

**ORDINANCE
CITY OF NEW ORLEANS**

**CITY HALL:
CALENDAR NO.**

NO. _____ MAYOR COUNCIL SERIES

BY: COUNCILMEMBER RAMSEY

AN ORDINANCE to ordain Sections 146-561 through 146-575 of the Code of the City of New Orleans, relative to the utilization of portions of right-of-way for installation and maintenance of electric vehicle chargers, to establish permit requirements, standards of use, enforcement, penalties and permit fees relative thereto; and to otherwise provide with respect thereto.

1 **SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY**
2 **ORDAINS**, that Sections 146-561 through 146-575 of the Code of the City of New Orleans is
3 hereby ordained to read as follows:

4 **“Division 4.A – Electric Vehicle Chargers**

5 **Sec. 146-561. – Definitions.**

6 The following words, terms and phrases, when used in this division, shall have the meanings
7 ascribed to them in this section, except where the context clearly indicates a different meaning:

8 *Dwelling* means a structure, or portion of a structure, designed or used exclusively for
9 permanent residential purposes, including single-family, two-family, townhouse, and multi-
10 family dwellings, but not including trailers, hotels/motels, rooming houses, or automobiles.

11 *Electric Vehicle* means any motor vehicle, licensed for operation on public streets in the
12 state of Louisiana, which receives locomotive power from a battery or other storage device that

13 receives and stores electricity from an external source such as a charger. This definition includes
14 Plug-in Hybrid Electric Vehicles.

15 *Electric Vehicle Charger* means a device that permits the transfer of electric energy (by
16 conductive or inductive means) to a battery or other storage device in an electric vehicle.

17 *Operating Permit* means the City-issued authorization to install, operate, and maintain an
18 approved electric vehicle charger occupying a portion of the right-of-way immediately adjacent
19 to a dwelling.

20 *Permittee* means the person or business entity issued an operating permit for the
21 installation, operation, and maintenance of an approved electric vehicle charger occupying a
22 portion of the right-of-way immediately adjacent to a dwelling.

23 *Right-of-way* means that portion of the street between the curb lines or the lateral lines of
24 a roadway and the adjacent property lines intended for use by pedestrians or as a landscaped
25 buffer between pedestrian and vehicular traffic.

26 **Sec. 146-562. – Operating Permit Required.**

27 Use of any right-of-way for installation, operation, or maintenance of an electric vehicle
28 charger shall be unlawful without an operating permit issued pursuant to this Division.

29 **Sec. 146-563. – Operating Permit Requirements**

30 (a) For purposes of enforcing this Division, operating permits shall be considered an
31 extension of a dwelling on publicly owned property and any violation of this Division
32 shall be attributable to the owner of such adjacent dwelling.

33 (b) Operating permits shall only be issued as accessory and subordinate uses to dwellings.

- 34 (c) Operating permit eligibility shall be limited to the owner or occupant of a dwelling that
35 does not and cannot provide off-street parking on the lot on which the dwelling is
36 situated, in a manner compliant with the Comprehensive Zoning Ordinance.
- 37 (d) Electric vehicle chargers shall be monitored and controlled by the permittee at all times
38 and may only be utilized for private, non-commercial use. Fees, gratuities, or other
39 remuneration may not be received by the permittee for use of the charger.
- 40 (e) All improvements associated with the installation, operation, and maintenance of electric
41 vehicle chargers shall be compliant with the adopted construction codes of the City of
42 New Orleans, and certified as compliant by the director of safety and permits.
- 43 (f) Cords shall be retractable or have a place to hang the connector and cord sufficiently
44 above the pedestrian surface. Any cords connecting the charger to a vehicle shall be
45 configured so that they do not cross a driveway, sidewalk, or passenger unloading area.
- 46 (g) Issuance of an operating permit for installation, operation, and maintenance of an electric
47 vehicle charger on the right-of-way does not create a private or reserved parking space
48 for the permittee on the right-of-way. A sign shall be affixed to the electric vehicle
49 charger indicating that the presence of the charger does not constitute a private or
50 reserved parking space, the dimensions and text of which shall be determined by the
51 director of safety and permits.
- 52 (h) The electric vehicle charger shall be removed by and at the expense of the permittee or
53 owner of the associated real property if the owner or permittee no longer owns or resides
54 at the associated dwelling or upon non-renewal or cancellation of the operating permit. If
55 a subsequent owner or renter of the property is desirous of taking possession of the

56 electric vehicle charger for usage purposes, however, he/she must apply for a permit
57 before expiration of the permit.

