

ORDINANCE NO. 3481-18

**AN ORDINANCE AMENDING THE CODE
OF THE BOROUGH OF RUTHERFORD,
COUNTY OF BERGEN, AND STATE OF NEW JERSEY,
CHAPTER 126, ENTITLED "VEHICLES AND TRAFFIC"**

BE IT ORDAINED by the Mayor and Council of the Borough of Rutherford, County of Bergen and State of New Jersey that those portions of Chapter 126 of the Code of the Borough of Rutherford Entitled "Vehicles and Traffic" set forth below are hereby amended as follows and that those portions of the Ordinances not set forth below shall remain unchanged:

Section 1. Chapter 126, of the Code of the Borough of Rutherford, New Jersey, is hereby amended as follows to add Section 126-9.5:

§ 126-9.5. Public Parking Spaces for Charging of Electric Vehicles.

A. As used herein, the following terms shall have the following meanings:

Charging station means a location that is fitted with charging station equipment.

Charging station equipment means the conductors, including ungrounded and grounded, and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, charging status or apparatus installed specifically for the purpose of delivering electrical energy from the charging station to the electric vehicle.

Charging station space means a dedicated, marked parking space that is fitted with charging station equipment and exclusively used for the charging of electric vehicles.

Electric scooter and/or electric motorcycle means a 2-wheel or 3-wheel electric vehicle that operates exclusively on electrical energy stored in the vehicle's batteries.

Electric vehicle means a vehicle that operates, either partially or exclusively on electrical energy from a charging station or other electrical energy source that is stored in the vehicle's battery for propulsion purposes. Electric vehicle includes: a battery electric vehicle; a plug-in hybrid electrical vehicle; a neighborhood electric vehicle; and electric scooters or electric motorcycles.

Neighborhood electric vehicle means an electric vehicle that is a low-speed vehicle, built to have a top speed of 25 miles per hour and have a maximum loaded weight of 3,000 lb.

Non-electric vehicle means a vehicle that does not meet the definition of "electric vehicle" as

provided herein.

Plug-in hybrid electric vehicle or PHEV means an electric vehicle that: contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; charges its battery primarily by connecting to a charging station or other electrical source not on board the vehicle; may additionally be able to sustain a battery charge using an on-board internal-combustion-driven generator; and has the ability to be propelled through the use of electricity.

- B. The municipality has designated parking spaces at each of the following locations for use as charging stations: Two (2) at Borough Hall Parking Lot; Four (4) at Kip Center Parking Garage; and Two (2) at Memorial Field Parking Lot. Fees for use of the charging station spaces in the Kip Center Parking Garage shall be in addition to any applicable parking permit fees assessed for parking in these locations.
- C. The following fees shall also apply to use of parking spaces in the Borough Hall Parking Lot, Kip Center Parking Garage, and Memorial Field Parking Lot that are identified as “charging station spaces,” as that term is defined in section 126-9.5A of this chapter, twenty-four (24) hours a day except for 15 minute courtesy parking at Borough Hall and Memorial Field as described in section 126-9.5 C-2 and Chapter 61-9D:
 - (1) For up to one hour of charging, one dollar and fifty cents.
 - (2) For more than one hour and up to two hours of charging, three dollars.
 - (3) For more than two hours and up to three hours of charging, five dollars and fifty cents.
 - (4) For more than three hours and up to four hours of charging, eight dollars.
- D. In addition to the above parking fees, the following fees shall also apply to use of parking spaces in the Borough Hall Parking Lot, Kip Center Parking Garage, and Memorial Field Parking Lot that are identified as “charging station spaces,” as that term is defined in section 126-9.5A of this chapter, between the hours of 12:00 A.M. and 8:00 A.M. seven days per week:

One dollar per hour or part thereof.

- E. Use of said charging station spaces shall be limited and restricted as follows:
 - (1) It shall be unlawful for any person to park or leave standing a vehicle in a stall or space in the Kip Center Parking Garage that is designated as a charging station space unless the vehicle is an electric vehicle as defined in this section and is connected for electric charging purposes; and
 - (2) There will be allowed 15-minute courtesy parking of non-electric vehicles in designated “charging station” spaces within the Borough Hall Parking Lot for those having business in the Municipal Building or the Municipal Annex Monday through Friday 8:00 am - 4:30 pm only. There will be allowed 15-minute courtesy parking of non-electric vehicles in designated “charging station” spaces at the Memorial Field Parking lot at any time for pick-up and drop-off only.

(3) Electric vehicles are authorized to park in spaces designated as charging station spaces only during the time when the vehicles are connected for electric charging purposes or up to four hours, whichever is less. Within 15 minutes of the time the vehicle is no longer charging, the owner or operator of said vehicle shall be required to remove the vehicle from the charging station space. If the owner or operator of said vehicle allows his or her vehicle to remain in a charging station space while the vehicle is no longer charging past the 15-minute grace period, then said owner or operator shall be in violation of this section.

Section 2. Chapter 126-65, entitled "Penalties", Section B, of the Code of the Borough of Rutherford, New Jersey, is hereby amended as follows:

(25) Section 126-9.5, Public Parking Spaces for Charging of Electric Vehicles:

- (a) First offense: \$20.
- (b) Second and third offense: \$33.
- (c) Fourth to ninth offense: \$57.
- (d) Tenth or more offenses, per offense: \$157.

Section 3. Any Ordinances or parts thereof inconsistent herewith shall be amended and supplemented to conform to the provisions contained herein.

Section 4. If any part of this Ordinance is declared unconstitutional or illegal by any court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

Section 5. This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

ATTEST:

BOROUGH OF RUTHERFORD

Margaret M. Scanlon

Margaret M. Scanlon, Borough Clerk

Joseph DeSalvo Jr.

Joseph DeSalvo Jr., Mayor

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Mayor and Council at a meeting held on December 11, 2018.

Margaret M. Scanlon

Margaret M. Scanlon, Borough Clerk