

ORDINANCE # _____

AN ORDINANCE OF THE TOWNSHIP OF NEWTOWN, THE TOWNSHIP OF UPPER MAKEFIELD AND THE TOWNSHIP OF WRIGHTSTOWN, BUCKS COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE NEWTOWN AREA JOINT MUNICIPAL ZONING ORDINANCE TO DEFINE AND PROVIDE FOR ELECTRIC VEHICLE CHARGING STATIONS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Townships of Newtown, Upper Makefield, and Wrightstown (collectively the “Participating Municipalities”) have enacted the Newtown Area Joint Municipal Zoning Ordinance, as amended (“JMZO”); and

WHEREAS, Article VIII, “Use Regulations”, of the JMZO does not currently regulate the use of electric vehicle charging stations and, accordingly, the Participating Municipalities desire provide for and regulate electric vehicle charging stations, an accessory use that has become increasingly popular and widespread throughout Pennsylvania and the United States; and

WHEREAS, the Townships have determined that the JMZO should be amended to make provision for a new use entitled “Electric Vehicle Charging Stations” and to permit that use, subject to conditions contained herein;

NOW THEREFORE, be it, and it is hereby **ORDAINED** by the Boards of Supervisors of Newtown, Upper Makefield and Wrightstown Townships, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

SECTION 1.

Section 209 of the JMZO is amended by adding the following subsections:

“§ 209.1 Battery Charging Station. An electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.

§ 209.2 Battery Electric Vehicle. Any vehicle that operates exclusively on electrical energy from an offboard source that is stores in the vehicle’s batteries and produces zero tailpipe emissions or pollution when stationary or operating.”

SECTION 2.

Section 218 of the JMZO is amended by adding the following subsection:

“§ 218.1 Charging Levels. Standardized indicators of electrical force or voltage, at which an electric vehicle’s battery is recharged. The terms Level 1, Level 2, and Level 3 are the most common charging levels, and include the following specifications:

- 1) Level 1 is considered slow charging and operates with a voltage range from 0 to 120.
- 2) Level 2 is considered medium charging and operates with a voltage range from 120 to 240.

- 3) Level 3 is considered fast or rapid charging and operates with a voltage range over 240. Level 3 stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.”

SECTION 3.

Section 228 of the JMZO is amended by adding the following subsections:

“§ 228.1. Electric Vehicle. Any vehicle that is licensed and registered for operation on public and private highways, roads and streets; either partially or exclusively, on electrical energy from the grid, or an off-board source that is stored onboard via a battery for motive purpose. This includes both a battery electric vehicle and a plug-in hybrid electric vehicle.

§ 228.2. 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.”

“§ 228.3. Electric Charging Station – Private Restricted Use. An electric vehicle charging station that is not available for use by the general public. Examples include electric vehicle charging stations that serve residential homeowners or renters, executive parking areas, designated employee parking areas and fleet parking areas.”

“§ 228.4. Electric Vehicle Charging Station – Public Use. An electric vehicle charging station that is accessible to and available for use by the public.”

SECTION 4.

Section 252 of the JMZO is amended by adding the following subsection:

“§ 252.1. Non-Electric Vehicle. Any motor vehicle that does not meet the definition of “Electrical Vehicle”.”

SECTION 5.

Section 256 of the JMZO is amended by adding the following subsection:

“§ 256.2 Plug-In Hybrid Electric Vehicle. An electric vehicle that contains an internal combustion engine and allows power to be delivered to drive wheels by an electric motor; charges its battery primarily by connecting to the grid or other off-board electrical source; may additionally be able to sustain battery charge using an on-board internal combustion-driven generator; and has the ability to travel powered by electricity.”

SECTION 6.

