

Introduced by: Ms. Durham, Mr. Carter,
Mr. Cartier, Mr. Tackett,
Ms. Hartley-Nagle

Date of introduction: July 27, 2021

ORDINANCE NO. 21-094

**TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 6 (“BUILDING CODE”),
ARTICLE 3 (“ADMINISTRATION”), SECTION 6.03.013 (“SUBMITTAL
DOCUMENTS”), ARTICLE 4 (“THE BUILDING CODE”), SECTION 6.04.002.
 (“AMENDMENTS TO THE INTERNATIONAL BUILDING CODE”), AND ARTICLE 5
 (“THE RESIDENTIAL CODE”), SECTION 6.05.002. (“AMENDMENTS TO THE
INTERNATIONAL RESIDENTIAL CODE”) RELATING TO CERTAIN
NEW RESIDENTIAL CONSTRUCTION, ELECTRIC VEHICLES,
AND CHARGING INFRASTRUCTURE**

WHEREAS, New Castle County recognizes the importance of the natural environment and ecological protection in creating a high quality of life, and for building and maintaining great neighborhoods; and

WHEREAS, motor vehicles with diesel- and gas-powered engines significantly contribute towards pollution and environmental degradation; and

WHEREAS, electric vehicles are less complex to build, cheaper to maintain, last longer, are more environmentally friendly in terms of both tailpipe emissions and noise pollution than diesel- and gas-powered vehicles; and

WHEREAS, many vehicle manufacturers in the United States and around the world, including General Motors, Volvo, and Jaguar, have announced their intention to end the production of diesel- and gas-powered motor vehicles and entire jurisdictions, such as California and the United Kingdom, have set dates for banning the sale of non-electric vehicles, which will likely increase the supply and lower the cost of electric vehicles; and

WHEREAS, residents of New Castle County will increasingly demand that our housing stock be outfitted with the equipment necessary to re-charge electric vehicles; and

WHEREAS, retrofitting existing homes to install electric vehicle charging stations is both time consuming and expensive, unless the home was initially designed and constructed to facilitate the easy installation of such charging stations; and

WHEREAS, providing the basic infrastructure at the time of construction is a nominal increase in the design, construction, and cost of new construction; and

WHEREAS, several jurisdictions, such as Howard and Montgomery Counties in Maryland, the City of Atlanta, and the entire State of California currently require that all new construction either provide for the installation of electric vehicle charging stations and/or that all new construction be “EV-ready”; and

WHEREAS, New Castle County has an interest in making the future installation of electric vehicle charging stations as inexpensive and simple as possible; and

WHEREAS, New Castle County Council finds that the provisions of this Ordinance are rationally and reasonably related to, substantially advance, and are narrowly tailored to achieve its goal of protecting and preserving legitimate government interests, including the protection and preservation of the public health, safety, prosperity, general welfare, and quality of life.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. *New Castle County Code* Chapter 6 (“Building Code”), Article 3 (“Administration”), Section 6.03.013. (“Submittal documents”) is hereby amended by adding the underlined language as set forth below.

Sec. 6.03.013. - Submittal documents.

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B. *Construction documents.* Construction documents shall be in accordance with this Section.

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2. *Site plan.* The construction documents submitted with the application for permit shall be accompanied by three (3) sets of a site plan, or in an electronic format as required by the Code Official, showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, location of electric vehicle supply equipment (EVCS) installed and EV-ready spaces, the established street grades...

Section 2. *New Castle County Code* Chapter 6 (“Building Code”), Article 4 (“The Building Code”), Section 6.04.002. (“Amendments to the International Building Code”), by deleting the material that is stricken and by adding the underlined language as set forth below.

The International Building Code, 2018 Edition, is amended by the deletion of Section B406.2.7, and the addition of the chapter below. Note: Although the International Building Code does not identify sections with a "B" designation, such a designation is utilized to avoid any confusion as to which Code the amendment relates.

~~Section B406.2.7 Electric vehicle charging stations.~~

~~Where provided, electric vehicle charging stations shall be installed in accordance with NFPA 70. Electric vehicle charging system equipment shall be listed and labeled in accordance with UL 2202. Electric vehicle supply equipment shall be listed and labeled in accordance with UL 2594. Accessibility to electric vehicle charging stations shall be provided in accordance with Chapter 11.~~

Chapter 36. ELECTRIC VEHICLE CHARGING INFRASTRUCTURE

Section B3601 – Purpose, Definitions, and Scope.

Section B3601.1 Purpose.

The purpose of this Chapter is to facilitate the use of electric vehicles in conjunction with multi-family dwellings.

Section B3601.2 Definitions.

“Electric vehicle” means an automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, that use electricity for propulsion, and which includes one of the following:

1. A plug-in hybrid vehicle, which operates with an internal combustion engine and an electric motor that can be plugged into an external electric power source to charge the internal battery; or
2. An all-electric vehicle, which operates solely from an internal electric battery.

“Electric vehicle charger installed” means having a functioning electric vehicle charging station in a suitable location.

“Electric vehicle charger ready” means having installed electrical panel capacity with electrical conduit sized for a 40-amp, 208/240-volt dedicated branch circuit to support an electric vehicle charging station and that terminates at a receptacle or junction box in a suitable location.

“Electric vehicle charging station ” (“EVCS”) means the equipment that connects an electric vehicle to an external source of electricity and recharges the electric vehicle’s internal battery, including all the necessary ungrounded, grounded, and equipment grounding conductors and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus supplied and installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

“Electric vehicle charging station space” means a designated parking space with dedicated electric vehicle supply equipment capable of charging an electric vehicle located within three (3) feet of the parking space.

“Electric vehicle supply equipment” (“EVSE”) means any equipment or electrical component used in charging an electric vehicle at a specific location; EVSE does not include equipment located on the electric vehicle itself.

“Multi-family residential dwelling” means a type of housing in which multiple separate housing units are contained within 1 building or more than one building within a complex.

“Reasonable restriction” means a restriction that does not do any of the following:

1. Significantly increase the cost of an electric vehicle charging station;
2. Significantly decrease the efficiency or specified performance of an electric vehicle charging station; or
3. Effectively prohibit the installation of an electric vehicle charging station.

“Suitable location” means the first feasible parking space that is the shortest distance away from a door from the residence.

Section B3601.3 Scope.

This Chapter applies to the construction of new multi-family residential dwellings, built pursuant to exploratory plans submitted to the Department of Land Use on or after January 1, 2022. This Chapter does not require updates to any existing buildings or structures.

In addition, this Chapter applies to parking spaces and infrastructure for electric vehicles that can use an external source of electricity to charge the electric vehicle's batteries.

Section B3602 – Electric vehicle charging stations.

Section B3602.1 Requirements.

Electric vehicle charging stations shall be installed in accordance with NFPA 70. Electric vehicle charging system equipment shall be listed and labeled in accordance with UL 2202. Electric vehicle supply equipment shall be listed and labeled in accordance with UL 2594. Accessibility to electric vehicle charging stations shall be provided in accordance with all applicable laws, including The Americans with Disability Act and the Fair Housing Act.

Section B3603. Electric Vehicle Charging Specifications.

Section B3603.1 Building and Parking Requirements.

1. The following apply to all multi-family residential dwellings:

- a. (1) Five percent (5%) of the total available designated parking spaces must be electric vehicle charger installed parking spaces.
(2) Fifty percent (50%) of the total available designated parking spaces must be electric vehicle charger ready parking spaces.
- b. The electric vehicle charging stations required under this Chapter must be at least a Level 2 charger and be able to self-meter to charge for the electricity used and shall be identified with permanent markings or signage.
- c. Construction documents must indicate the location of proposed electric vehicle charger installed and electric vehicle charger ready parking spaces.
- d. The builder and the owner of a multi-family residential dwelling development must provide at least one (1) electric vehicle charger installed parking space per building unit in a common use area and available for use by all residents of the multi-family residential dwelling.
- e. Any parking space intended for electric vehicle charging shall be labeled as such.
- f. For purposes of this Chapter, the wired junction box must be sufficient to allow for the future installation of an electric vehicle charging station capable of providing Level 2 charging or higher and which is able to self-meter to charge for the electricity used.

- g. Where an EVSE space is provided, the outlets installed for purposes of charging electric vehicles shall be supplied by an individual branch circuit, and each circuit shall not supply other outlets; the wiring for the branch circuit shall otherwise conform to the most recently adopted electrical code in the State of Delaware.
- h. The Department of Land Use may specify regulations, including performance standards, for equipment that is installed to comply with this Chapter. Permit applications for the installation of equipment under this Chapter must be acted upon within 90 days of receipt.
- i. New Castle County shall not apply regulations adopted under this Chapter to require a change in, alteration of, or addition to a legally existing multi-family residential dwelling.

Section 3. *New Castle County Code* Chapter 6 (“Building Code”), Article 5 (“The Residential Code”), Section 6.05.002. (“Amendments to the International Residential Code”), by deleting the material that is stricken and by adding the underlined language as set forth below.

The International Residential Code, 2018 Edition, is amended by the deletion of Section E3702.13, and the addition of the chapter below. Note: Although the International Building Code does not identify sections with a "R" designation, such a designation is utilized to avoid any confusion as to which Code the amendment relates.

~~E3702.13 Electric vehicle branch circuit.~~

~~Outlets installed for the purpose of charging electric vehicles shall be supplied by an individual branch circuit. Each Circuit shall not supply other outlets.~~

Chapter 45. ELECTRIC VEHICLE CHARGING INFRASTRUCTURE

Section R4501 – Purpose, Definitions, and Scope

Section R4501.1 Purpose.

The purpose of this Chapter is to facilitate the use of electric vehicles in conjunction with one- and two-family dwellings and townhouses (as further described herein).

Section R4501.2 Definitions.

“Electric vehicle” means an automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, that use electricity for propulsion, and which includes one of the following:

1. A plug-in hybrid vehicle, which operates with an internal combustion engine and an electric motor that can be plugged into an external electric power source to charge the internal battery; or
2. An all-electric vehicle, which operates solely from an internal electric battery.

“Electric vehicle charger installed” means having a functioning electric vehicle charging station in a suitable location.

“Electric vehicle charger ready” means having installed electrical panel capacity with electrical conduit sized for a 40-amp, 208/240-volt dedicated branch circuit to support an electric vehicle charging station and that terminates at a receptacle or junction box in a suitable location.

“Electric vehicle charging station ” (“EVCS”) means the equipment that connects an electric vehicle to an external source of electricity and recharges the electric vehicle’s internal battery, including all the necessary ungrounded, grounded, and equipment grounding conductors and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus supplied and installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

“Electric vehicle charging station space ” means a designated parking space with dedicated electric vehicle supply equipment capable of charging an electric vehicle located within three (3) feet of the parking space.

“Electric vehicle supply equipment” (“EVSE”) means any equipment or electrical component used in charging an electric vehicle at a specific location; EVSE does not include equipment located on the electric vehicle itself.

“Reasonable restriction” means a restriction that does not do any of the following:

1. Significantly increase the cost of an electric vehicle charging station;
2. Significantly decrease the efficiency or specified performance of an electric vehicle charging station; or
3. Effectively prohibit the installation of an electric vehicle charging station.

“Suitable location” means the first feasible parking space that is the shortest distance away from a door from the residence.

Section R4501.3 Scope.

This Chapter applies to the construction of new residential one- and two-family dwellings and townhouses, not more than three stories above grade plane in height with separate means of egress, with any accessory structure not more than 3 stories above grade plane in height, built pursuant to exploratory plans submitted to the Department of Land Use on or after January 1, 2022. This Chapter does not require updates to any existing buildings or structures.

In addition, this Chapter applies to parking spaces and infrastructure for electric vehicles that can use an external source of electricity to charge the electric vehicle's batteries.

Section R4502 – Electric vehicle charging stations.

Section R4502.1 Requirements.

Electric vehicle charging stations shall be installed in accordance with NFPA 70. Electric vehicle charging system equipment shall be listed and labeled in accordance with UL 2202.

Electric vehicle supply equipment shall be listed and labeled in accordance with UL 2594. Accessibility to electric vehicle charging stations shall be provided in accordance with all applicable laws, including The Americans with Disability Act and the Fair Housing Act.

Section R4503. Electric Vehicle Charging Specifications.

Section R4503.1 Building and Parking Requirements.

1. The following apply to one- and two-family dwellings and townhouses:

- a. At least one (1) dedicated electric vehicle charger ready parking space shall be provided.
- b. If the residential dwelling or townhouse has a garage, the electric vehicle charger ready parking space must be placed in the garage in the most suitable location.
- c. If the residential dwelling or townhouse does not have a garage, an electric vehicle charger ready parking space must be provided in a suitable location and the electric vehicle charger ready infrastructure must be sealed and labeled for future use. In addition, the following requirements shall apply:
 - (1) Five percent (5%) of the total available designated parking spaces must be electric vehicle charger installed parking spaces.
 - (2) Fifty percent (50%) of the total available designated parking spaces must be electric vehicle charger ready parking spaces.
- d. The electric vehicle charging stations required under this Chapter must be at least a Level 2 charger and be able to self-meter to charge for the electricity used and shall be identified with permanent markings or signage.
- e. Construction documents must indicate the location of proposed electric vehicle charger installed and electric vehicle charger ready parking spaces.
- f. Any parking space intended for electric vehicle charging shall be labeled as such.
- g. For purposes of this Chapter, the wired junction box must be sufficient to allow for the future installation of an electric vehicle charging station capable of providing Level 2 charging or higher and which is able to self-meter to charge for the electricity used.
- h. Where an EVSE space is provided, the outlets installed for purposes of charging electric vehicles shall be supplied by an individual branch circuit, and each circuit shall not supply other outlets; the wiring for the branch circuit shall otherwise conform to the most recently adopted electrical code in the State of Delaware.
- i. The Department of Land Use may specify regulations, including performance standards, for equipment that is installed to comply with this Chapter. Permits for the installation of equipment under this Chapter must be acted upon within 90 days of receipt.

j. New Castle County shall not apply regulations adopted under this Chapter to require a change in, alteration of, or addition to a legally existing one- or two-family dwelling or townhouse.

Section 4. This Ordinance shall become effective on January 1, 2022, following adoption by County Council and approval by the County Executive.

Adopted by County Council
of New Castle County on:

President of County Council
of New Castle County

Approved on:

County Executive
New Castle County

SYNOPSIS: This Ordinance, if enacted, would require that newly-constructed residential one- and two-family dwellings and townhouses, not more than three stories above grade plane in height with separate means of egress, with any accessory structure not more than 3 stories above grade plane in height, and multi-family residential dwellings proposed in exploratory plans submitted to New Castle County after January 1, 2022 be built with the basic infrastructure necessary for future property owners to relatively easily and cost effectively install electric vehicle charging stations at some future date.

FISCAL NOTE: There is no discernible fiscal impact.