

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>

**MODEL MUNICIPAL ORDINANCE PERMITTING CURBSIDE ELECTRIC VEHICLE CHARGING STATION INSTALLATION AND RESERVED PARKING IN RESIDENTIAL AREAS<sup>1</sup>**

Ordinance No. [*Number*]

Sponsored by [*Sponsor*]

AN ORDINANCE OF THE  
[*LEGISLATIVE BODY*] OF  
[*NAME OF LOCALITY*]

IN RELATION TO THE CREATION OF A PERMIT PROGRAM TO ALLOW CURBSIDE CHARGING OF ELECTRIC VEHICLES.

WHEREAS, [*Source of authority*] authorizes the [*Legislative Body*] to [*description of action*]; and

WHEREAS, [*Additional statements of purpose, etc., as needed*];

The [*Legislative Body*] of [*Name of Locality*] ordains as follows:

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<sup>1</sup> Among other contributors who wish to remain anonymous, James Goldberg provided drafting on this model law, and Kim Faith provided peer review.

**Section 1. Purpose.** The purpose of this Ordinance is to encourage the adoption of alternative fuel vehicles by facilitating convenient access to electric vehicle charging stations for owners and occupants of single-family and two-family residences in areas zoned exclusively for residences.

**Section 2. Definitions.** As used in this Ordinance, the following terms have the following meanings:

- (1) The term "Department" means the [*insert name of municipal department responsible for the street infrastructure and traffic*].
- (2) The term "Director" means the [*insert title of chief executive of the Department*].
- (3) The term "dwelling" means a structure, or portion of a structure, designed or used exclusively for permanent residential purposes, including single-family and two-family residences, but not including multiple-family residences, trailers, hotels, motels, rooming houses, or automobiles.
- (4) The term "electric vehicle" means any motor vehicle, licensed for operation on public streets in the State, that is supplied power from a battery or other storage device that receives and stores electricity from an external source. This term includes battery-powered electric vehicles and plug-in hybrid electric vehicles.
- (5) The term "electric vehicle charging station" means the equipment that connects an electric vehicle to a source of electricity to recharge electric vehicles.
- (6) The term "electric vehicle street parking permit" means an authorization issued under this Ordinance for an electric vehicle to park immediately adjacent to an applicable electric vehicle charging station from 6 p.m. to 6 a.m. nightly.
- (7) The term "operating permit" means an authorization issued under this Ordinance to install, operate, maintain, and use an electric vehicle charging station occupying a portion of the right-of-way immediately adjacent to a subject property.
- (8) The term "operating permit applicant" means a person seeking an operating permit pursuant to this Ordinance.
- (9) The term "operating permittee" means the owner or occupant of a dwelling who is issued an operating permit under this Ordinance.

- (10) The term “parking permit applicant” means a person seeking a parking permit pursuant to this Ordinance.
- (11) The term “parking permittee” means the owner or operator of the vehicle for which a parking permit is issued under this Ordinance.
- (12) The term “plug-in hybrid vehicle” means a vehicle, licensed for operation on public streets in the State, that is supplied power from a battery or other storage device that receives and stores electricity from an external source, but is not exclusively powered by electricity.
- (13) The term “right-of-way”, with respect to an adjacent dwelling, means that portion of the street between the curb line or the lateral line of the roadway and the adjacent dwelling line intended for use by pedestrians or as a landscaped buffer between pedestrian and vehicular traffic.
- (14) The term “subject property”, with respect to an electric vehicle charging station or proposed electric vehicle charging station, means the real property immediately adjacent to such electric vehicle charging station or proposed electric vehicle charging station.

**Section 3. Operating permit for electric vehicle charging station.** The use of any right-of-way for the installation, operation, or maintenance of an electric vehicle charging station shall be unlawful unless an operating permit for such installation, operation, or maintenance is issued pursuant to this Ordinance.

**Section 4. Authority to issue operating permit.** The Director shall issue an operating permit pursuant to this Ordinance to each operating permit applicant for whom the Director determines—

- (1) submits a complete application under section 5;
- (2) proposes the installation of an electric vehicle charging station that meets the requirements of section 6;
- (3) proposes a location for the electric vehicle charging station that the Director determines meets the requirements of section 7; and
- (4) is not prohibited from receiving an operating permit under section 8.

