACTED AND ORDAINED** by the Borough Council of the Borough of Lemoyne, Cumberland County, Pennsylvania, as follows:

**Section 1.** §550-88.1 Additional supplemental standards and requirements for Electric Vehicle Charging Stations.

**A. Purpose.**

The purpose of this section is to establish regulations for the deployment of both private and public EVCS/EVSE in the Borough.

**B. General Standards**

1. For purposes of this section EVSE (Electric Vehicle Supply Equipment) and EVCS (Electric Vehicle Charging Station) may be used interchangeably.
2. In all cases the current National Electrical Code® (NEC®) wherein EVCS installations and operations are covered, currently Article 625c, will be the governing standard for all EVCS installations and operations.
3. In all cases unless otherwise indicated, EVCS installation or operation shall not impede ADA access, free access, interfere with utilities, rain gardens or other infrastructure or become a hazard in any way or create an obstruction to any activities except specifically permitted in this section.
4. In cases where existing sidewalks and curbs must be disturbed for the purpose of installation of an EVCS, all replacement materials shall match the original materials existent prior to installation of the EVCS so that the final installation will match existing materials.
5. A building permit providing details regarding the planned installation of an EVCS must accompany any request to install EVCS in any zone. The permit must be accompanied by a design

sketch and a load study. No permit is required for a Level 1 Charger installed within or upon an existing building and not requiring any new wiring.

6. Abandonment or disrepair: If an EVCS is ever abandoned, or enters into a state of disrepair, the property owner shall be responsible for removing or properly repairing the EVCS. Upon notification by the Borough, the property owner must repair or remove the EVCS within 60 days. Failure to do so shall subject the property owner to enforcement efforts in accordance with borough standards.

7. In no case may an EVCS be used for active advertising, except the stations may display a label indicating the manufacturer and the model number of no more than 1.0 square foot in size. The EVCS may use the minimum illumination required for safe operation of the facility.

8. Electric Vehicle Charging Stations (EVCS) may be installed in all zoning districts subject to the criteria within this ordinance. A summary of allowable EVCS installation by zone is shown on Table 550-11-4.

9. Permits for SALDO and new or substantially modified buildings in all zoning districts, except for SR and UR shall include provision for current or future installations of EVCS, including adequate energy and space installations.

10. Each EVCS must be protected by curbing and/or bollards as appropriate for the site.

11. The Borough assumes no liability for EVCS installations installed and operated within the ROW by others.

12. The design and installation of EVCS equipment shall be in strict compliance with Chapter 200 relating to Code Enforcement, all applicable industry standards, and the requirements and guidelines of the manufacturer.

### C. Definitions

For purposes of this Section the following words and phrases shall have the following meanings:

**Abandonment** – For the purpose of this ordinance, an EVCS shall be presumed to be abandoned when operations associated with its use have ceased or when the EVSC has been damaged or rendered inoperable for a period of 60 days.

**Electric Vehicle Charging Station (EVCS)** – A permanent device, facility or structure that has as its primary purpose to transfer electric energy from an electrical source to a battery or other energy storage device that serves any electric or plug-in vehicle including, but not limited to Hybrid Electric Vehicle (HEV), Plug-In Hybrid Electric Vehicle (PHEV), Battery Electric Vehicle (BEV) and/or Hydrogen Fuel Cell Electric Vehicle (HFCEV) which utilizes electric power as a means to move the vehicle along the streets of the borough. This definition does not apply to a permitted outdoor power receptacle at residential properties, in which a removable electric charger may be plugged, except that at no time may the use of this type of receptacle allow for cables or wires to be placed on or along a sidewalk or street so as to impede ADA access, free

access, interfere with utilities, rain gardens or other infrastructure or become a hazard in any way or create an obstruction to any activities except as specifically permitted in this section.

**Electric Vehicle Supply Equipment (EVSE)** – This is the same definition as EVCS above. The terms can be used interchangeably as it pertains to this ordinance.

**Level 1 charging station:** A charging station, otherwise known as a trickling charger, which has as its attributes the use of a standard wall outlet (nominal 120 volt) pursuant to the NEC current definition and application.

**Level 2 Charging Station:** A charging station which has as its attributes the use of 240/220 Volt outlet pursuant to the NEC current definition and application.

**Direct Current Fast Charging Station (DCFC):** A charging station which has as its attributes the use of a specially constructed and dedicated station pursuant to the NEC current definition and application.

#### **D. Permitted Borough Installations**

The Borough may install publicly accessible EVCS within the Right of Way (ROW) owned by the Borough or the Commonwealth or on other Borough-owned property. Sites that may be considered include but are not limited to:

1. Borough parks for borough and public use.
2. Along Borough streets for borough and public use
3. Near Borough buildings such as maintenance areas/wastewater treatment plant for borough use.

#### **E. Installations other than by Borough**

##### **1. Single-Family Residential with off street parking**

- a. An EVCS shall be considered an accessory use by right for single-family dwellings defined in this section.
- b. Only level 1 or level 2 chargers may be installed at Single-Family Properties as permitted uses.
- c. A DCFC may not be installed in dwellings identified by this section.
- d. Location of EVCS: The location shall be identified on the building permit, if required. Curbside locations are not permitted.

## **2. Single-Family Residential with no off-street parking**

- a. An EVCS shall be considered an accessory use by right for single-family dwellings defined in this section
- b. Only level 1 or level 2 chargers may be installed at Single-Family properties as permitted uses.
- c. A DCFC may not be installed in dwellings identified by this section.
- d. Location of EVCS: In situations such as described in this section, the EVCS shall be permanently attached to a curbside post installed in compliance with the NEC so that charging may occur in the ROW. In the case of the latter, the owner may not request the Borough designate that a street location be identified as being exclusively for EV's that are being actively charged, nor may an individual assign priority rights to such a location.

