

CHAPTER 2022-67

No. 424 AN ORDINANCE AMENDING CHAPTER 15 "MOTOR VEHICLES AND TRAFFIC", ARTICLE XI "MOTORIZED VEHICLES" OF THE PROVIDENCE CODE OF ORDINANCES, TO ADD SECTION 15-133, "ELECTRIC VEHICLES"

Approved December 21, 2022

Be it ordained by the City of Providence:

SECTION 1. Article XI, Chapter 15," MOTOR VEHICLES AND TRAFFIC" is hereby amended to add Sec 15-133 - "ELECTRIC VEHICLES" as follows:

Sec.15-133. Definition of terms.

As used in this ordinance, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Association", any association of homeowners, community association, condominium association, cooperative or any other nongovernmental entity with covenants, bylaws and administrative provisions with which a homeowner's compliance is required, including but not limited to an association as defined by R.I.G.L. § 34-36.1-3.01.

"Dedicated parking spot", a parking spot that is:

- (i) located within an owner's separate interest; and
- (ii) in a common area, but subject to exclusive use rights of an owner, including, but not limited to, a deeded parking space, a garage space, a carport or a parking space that is specifically designated for use by a particular owner.

"Electric vehicle charging system", a system that is designed in compliance with The National Electrical Code® (NEC®) Article 625 and delivers electricity from a source outside an electric vehicle into 1 or more electric vehicles; provided, however, that an electric vehicle charging system may include several charge points simultaneously connecting several electric vehicles to the system.

"Owner", a person who owns a separate lot, unit, or interest, along with an undivided interest or membership interest in the common area of the entire project, including but not limited to condominiums, planned unit developments, and parcels subject to a homeowners' association.

"Reasonable restrictions", restrictions that do not significantly increase the cost of the station, significantly decrease its efficiency or specified performance, or effectively prohibit the installation altogether.

"Separate interest", a separate lot, unit, or interest to which an owner has exclusive rights of ownership.

- (a) An association shall not prohibit or unreasonably restrict an owner from installing an electric vehicle charging station:

- (i) on or in areas subject to the owner's separate interest;
- (ii) on or in areas to which the owner has exclusive use; or

(iii) on a common element; provided, however, that the common element is within a reasonable distance of the dedicated parking spot. Nothing in this subsection shall be construed to prohibit an association from making reasonable restrictions, as defined in this section.

(b) Installation of an electric vehicle charging station shall be subject to the following:

(i) the electric vehicle charging station shall be installed at the owner's expense;

(ii) the electric vehicle charging station shall be installed by a licensed contractor or electrician upon proper acquisition of a building permit for the installation;

(iii) an electric vehicle charging station shall conform to: (A) all applicable health and safety standards and requirements imposed by national, state and local authorities; and (B) all other applicable zoning, land use or other ordinances or land use permits.

(c) An association may require an owner to submit an application before installing an electric vehicle charging station, pursuant to the following provisions:

(i) if an association requires such an application, the application shall be processed and approved by the association in the same manner as an application for approval of all other alterations to the property, and shall not be willfully avoided or delayed;

(ii) the association shall approve the application if the owner complies with all other standards of the association for alterations to the property and this section;

(iii) the approval or denial of an application shall be in writing;

(iv) if an application is not denied in writing within 60 days from the date of receipt of the application, the application shall be deemed approved, unless that delay is the result of a reasonable request for additional information;

(v) an association may not assess or charge an owner a fee for the placement of an electric vehicle charging station, except a reasonable fee for processing the application; provided, however, that such a fee exists for all other applications for approval of alterations to the property.

(d) An owner of a separate interest or an owner who has exclusive rights to an area where an electric vehicle charging system is installed shall be responsible for:

(i) disclosing to prospective buyers the existence of a charging station of the owner and the related responsibilities of the owner pursuant to this section;

(ii) disclosing to prospective buyers whether the electric vehicle charging station is removable and whether the owner intends to remove the station in order to install it at the owner's new place of residence;

(iii) costs of the maintenance, repair and replacement of the electric vehicle charging station until the charging station is removed, and for restoration of the common area after removal;

(iv) costs for damage to the electric vehicle charging station, common area, exclusive common area or a separate interest resulting from the installation, maintenance, repair, removal or replacement of the charging station;

(v) the cost of electricity associated with the electric vehicle charging station; provided however, that the owner shall connect the electric vehicle charging station to the owner's electricity utility account unless the licensed contractor performing the installation deems that to be impossible; provided further, that if the connection is deemed impossible, the association shall allow the owner to connect the electric vehicle charging station to the common electricity account, but may require reimbursement by the owner to the association for the electricity costs, per the owner's responsibility for such costs; and

(vi) removing the electric vehicle charging station if reasonably necessary for the repair, maintenance or replacement of any property of the association or separate interests.

(e) An association may install an electric vehicle charging station in the common area for the use of all members of the association and, in that case, the association shall develop appropriate terms of use for the charging station.

SECTION 2. This ordinance shall take effect 30 days after passage.

IN CITY COUNCIL
DEC 01 2022
FIRST READING
READ AND PASSED
Tina L. Mastrosianni CLERK
ACTING

IN CITY COUNCIL
DEC 15 2022
FINAL READING
READ AND PASSED
[Signature]
JOHN J. IGLIOZZI, PRESIDENT
Tina L. Mastrosianni CLERK
ACTING

I HEREBY APPROVE.

[Signature]

Mayor
Date: *12/21/22*