**Section 5. Operating Permit Application.** Each operating permit applicant shall submit to the Director the following:

- (1) A written application on a form to be provided by the Director for that purpose.
- (2) A plan of the proposed site on 8 1/2" x 11" paper or in digital format. The plan does not need to be to scale, but the plan shall show the dimensions of the right-of-way from the subject property line to the edge of the roadway along the entire length of the subject property. The plan shall include the location and size of the proposed electric vehicle charging station, including details on the charging cord, and any existing encumbrances on and below the right-of-way including, but not limited to, driveways, parking meters, fire hydrants, light poles, water, sewer, drain, and other utility lines, underground street light conduit and traffic signal conduit, and trees. A written narrative may accompany the plan.
- (3) Photographs of the proposed site.
- (4) Proof of ownership of the subject property or, if the applicant is not the owner of the subject property, written authorization of the owner of the subject property.
- (5) Evidence documenting an insurance policy sufficient to cover risk of injury or damage resulting from the installation, operation, maintenance, and use of the electric vehicle charging station.
- (6) An agreement, in a form required by the Director, that the owner of the subject property shall indemnify and hold the [City/Town Village] harmless, to the extent permitted by law, from any claims arising from the installation, operation, maintenance, and use of the electric vehicle charging station.
- (7) A document that identifies the make and model of the electric vehicle charging station and the technical specifications of the electric vehicle charging station.
- (8) A fee of \$100.

**Section 6. Equipment Requirements.** The Director may only issue an operating permit pursuant to this Ordinance to an operating permit applicant that proposes the placement of electric vehicle charging station that meets the following requirements:

- (1) The electric vehicle charging station shall be certified to UL Standard 2202 (or the successor UL standard) by a nationally recognized testing laboratory (such as UL or ETL) and listed and approved for electric vehicle use.
- (2) The electric vehicle charging station shall comply with Society of Automotive Engineers (SAE) J1772-2009 standards, or a comparable standard as determined by the Director, including safety features between the electric vehicle charging station and the electric vehicle. These safety features shall assure that power may only be supplied from the electric vehicle charging station after the device has determined a proper and safe connection between the electric vehicle charging station and the electric vehicle has been made, and shall include, but shall not be limited to, a ground fault circuit interrupter and proximity detection and signaling.
- (3) The electric vehicle charging station shall include one of the following:
  - (A) A level 1 electric vehicle charging station with a power level of 110 to 120 VAC and/or up to 20 Amps.
  - (B) A level 2 electric vehicle charging station with a power level of 208 to 240 VAC and/or up to 100 Amps.
  - (C) A level 3 electric vehicle charging station or Fast DC charger with a capacity of up to 50kW.
- (4) The electric vehicle charging station shall be equipped with a retractable charging cord or a place to hang the connector and charging cord not less than 3 feet above the pedestrian surface. Any cord used to connect the electric vehicle charging station to a vehicle shall be configured so that it does not cross a driveway, sidewalk, or passenger unloading area.

**Section 7. Suitable location of electric charging station.** The Director may issue an operating permit pursuant to this Ordinance to an operating permit applicant only if the Director determines that the location proposed by the operating permit applicant for the installation of the electric vehicle charging station —

- (1) is on a right-of-way adjacent to a dwelling;

- (2) is on a right-of-way wide enough to accommodate the proposed electric vehicle charging station while maintaining a clear path of travel for pedestrians not less than four feet in width;
- (3) is at least 15 feet from any fire hydrant or fire department sprinkler or standpipe connection;
- (4) is at least 20 feet from any intersection or crosswalk;
- (5) is at least 3 feet from any driveway or other curb cut;
- (6) is at least 10 feet from any public transit pole;
- (7) is not closer than 18 inches from the edge of the roadway, unless otherwise approved by the Director;
- (8) allows for the electric vehicle charging station to be used without causing the vehicle being charged to project in front of neighboring properties or vacant lots;
- (9) will not cause interference with vehicular sight lines at street corners or driveways;
- (10) minimizes the removal of vegetation necessary to install and operate the electric vehicle charging station; and
- (11) does not result in an unsafe or substandard condition.

**Section 8. Persons prohibited from receiving an operating permit.**

The Director may not issue an operating permit pursuant to this Ordinance to the owner or occupant of a subject property that has outstanding property taxes or property tax liens.

**Section 9. Operating permittee responsibilities.**

(a) An operating permittee may use the permitted electric vehicle charging station only for private, non-commercial use. An operating permittee may not accept fees, gratuities, or other remuneration for use of the permitted electric vehicle charging station.