58 **Sec. 146-564. – Authority to issue permit.**

59 The director of the department of safety and permits shall authorize operating permits
60 only for residential uses that fully comply with the requirements of this Division. Such permits
61 shall be issued only after consultation with and the positive recommendation of the director of
62 the department of public works. An operating permit is a privilege, not a right, and may be
63 revoked, suspended, or not renewed based on non-compliance with the requirements of this
64 Division.

65 **Sec. 146-565. – Application, documents and requirements.**

66 (a) Any natural person seeking an operation permit for the installation, operation, and/or
67 maintenance of an electric vehicle charger in the right-of-way shall file a written
68 application with the director of safety and permits on a form to be provided for that
69 purpose.

70 (b) In addition to the application form, the following documents shall be submitted for
71 review for an application to be considered complete:

- 72 1. A plan shall be submitted on 8 1/2" X 11" paper or in digital format. This plan
73 does not need to be to scale, but shall show exact length and width dimensions of
74 entire right-of-way abutting the subject property. This plan shall include the
75 location and size of the EV charger (including the stored cord), as well as all
76 existing encumbrances on the public way including, but not limited to, driveways,

77 parking meters, fire hydrants, bike racks, light poles, and trees. A written
78 narrative may accompany the plan.

79 2. Photographs depicting the proposed site where the electric vehicle charger will be
80 installed and the relationship between the proposed electric vehicle charger and
81 the surrounding public right-of-way.

82 3. If the applicant is not the owner of the adjacent real property or their designee,
83 written authorization of the property owner shall be required as part of the
84 application.

85 4. A permittee shall maintain an insurance policy that covers any risk for any injury
86 or damage resulting from the installation, operation, and/or maintenance of the
87 electric vehicle charger, and the property owner shall agree to indemnify and hold
88 the City harmless from any claims arising from the installation, operation, and/or
89 maintenance of the electric vehicle charger to the extent permitted by law.

90

91 **Sec. 146-566. – Standards and criteria for application review.**

92 (a) The following standards and criteria shall be used in reviewing the application and design
93 drawings to determine if the proposed location is suitable and will not obstruct free and
94 proper use of the public right-of-way.

95 1. The right-of-way width shall be of sufficient width to accommodate the proposed
96 electric vehicle charger while maintaining a clear path of travel that is:

97 a. At least four (4) feet in width on sidewalks of 8 to 10 feet in width.

98 b. At least six (6) feet in width on sidewalks greater than 10 feet in width.

- 99 c. In areas of congested pedestrian activity, the reviewing agencies are
100 authorized to require a wider pedestrian path to ensure the free and proper
101 use of the right-of-way by pedestrians.
- 102 2. A clearance of 10 feet shall be maintained between any electric vehicle charger
103 and a fire hydrant, or fire department sprinkler/standpipe connection.
- 104 3. A clearance of 10 feet shall be maintained between any electric vehicle charger
105 and a public transit pole or CPNC stand.
- 106 4. Locations of electric vehicle chargers are restricted to the area immediately
107 adjacent to the dwelling being served and may not project in front of neighboring
108 properties or vacant lots.
- 109 5. The location shall avoid interference with vehicular sight lines at street corners or
110 driveways and minimize the removal of vegetation.
- 111 6. The electric vehicle charger shall be installed no closer than 18” from the edge of
112 the roadway, unless otherwise approved by the director of the department of
113 public works.
- 114 7. Verification that the property has no outstanding taxes or property liens.
- 115 8. In local control historic districts, the Historic District Landmarks Commission
116 staff shall have approval jurisdiction over the design of electric vehicle chargers.

117 **Sec. 146-567. – Permit Issuance.**

- 118 a) Upon satisfactory submission of the required documentation and completion of review by
119 all necessary agencies, the director of the department of safety and permits may issue an
120 annual operating permit. Said permit shall contain:

- 121 1) The address of the adjacent property to which the electric vehicle charger is
122 accessory;
- 123 2) The name of the permittee;
- 124 3) The permit number and any additional usage limitations which may be imposed as
125 a condition of approval;
- 126 4) Dates the permit is valid.