## **3. Multi-Family Residential (i.e.) apartments buildings or homes converted to apartments)**

- a. EVCS shall be considered a by-right accessory use for multi-family residential developments, provided the EVCS is located on private property.
- b. Only level 1 or level 2 chargers may be installed in this situation.
- c. A DCFC may be installed as a conditional use solely for the residents of the property. It may not be offered for use to the public either with or without compensation.
- d. Each EVCS shall be oriented in such a way as to not impede pedestrian or vehicle traffic on site or in the ROW.
- e. Each EVCS at a multi-family residential development is intended for the use of the residents and their guests. Off-site advertising for the EVCS to the public is prohibited.
- f. Each parking space served by an EVCS shall count toward minimum parking requirements. This does not preclude a developer from adding additional parking spaces to offset the EVCS spaces.

## **4. Non-Residential Parking**

- a. Each parking space served by an EVCS shall count toward minimum parking requirements.
- b. Density:

i. Up to 30% of parking spaces are allowed to be served by EVCS by right as an accessory use.

1. All chargers must be of a level 1 or level 2 type unless the non-residential parking lot is in a Commercial General or Industrial zoned parcel, in which case chargers may be of the DCFC type.
2. If more than 30%, or 5 whichever is greater, of the parking spaces in a non-residential parking lot are to be serviced by EVCS the parking lot will be regulated as a Motor Vehicle Service Station regardless of the level of the charger.
3. DCFC chargers may be considered as accessory uses in other zoning districts for retail businesses, restaurants, and professional services.

#### **5. Automobile Service Stations and Facilities Dispensing Liquid Fuel**

- a. All requirements outlined in General Standards for all Installations of EVCS or EVSE must be met.
- b. This section refers to all liquid fueling stations regardless of the zone in which they are found.
- c. EVCS may be placed in locations where there exists fueling locations for liquid fuels under the following conditions:
  - i. All the applicable requirements for EVCS which concern ADA requirements are met.
  - ii. Level 1 Charging Stations, Level 2 Charging Stations and DCFC stations may be installed in such settings regardless of the zone in which the location is found-
  - iii. No EVCS may be placed any closer than 30 feet from the liquid fueling locations.
  - iv. Each EVCS location shall consist of a 9-foot by 18-foot parking space that is restricted with signage and dedicated only for use by Electric Vehicles as described above and only during charging.

#### **6. Businesses located along the ROW**

- a. Owners of commercial properties or owners of properties along the ROW which have as their primary use a commercial enterprise may request in writing, using the standard building permit, permission from the Borough to install an EVCS at the owner's expense. It is noted that in these cases, regardless of zoning, a level 1, 2 EVCS or DCFC is permitted to be installed.
- b. Said installation must meet all code requirements and meet all requirements of this section as listed in "General Standards" above.
- c. The installation is to be placed at the curb/edge of the sidewalk and must have a parking space adjacent to it for access. Vehicles being charged must be parked in that adjacent parking space.
- d. The installing business owner shall be responsible for maintaining the station in good repair and working order.
- e. For the purpose of this paragraph the Borough reserves the right to limit the installation of EVCS to no more than one (1) location every one-hundred-fifty (150) feet along the curb in each direction.

TABLE A - 550-88.1

| Quick Reference Table for Installations of EVCS |                                  |                                      |                                      |   |
|---|----------------------------------|--------------------------------------|--------------------------------------|---|
| Zoning District                                 | Charger type<br>CFC <sup>D</sup> | Charger type<br>level 2 <sup>L</sup> | Charger type<br>level 1 <sup>L</sup> | Ordinance Reference   |
| SUBURBAN RESIDENTIAL (SR)                       | NP*                              | p*                                   | p*                                   | This table is provided only as a quick reference guide for permitted installations. In all cases language within this ordinance which pertains to specific installations and uses will be followed as outlined in that section. |
| URBAN RESIDENTIAL (UR)                          | NP*                              | p*                                   | p*                                   |   |
| VILLAGE MIXED USE (VMU)                         | Pc*                              | p*                                   | p*                                   |   |
| DOWN TOWN (DT)                                  | Pa                               | p*                                   | p*                                   |   |
| OFFICE RESIDENTIAL (OR)                         | p *                              | p*                                   | p*                                   |   |
| COMMERCIAL GENERAL (CG)                         | p *                              | p*                                   | p*                                   |   |
| OFFICE (OFF)                                    | p *                              | p*                                   | p*                                   |   |
| INDUSTRIAL (IND)                                | p *                              | p*                                   | p*                                   |   |


\*Key - P - Permitted; Pa – Permitted as accessory use; Pc – Permitted as conditional use; NP – Not Permitted

**Section 2.** All sections, parts and provisions of the Code of Ordinances of the Borough of Lemoyne, as amended and supplemented, shall remain in full force and effect as previously enacted and amended.

**Section 3.** This Ordinance shall become effective immediately upon its enactment by the Council of the Borough of Lemoyne, County of Cumberland, Commonwealth of Pennsylvania.


**DULY ENACTED AND ORDAINED** this 16<sup>th</sup> day of May 2024 by Borough Council of the Borough of Lemoyne, Cumberland County, Pennsylvania, in lawful session assembled.

BOROUGH OF LEMOYNE

ATTEST:  \_\_\_\_\_  
Secretary  
[BOROUGH SEAL]

BY:  \_\_\_\_\_  
Council President

**APPROVED** this 16<sup>th</sup> day of May 2024.

BY:  \_\_\_\_\_  
Mayor