(b) An operating permittee shall be responsible for maintaining the permitted vehicle charging station and for monitoring its use.

(c) The operating permittee may not paint, modify, or alter any area of the right-of-way in any way without prior written approval of the Director.

**Section 10. Operating permit issuance.**

(a) The Director shall ensure that each operating permit issued contains—

- (1) the address of the subject property and the name of the permittee;
- (2) the permit number and any additional usage limitations that may be imposed as a condition of approval;
- (3) the term of the permit; and
- (4) a provision requiring that all work performed in installing, altering or maintaining the permitted electric vehicle charging station be in accordance with the adopted construction and electric code of the [*City/Town Village*].

(b) For each operating permit issued, the Director shall issue an approved site plan, which graphically describes the placement of the electric vehicle charging station.

(c) The Director shall certify that each improvement associated with the installation, alteration, and maintenance of the permitted electric vehicle charging station is compliant with the adopted construction and electric codes of the [*City/Town Village*].

**Section 11. Operating permit expiration; renewal; transfer; revocation; removal.**

(a) Each operating permit shall expire on the date that is one year from the date of issuance.

(b) Each operating permit shall be renewable. To apply to renew an operating permit, an operating permittee shall submit to the Director the following:

- (1). A revised or updated site plan, if changes to an approved plan are requested.
- (2). Proof of payment of all applicable taxes and fees as required by law.
- (3). Evidence documenting an insurance policy described in section 5.
- (4). Any other document requested by the Director.
- (5). A fee of \$50.

(c) If a subsequent owner or occupant of the subject property seeks to assume the rights and responsibilities of the operating permittee, that subsequent owner or occupant must apply for a separate operating permit before the expiration of the operating permit originally issued.

(d) An operating permit is a privilege, not a right, and may be modified, revoked, suspended, or not renewed at the discretion of the Director.

(e) In the sole discretion of the [*City/Town Village*] and upon the revocation or non-renewal of the operating permit, the operating permittee shall remove the electric vehicle charging station

from the right-of-way at the expense of the operating permittee, and in accordance with the adopted construction and electric codes of the [*City/Town Village*].

(f) The [*City/Town Village*] may require, with advanced notice, the temporary or permanent removal of a permitted electric vehicle charging station if the [*City/Town Village*] requires the right-of-way cleared for street, sidewalk, or utility repair or other public purposes.

(g) In an emergency situation, the departments of police and fire and any other emergency response agency may require immediate removal, deactivation, or relocation of a permitted electric vehicle charging station. The [*City/Town Village*], its officers and agents, and any utility company operating pursuant to a franchise granted by the legislature or the public utilities commission, and its officers, agents and employees, shall not be responsible for electric vehicle charging station components relocated during an emergency.

**Section 12. Electric vehicle street parking permit.** It shall be unlawful for a person other than the parking permittee to park a vehicle between the hours of 6 p.m. to 6 a.m. nightly in a parking space for which an electric vehicle street parking permit has been issued under this Ordinance and for which appropriate signage is displayed notifying the public of such parking permit.

**Section 13. Authority to issue electric vehicle parking permit.** The Director shall issue an electric vehicle parking permit pursuant to this Ordinance to each parking permit applicant for whom the Director determines—

- (1) owns or leases an electric vehicle registered in this [*City/Town Village*];
- (2) is a resident of a dwelling located on the subject property for which an operating permit has been issued under this Ordinance or for which an application for an operating permit has been jointly submitted with an application under section 14;
- (3) submits a complete application under section 14; and
- (4) proposes a reserved parking space that meets the requirements of section 15.

**Section 14. Parking Permit Application.** Each parking permit applicant shall submit to the Director the following:

- (1) A written application on a form to be provided by the Director for that purpose.



- (2) A copy of the title and registration of the electric vehicle in the name of the parking permit applicant.
- (3) Proof of ownership or legal occupancy of the subject property.
- (4) A plan of the proposed parking space and permitted or proposed electric vehicle charging station on 8 1/2" x 11" paper or in digital format, depicting the proposed parking space that meets the requirements of section 15.
- (5) If such applicant is not the same person as the operating permittee, written permission from the operating permittee.
- (6) A fee of \$100.

**Section 15. Parking space requirements.** The Director may issue an electric vehicle parking permit pursuant to this Ordinance to a parking permit applicant only if the Director determines that the parking space proposed by the operating permit applicant is—

- (1) adjacent to an electric vehicle charging station for which an operating permit has been issued under this Ordinance or for which an application for an operating permit has been jointly submitted with an application under section 13; and
- (2) not longer than 20 feet.