Section 830(H) of the JMZO is amended by adding the following subsection:

“H-21. Electric Vehicle Charging Stations. Electric Vehicle Charging Stations shall include 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. Electric Vehicle Charging Stations shall be considered accessory structures and allowed and encouraged in all districts, subject to the requirements of this chapter:

1. Level 1 and Level 2 electric vehicle charging stations are permitted in every zoning district when used as an accessory to the primary permitted use. Such stations located at one-family, multi-family, and industrialized/manufactured home park dwellings shall be designated as private restricted use only. Installation shall be subject to permit approval administered by the Zoning Officer.
2. Level 3 electric vehicle charging stations are permitted in commercial or industrial zoning districts when used as an accessory to the primary permitted use. Installation is subject to permit approval.
3. If the primary use of the parcel is the retail electric charging of vehicles, then the use shall be considered a Service Station for zoning purposes. Installation shall be located in and subject to approval in zoning districts which permit Service Stations (use E-10).
4. An electric vehicle charging station space may be included in the calculation for minimum required parking spaces.
5. Public electric vehicle charging stations are reserved for parking and charging electric vehicles only. 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.
6. The minimum width for a parking space for charging electric vehicles is nine (9) feet.
7. Electric vehicle charging stations shall be maintained in all respects, including the functioning of equipment.
8. The property owner is not restricted from collecting a service fee for the use of an electric vehicle charging station made available to visitors to the property.
9. Site lighting shall be provided where an electric vehicle charging station is installed, unless charging is for daytime purposes only.
10. Battery charging station outlets and connector devices shall be regulated by State code.
11. Adequate battery charging station protection, such as concrete-filled steel bollards shall be used. Curbing may be used in lieu of bollards, if the battery charging station is setback a minimum of 24 inches from the face of the curb.
12. Equipment mounted on pedestals, lighting posts, bollards, or other devices for on-street charging stations shall be designed and located as to not impede pedestrian travel or create trip hazards within the right-of-way.
13. Electric Vehicle Charging Stations shall be designed to minimize potential damage by accidents, vandalism, and to be safe for use in inclement weather.
14. For Single-Family Residential Zoning Districts, Electric Vehicle Charging Stations may be located in a garage or on the exterior wall of the home or garage adjacent to a parking space.
15. Design should be appropriate to the location and use. Facilities should be able to be readily identified by electric car users but blend into the surrounding landscape/architecture for compatibility with the character and use of the site.

16. Each electric vehicle charging station and parking space for which any parking incentive was granted shall be reserved for use as an electric vehicle charging station or as electric reserved parking.
17. When a sign provides notice that a parking space is a publicly designated electric vehicle charging station, no person shall park or stand any non-electric vehicle in a designated electric vehicle charging station space.
18. No person shall park or stand an electric vehicle in a publicly designated electric vehicle charging station space when not electrically charging or parked beyond the days and hours designated on the regulatory signs posted.
19. A police agency or a governmental agency may provide for the immediate removal of any vehicle not in compliance with the terms contained herein.
20. Each electric vehicle charging station shall be posted with signage indicating the space is only for electric vehicle charging purposes.
21. All signs shall be consistent with sign regulations contained in this Ordinance.
22. Electric vehicle charging stations must be operational during the normal business hours of the use(s) that it serves. Electric vehicle charging stations may be de-energized or otherwise restricted after normal business hours of the use(s) it serves.
23. The following information shall be posted at all electric vehicle charging stations:
 - a. Voltage and amperage levels;
 - b. Hours of operation if there are time limits, or notice that tow-away provisions are to be enforced by the property owner;
 - c. Usage fees;
 - d. Safety information;
 - e. Contact information for reporting when the equipment is not operating or if other problems occur."

SECTION 7. Repealer.

All ordinances or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency.

SECTION 8. Severability.

If any provision of this Ordinance is declared by a Court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or on the provisions of the Newtown Area Joint Municipal Zoning Ordinance.

SECTION 9. Effective Date.

This Ordinance shall become effective immediately upon all three Participating Municipalities enacting it.

ENACTED and **ORDAINED** this _____ day of _____, 2022.

Attest:

NEWTOWN TOWNSHIP

Micah Lewis, Manager

By: _____
Dennis Fisher, Chairman

Date: _____

Attest:

UPPER MAKEFIELD TOWNSHIP

David R. Nyman, Manager

By: _____
Thomas F. Cino, Chairman

Date: _____

Attest:

WRIGHTSTOWN TOWNSHIP

Joseph F. Pantano, Manager

By: _____
Chester Pogonowski, Chairman

Date: _____