127 (b) In addition to the permit placard, the director of safety and permits shall issue an
128 approved site plan, which graphically describes the placement of approved electric
129 vehicle charger.

130 **Sec. 146-568. – Permit Renewal.**

131 The operating permit shall be valid one year from the date of issuance. Renewal permits
132 shall be issued in the same manner as initial permits, and requires:

- 133 (a) Providing the Department an updated copy of any of the documents required by
134 Section 146-565;
- 135 (b) Providing a revised or updated site plan, if changes to an approved plan are requested;
136 and
- 137 (c) Proof of payment of all applicable taxes and fees as required by law.

138 **Sec. 146-569. – Approved Equipment.**

- 139 (a) Equipment shall be certified to UL Standard 2202 by a nationally recognized testing
140 laboratory (such as UL or ETL) and listed and approved for electric vehicle use.
- 141 (b) Equipment shall comply with Society of Automotive Engineers (SAE) J1772-2009
142 standards, or a comparable standard as determined by the director of safety and
143 permits, including safety features between the electric vehicle charger and the electric
144 vehicle. These safety features include, but are not limited to:

- 145 1) Ground fault circuit interrupter(s).
146 2) Proximity detection and signaling.
147 3) Power may only be supplied from the electric vehicle charger after the device has
148 determined a proper and safe connection between the electric vehicle charger and
149 the electric vehicle.
- 150 (c) Types of electric vehicle charger authorized:
151 1) Level 1 Chargers with a power level of 110 to 120 VAC and/or up to 20 Amps.
152 2) Level 2 Chargers with a power level of 208 to 240 VAC and/or up to 100 Amps.
153 3) Level 3 Chargers and Fast DC Chargers with a capacity of up to 50kW.
- 154 (d) Power shall, under no circumstance, be provided to an electric vehicle parked on the
155 right-of-way via extension cord that is run from a dwelling across a sidewalk and to
156 the right-of-way. Such configuration constitutes a public nuisance and is in violation
157 of the City's adopted construction codes.

158 **Sec. 146-570. – Authorized and prohibited locations.**

- 159 (a) Electric vehicle chargers shall be permitted only in conjunction with a permitted
160 residential use in a legally occupied dwelling.
- 161 (b) No property or parcel may have more than one (1) electric vehicle charger installed in
162 the right-of-way adjacent to such property or parcel.
- 163 (c) Installation, operation, and/or maintenance of electric vehicle chargers within the
164 right-of-way shall be prohibited in the Vieux Carre, as defined in Chapter 166 of this
165 Code.

166 **Sec. 146-571. – Conditions and Restrictions.**

- 167 (a) Operating permits are subject to modification, suspension or revocation by the City of
168 New Orleans at any time during the period of validity if the City requires the subject
169 right-of-way area cleared for street, sidewalk, or utility repair or other public
170 purposes.
- 171 (b) Operating permits are non-transferrable and may not be assigned or granted to any
172 other person or business which may occupy the dwelling to which a permit has been
173 issued. A subsequent owner or renter of a property with an electric vehicle charger

174 may submit a permit application before expiration of the permit. The requirement to
175 remove the electric vehicle charger will be postponed while the new permit
176 application is reviewed. Upon approval of such application, a Transfer Fee will be
177 assessed in addition to any permit fees which may be due.

178 (c) The permittee accepts the prevailing site conditions including, but not limited to,
179 loading and passenger zones, loading zones, obstructions within the right-of-way, and
180 automobile traffic.

181 (d) Operating permits shall be automatically suspended for periods 2-hours before and 2-
182 hours after a carnival parade for locations on parade routes.

183 (e) The director of safety and permits may suspend operating permits without prior notice
184 in the event of permitted special events where crowd control is likely to be necessary.

185 (f) The departments of police and fire and any other emergency response agency may
186 require immediate removal or relocation of the electric vehicle charger in emergency
187 situations.

188 (g) The City of New Orleans, its officers, agents, or any private utility company
189 operating pursuant to a franchise granted by the City Council, their officers, agents, or
190 employees shall not be responsible for electric vehicle charger components relocated
191 during emergencies.