**Section 16. Notice to the public.**

(a) Each parking permittee shall affix a sign to the electric vehicle charging station a sign indicating that the parking space is reserved [*which shall be provided by the Director/the dimensions and text of which shall be determined by the Director*] notifying the public of the parking prohibition in section 12 and any penalties for the violation of such prohibition.

(b) The Director shall demarcate each parking space for which a valid parking permit has been issued pursuant to the Ordinance in a manner that makes clear to the public which parking spaces are subject to the prohibition in section 12.

**Section 17. Parking permit issuance.**

The Director shall ensure that each parking permit issued under this Ordinance contains—

- (1) the make and model of the electric vehicle and the name of the parking permittee;
- (2) the address of the subject property and the name of the operating permittee;

- (3) the permit number and any additional usage limitations which may be imposed as a condition of approval; and
- (4) the term of the permit.

**Section 18. Expiration; renewal; transfer; revocation.**

(a) Each electric vehicle parking permit shall expire on the date that is one year from the date of issuance.

(b) Each electric vehicle parking permit shall be renewable. To apply to renew an electric vehicle parking permit, a parking permittee shall submit to the Director--

- (1) an updated copy of each document submitted with the original application, including the title and registration of the electric vehicle in the name of the parking permittee;
- (2) proof of payment of all applicable taxes and fees as required by law; and
- (3) any other document requested by the Director; and
- (4) A fee of \$50.

(c) An electric vehicle parking permit may not be transferred or assigned.

(d) An electric parking permit is a privilege, not a right, and may be modified, revoked, suspended, or not renewed at the discretion of the Director.

**Section 19. Joint applications.** If an applicant submits an application for an operating permit and an application for a reserved parking permit together, the Director shall jointly consider the applications.

**Section 20. One operating permit per family residence.** The Director may approve an application for an operating permit under this Ordinance for up to two parking permits for each operating permit for a subject property, except that—

(1) if the subject property is a single-family residence and already has an active operating permit, the Director may not approve an application for an operating permit under this Ordinance; and

(2) if the subject property is a two-family residence and already has two active operating permits, the Director may not approve an application for an operating permit under this Ordinance.

**Section 21. Miscellaneous.**

(a) Upon initial submission of an application for an operating permit, the [*City/Town Village*] will waive any fee associated with any minor encroachment permit, engineering permit, electric permit, or plan check required for the operating permit.

(b) If the parking permittee requests that the [*City/Town Village*] stripe the space reserved for nightly charging, and the [*City/Town Village*] approves such request, the parking permittee shall remit to the Director \$100.00.

(c) Operating permit fees are non-refundable in the event of suspension, revocation, or surrender of the operating permit during the term of validity.

(d) Upon approval of the transfer of an existing operating permit to another property owner or occupant, the transferee shall remit a non-refundable transfer fee of \$50 to the Director, in addition to any other fees which may be due under the provisions of this Ordinance.

**Section 22. Penalties.** Any violation of this Ordinance may subject a violator to any remedy, legal or equitable, available to the [*City/Town Village*]. Remedies include, but are not limited to, revocation or suspension of the operating permit or parking permit, daily fines, and property liens. In the case of revocation, no operating permit may be issued at the same location for a period of 12 months from the date of such revocation.

**Section 23. General Conditions and restrictions.**

(a) Issuance of an operating permit or electric vehicle parking permit does not grant, convey, or infer any vested right to the use of the right-of-way by the permittee nor does it constitute a deed, grant of easement, servitude or other property right by the [*City/Town Village*].

(b) The operating permittee and parking permittee accept the prevailing site conditions including, but not limited to, loading and passenger zones, obstructions within the right-of-way, active residential permit parking zone restrictions and permitting requirements, street cleaning parking restrictions, and automobile traffic.

(c) For purposes of enforcing this Ordinance, the right-of-way for which an operating permit is issued under this Ordinance shall be considered an extension of the subject property on

publicly owned property and any violation of this Ordinance shall be attributable to the owner of such subject property.

(d) Operating permits and parking permits shall only be issued as accessory and subordinate uses to dwellings, in areas zoned exclusively for residences.

**Section 24. Effective Date.** This Ordinance takes effect [*number of days*] after its [*adoption/publication*]

APPROVED AND ADOPTED this [*date*] day of [*month*], [*year*].

[*Attestation.*]

1.