

This document has been prepared as part of the implementation project of Legal Pathways to Deep Decarbonization (Michael B. Gerrard and John C. Dernbach, eds. Environmental Law Institute [2019]) (LPDD). For background information on the project, see <https://lpdd.org>

[INSERT JURISDICTION LOGO]

Ordinance Template¹

ORDINANCE NUMBER []

AN ORDINANCE OF THE [MUNICIPALITY / COUNTY NAME] SETTING FORTH PROCEDURES FOR EXPEDITING THE PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING SYSTEMS

WHEREAS, the State of [] and the [Municipality/Village/City of]/County of [] have consistently promoted and encouraged the use of efficient electric vehicles; and

WHEREAS, creation of an expedited, streamlined permitting process for electric vehicle charging stations would facilitate convenient charging of electric vehicles and help reduce the [Municipality's/County's] reliance on environmentally damaging fossil fuels; and

WHEREAS, the expansion of electric vehicle charging stations would promote transportation options for local residents.

NOW, THEREFORE, [THE COUNCIL OF THE MUNICIPALITY OF]/COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF] DOES ORDAIN AS FOLLOWS:

[MUNICIPAL CODE/COUNTY CODE CHAPTER or Section]

SECTION 1. PURPOSE

The purpose of this [Chapter or Name of Section] is to promote and encourage the use of electric vehicles by creating an expedited, streamlined, and transparent permitting process for electric vehicle charging stations while promoting public health and safety and preventing specific, adverse impacts (as defined in Section 2) caused by the installation and operation of such charging stations.

SECTION 2. DEFINITIONS

(a) Electric Vehicle Supply Equipment (EVSE): The conductors, including the ungrounded, grounded, and equipment grounding conductors, and the electric vehicle connectors, attachment plugs,

¹ **NTD**: This model ordinance is intended as a guide to help municipalities and counties adopt an expedited process to permit electric vehicle charging stations. The model ordinance highlights certain provisions that should be adapted to local laws and organizations. Local officials should also review the model ordinance for other changes necessary based on each municipality's or county's particular needs.

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and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and an electric vehicle.

(b) “Electric vehicle charging station” or “charging station” means any level of EVSE installed at a fixed location that is designed and built in compliance with [National Electrical Code or Relevant Local, County or State Code],² and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

(c) Electric Vehicle (EV): An automotive-type vehicle for on-road use, including, but not limited to, a passenger automobile, bus, truck, van, or motorcycle, powered by an electric motor that draws current from a storage battery charged from an external source, including but not limited to a plug-in hybrid electric vehicle that operates on both gasoline and electricity drawn from a storage battery charged from an external source.

(d) Electric Vehicle Capable Space: A dedicated EV parking space that is provided with: (i) electrical panel capacity and space to support a minimum 40-ampere, 208/240-volt branch circuit for such parking space, and (ii) raceways, both underground and surface mounted, to facilitate the provision of electrical service for future dedicated EVSE at such space.

(e) Electric Vehicle Ready Space: A dedicated EV parking space that is provided with at least one 40-ampere, 208/240-volt dedicated branch circuit or larger capacity dedicated branch circuit for future dedicated EVSE service at such space. The circuit shall terminate in a suitable termination point such as a receptacle, a junction box, or an EVSE, and be located in close proximity to the proposed location of the EV parking space. The circuit shall have no other outlets. The service panel shall include an over-current protective device and provide sufficient capacity and space to accommodate the circuit and over-current protective device and be located in close proximity to the proposed location of the EV parking space.

(f) Electric Vehicle Supply Equipment (EVSE) infrastructure: The equipment, as defined by the [National Electrical Code or Relevant Local, County or State Code] that is provided to support future electric vehicle charging. This shall include, but not be limited to: electrical panels adequate for the anticipated design load, service equipment to support the additional electrical demand, the panel capacity

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to support additional feeder/branch circuits and raceways and conduit, both underground and surface mounted, to support the EVSE.

(g) “Specific, adverse impact” means a significant, objective, identified, quantifiable, direct and detrimental impact, based on applicable public health or safety standards, policies, or conditions as they exist on the date the application was deemed complete.

(h) “Substantial alteration” means, with respect to the alteration of a parking facility of an existing building, to add more than [5] parking spaces.

(i) “Electronic submittal” means the submittal of a document utilizing one or more of the following:

- a. Electronic mail or email.
- b. The internet.

SECTION 3. PROMOTION OF ELECTRIC VEHICLE CHARGING STATIONS

(a) Electric vehicle charging stations are allowed in all zoning [districts/designations].

(b) For all new construction or substantial alteration of parking facilities serving commercial buildings, industrial buildings, and residential buildings of 4 or more units, the builder shall include the following number of electric vehicle charging stations³:

Parking Space Capacity	Minimum Number of Spaces with EVSE Installed.	Minimum Number of EV-Ready Spaces.	Minimum Number of EV-Capable Spaces
1 – 3	1	-	-
4 – 10	1	2	-
11 – 15	1	2	1
16 – 19	1	2	2
21 – 25	2	3	2
26 – 50	10% of total parking spaces	25% of total parking spaces	50% of total parking spaces
50+	[30% of total parking spaces]	[35% of total parking spaces]	[60% of total parking spaces]

(c) All EVSE infrastructure and EVSE (when installed) shall be in accordance with the [National Electrical Code or Relevant Local, County or State Code].

² **NTD**: Please Reference the National Electrical Code unless there is an appropriate local ordinance.

³ **NTD**: These are recommendations that are intended to address expected (and mandated) rapid growth of EV usage but these may appropriately be set differently for respective municipalities and counties due to population density, expected EV adoption rates, allowed project cost, and the like.

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(d) No homeowner's association, condominium association, cooperative corporation or other neighborhood housing authority may prohibit the installation of electric vehicle charging stations unless the [Local Authority] makes a finding as part of the permitting process, based on substantial evidence, that the electric vehicle charging station would have a specific, adverse impact.

SECTION 4. EXPEDITED PERMITTING PROCESS⁴

The [Local Authority] shall implement an expedited, streamlined permitting process for electric vehicle charging stations, and adopt a checklist of requirements with which electric vehicle charging stations must comply in order to be eligible for expedited review. The [Municipality's/County's] adopted checklist and required permitting documentation shall be published on the publicly accessible [Municipality's/County's] website.

SECTION 5. PERMIT APPLICATION PROCESSING⁵

(a) An electric vehicle charging station permit application shall include a verification by the applicant or its authorized representative that the proposed installation satisfies all requirements in the [Municipality's/County's] adopted checklist, is in conformance with applicable codes and legal requirements, and will not have a specific, adverse impact with respect to infrastructure affected by charging station equipment, including associated conduits; areas occupied by charging station equipment or electric vehicle parking serviced by the EVSE.⁶

(b) A permit application that satisfies the information requirements in the

⁴ **NTD:** A jurisdiction's EV Charging Station permitting website should allow for easy access to information needed for the submission of a successful EV Charging Station building permit application. In addition to the information contained in the model ordinance, suggestions for additional considerations to assist applicants with the EV Charging Station permitting process include: (1) posting of the applicant checklist for Electric Vehicles and Electric Vehicle Service Equipment to the municipality's/county's website (an example checklist accompanies this model ordinance); (2) defining the materials (e.g., documents, certifications, etc.) needed for a permit package to be complete, the associated fees, and what building inspectors will be looking for; (3) indicating an expected review time for each project type; (4) providing information for contacting Local Authorities, and (5) providing processes to arrange for pre-application meetings (e.g., appointment scheduling tool or the like) with knowledgeable Local Authority staff for EV Charging Station projects that may require additional review.

⁵ **NTD:** This section should be adapted to local community approval processes for streamlined building permits.

⁶ **NTD:** Local Authorities should consider including specific guidelines for determining that no specific, adverse impact exists (e.g., obtaining a certificate from an electrician). This information could be incorporated in the ordinance, on the Local Authority's website, or in the checklist.

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[Municipality's/County's] adopted checklist shall be determined to be complete by the [Local Authority] no later than [5] business days after submittal. If the [Local Authority] determines that the permit application is incomplete, it shall issue a written correction notice to the applicant, detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

(c) An application for a permit to install an electric vehicle charging station submitted to the [Local Authority] shall be deemed complete if, after the [5] business days has elapsed from the date of submittal, the [Local Authority] has not issued a written correction notice detailing all deficiencies in the application and identifying any additional information necessary for the [Local Authority] to complete a review as to whether the electric vehicle charging station would cause a specific, adverse impact or fail to comply with applicable legal requirements or safety standards.

(d) The [Local Authority] shall allow for electronic submittal of permit applications covered by this Ordinance and associated supporting documentation. In accepting such permit applications, the [Local Authority] shall also accept electronic signatures on all forms, applications, and other documentation in lieu of a wet signature by any applicant.

SECTION 6. TECHNICAL REVIEW⁷

(a) It is the intent of this Ordinance to encourage the installation of electric vehicle charging stations by removing unnecessary obstacles to permitting for charging stations meeting the requirements of this ordinance.

(b) The [Local Authority] shall promptly process the permit application upon determining it to be complete, or in the event it is deemed to be complete pursuant to Section 5(c) of this Ordinance. Upon confirmation by the [Local Authority] that: (i) the proposed electric vehicle charging station will not cause a specific, adverse impact, and (ii) the proposed electric vehicle charging station will comply with all applicable codes, laws and health and safety standards, the [Local Authority] shall approve the application and issue the electric vehicle charging station permit. The [Local Authority] shall make a determination whether to grant or deny a permit application within [30] days after it has been determined or deemed to be complete.

⁷ NTD: Municipalities and counties implementing this ordinance should consult with local technical experts and make adjustments to this section, as appropriate.

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(c) [Approval by the [Local Authority] does not authorize an applicant to energize or utilize the electric vehicle charging station until approval is granted by the [Municipality's/County's] utility provider].⁸

(d) If the [Local Authority] makes a finding based on substantial evidence that the proposed charging station would cause a specific, adverse impact or fail to comply with applicable codes, laws or health and safety standards, it may deny the application for an electric vehicle charging station permit. In such event the [Local Authority] shall provide a written notification thereof to the applicant, identifying deficiencies causing the specific, adverse impact or compliance failure with regard to applicable legal requirements or safety standards, and the substantial evidence on which the finding is based.

(e) If the [Local Authority] denies the application for an electric vehicle charging station permit, the applicant may address the deficiencies and reapply for a permit without prejudice.

SECTION 7. ELECTRIC VEHICLE CHARGING STATION INSTALLATION REQUIREMENTS

(a) EVSE infrastructure shall meet the requirements of the [Insert Relevant Electrical Code], the Society of Automotive Engineers, the National Electrical Manufacturers Association, accredited testing laboratories such as Underwriters Laboratories, or rules of the [Public Utilities Authority] regarding safety and reliability.⁹ A certification from a licensed electrician that the EVSE infrastructure is compliant with this Section 7(a) is sufficient.

(b) Installation of electric vehicle charging stations and associated wiring, bonding, disconnecting means and overcurrent protective devices shall meet the requirements of all applicable provisions of the [Insert Relevant Electrical Code]. A certification from a licensed electrician that the EVSE infrastructure is compliant with this Section 7(b) is sufficient.

(c) Installation of electric vehicle charging stations shall be incorporated into the load calculations of all new or existing electrical services and shall meet the requirements of the [Insert Relevant Electrical Code]. Electric vehicle charging equipment shall be considered a continuous load.

(d) Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the [Insert Relevant Jurisdiction] Building or Residential Code as applicable per

⁸ NTD: If an additional permitting authority or authorities need to be added (e.g., a local planning board or Department of Transportation), those entities can be incorporated into this section or Section 6(d).

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occupancy, and the provisions of the manufacturer's installation instructions. Mounting of charging stations shall not adversely affect building elements.

(e) Upon installation of an electric vehicle charging station, the applicant shall be responsible for obtaining authorization and approval to connect the electric vehicle charging station to the local utility provider's electricity grid. In the event the [Municipality/County] owns or operates an electric utility into which connection is proposed by the applicant, the application shall demonstrate compliance with the [Municipality's/County's] utility interconnection policies prior to approval. Approval by a [Municipality/County]-owned electric utility shall not be unreasonably withheld.

(f) All construction or work for electric vehicle charging stations for which a permit is required shall be subject to inspection by the [Local Authority] and such construction work shall remain accessible and exposed for inspection purposes until approved by the [Local Authority].

SECTION 8. PARKING REQUIREMENTS

(a) Only electric vehicles may stand in areas designated by markings or signage as electric vehicle charging stations. It is unlawful for an electric vehicle to stand in a designated electric vehicle charging station when not connected for electric charging purposes or remain parked in the location for [more than 10 minutes] after allocated period of charging is completed.

(b) A violation of this Section shall result in the issuance of a parking citation pursuant to [Relevant Code Section], including a fine of [insert appropriate fine]. In addition, vehicles in violation of this Section may be towed.

SECTION 9. MISCELLANEOUS

(a) Any provision of the [Municipality/Village/City of _____ Municipal Code/County of _____ County Code] or appendices thereto, inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, are hereby repealed or modified to the extent necessary to effect the provisions of this Ordinance.

(b) If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The [Municipality

⁹ NTD: This section should be updated to reflect local entities, as appropriate.

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Council/County Board of Supervisors] hereby declares that it would have passed this Ordinance, and each and every Section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

(c) [The [Mayor, County Executive, or Relevant Jurisdictional Authority] shall sign and the [Municipality/County Clerk] shall attest to the passage of this Ordinance. The [Municipality/County Clerk] shall cause this Ordinance, or a summary thereof to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective on [Month Day, 20XX].]¹⁰

APPROVED AS TO FORM:

NAME

Municipality Attorney / County Counsel

¹⁰ **NTD**: This is draft language and should be adapted to comply with any applicable public notice requirement.