192 (h) Issuance of an operating permit does not grant, convey, or infer any vested right to
193 the use of the right-of-way by the permittee nor does it constitute a deed, grant of
194 easement, or servitude by the city. The city retains the right to deny the issuance or
195 renewal of an operating permit for noncompliance with the provisions of this
196 Division, the City Code, or the comprehensive zoning ordinance.

197 (i) No area of the right-of-way shall be painted, modified, or altered in any way without
198 prior written approval of the director of the department of public works. No part of
199 the right-of-way shall be obstructed, blocked, or otherwise reserved for a permittee's
200 use of the approved electric vehicle charger. The public right-of-way shall remain
201 available for parking of the general public at all times when the location is not legally
202 occupied by the permittee's vehicle.

203 (j) The city and/or its agents may schedule general cleaning and maintenance operations.
204 If such work is scheduled, the city and/or its agents shall give notification of its
205 scheduled cleaning times in advance of such operations to permittees if the City
206 expects such cleaning or maintenance will effect the permitted electric vehicle
207 charger. Each permittee in the affected area shall remove, or cause to be removed,
208 electric vehicle chargers so that they do not inhibit the scheduled cleaning, repair,
209 and/or maintenance operations.

210 **Sec. 146-572. - Fees.**

- 211 (a) Upon initial submission of an application for an operating permit, a non-refundable
212 application fee of \$100 shall be remitted to the department of safety and permits.
- 213 (b) Fees for initial issuance of an operating permit, a non-refundable permit fee of \$300 shall
214 be remitted to the department of safety and permits, which shall be sufficient to
215 administer and enforce the regulations of this division and to compensate the City for use
216 of public property:
- 217 (c) A non-refundable operating permit fee of \$100 shall be remitted to the department of
218 safety and permits for the annual renewal of an operating permit.
- 219 (d) Operating permit fees shall be payable at the time of permit issuance or renewal and are
220 non-refundable in the event of suspension, revocation, or surrender of the Sidewalk Use
221 Permit during the term of validity.
- 222 (e) Upon approval of the transfer of an existing operational permit to a new property owner
223 or rental tenant, a non-refundable transfer fee of \$300 shall be remitted to the department
224 of safety and permits, in addition to any other fees which may be due under the
225 provisions of this Division.

226 **Sec. 146-573. – Penalties.**

227 Any violation of this division may subject a violator to any remedy, legal or equitable,
228 available to the City. Remedies include, but are not limited to: revocation or suspension of the
229 operating permit, daily fines, property liens, and/or discontinuance of electrical service.
230 Hearings for violations of this Division shall be conducted in accordance with Chapter 6,
231 Article II of this Code.

232 **Sec. 146-574. – Denial, revocation, or suspension of permits.**

233 (a) The director of the department of safety and permits may deny an application for a
234 operational permit if, in the investigation of the application it is determined:

- 235 1) That the proposed installation cannot meet the standards of this Division; or,
236 2) Upon recommendation of denial from the director of the department of public
237 works that the location is unsuitable for installation, operation, and/or
238 maintenance of an electric vehicle charger on the public right-of-way due to
239 pedestrian congestion, traffic, existing obstructions on the sidewalk, or any
240 other reason that would result in an unsafe or substandard condition.

241 (b) Penalties for non-compliance with the provisions of this Division may result in
242 fines, suspension of the Sidewalk Use Permit for a period not to exceed 180-days,
243 or revocation of the Sidewalk Use Permit.

- 244 1) Hearings shall be conducted in accordance with the provisions of Chapter 6
245 of this Code.
246 2) In the case of revocation, no operating permit may be issued at the same
247 location for a period of two (2) years from the date of such revocation.

248 **146-575. – Reserved.”**

249 **SECTION 2. THE COUNCIL OF THE CITY OF NEW ORLEANS FURTHER**
250 **ORDAINS**, that the provisions of this ordinance shall have an effective date of October 1, 2017.

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS _____

PRESIDENT OF THE COUNCIL

DELIVERED TO THE MAYOR ON _____

APPROVED:
DISAPPROVED: _____

MAYOR

RETURNED BY THE MAYOR ON _____ AT _____

CLERK OF COUNCIL

ROLL CALL VOTE:

YEAS:

NAYS:

ABSENT: