

**ORDINANCE NO. 25-348
MONTGOMERY TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY,
MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING SECTION 230-5
“WORD USAGE; DEFINITIONS” TO ADD DEFINITIONS RELATED TO
ELECTRIC VEHICLES AND ELECTRIC VEHICLE CHARGING STATIONS;
AND AMENDING CHAPTER 230, ARTICLE XXI, MISCELLANEOUS, TO
PROVIDE A NEW SECTION ESTABLISHING REGULATIONS ON THE
PLACEMENT OF AND REQUIREMENTS FOR ELECTRIC VEHICLE
CHARGING STATIONS, ENERGY STORAGE SYSTEMS, AND THE
STORAGE OF ELECTRICAL VEHICLE BATTERIES**

WHEREAS, the Pennsylvania Second Class Township Code and the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101, *et seq.*, authorizes the Board of Supervisors of Montgomery Township (“Board”) to make, amend, and adopt ordinances that are consistent with the constitution and laws of the Commonwealth when necessary for the proper management, care and control of Montgomery Township (“Township”) and the maintenance of peace, good government, health and welfare of the Township and its citizens;

WHEREAS, the Board desires to advance, foster, and promote national, commonwealth and/or Township goals and policies that transition the use of fossil fuels to 100% renewable energy sources and encourage net-zero greenhouse gas emissions;

WHEREAS, to further such goals, the Township desires to implement policies that encourage the use of electric vehicles instead of gasoline-powered vehicles within the Township;

WHEREAS, the use of electric vehicles is becoming more prevalent in and around the Township, and the Township desires to plan for the parking and charging of electric vehicles;

WHEREAS, electric vehicles are commonly powered by an electric motor that uses energy stored in batteries that are charged by plugging the vehicle into an electric power source;

WHEREAS, there has been documented instances of electric vehicle batteries, including lithium-ion batteries, overheating and causing thermal runaway, combustion, fires, and explosions;

WHEREAS, in many instances, thermal runaway, and the resulting electric vehicle fire, occurs while the vehicle is parked and the electric vehicle’s battery is charging;

WHEREAS, when thermal runaway occurs, the fire is driven by a sustained chemical reaction that does not respond to regular firefighting efforts. For example, a battery fire in an electric vehicle could take up to twenty-four (24) hours and require at least 2,600+ gallons of water to extinguish. Further, there is an increased risk of the fire reigniting due to the battery's stored energy;

WHEREAS, in addition to the length of the fire, the fire tends to burn at a significantly higher temperature. Namely, electric vehicles typically burn at approximately 5,000 degrees Fahrenheit, whereas gasoline-powered vehicles typically burn at approximately 1,500 degrees Fahrenheit;

WHEREAS, due to the difficulties in extinguishing an electric vehicle fire and the resulting heat, surrounding structures and combustible materials are at an increased risk of ignition from the fire, which may cause structural instability and a faster spread of the fire. In addition, electric vehicle fires occurring inside of structures may not be sufficiently accessible by fire personnel to the extent required to readily extinguish such an enduring and intense fire;

WHEREAS, current fire sprinkler protection is not designed to meet the hazards caused by electric vehicle fires and may provide a false sense of security;

WHEREAS, the Board is committed to adapting Electric Vehicle Charging Station zoning code requirements as fire suppression technology improves;

WHEREAS, for the above reasons, the Board desires to regulate the placement and requirements of Electric Vehicle Charging Stations to minimize the increased risks and damage that comes from an electric vehicle fire, and to better maintain the peace, good government, health, safety and welfare of the Township and its citizens;

WHEREAS, the Board has met the procedural requirements of the Pennsylvania Municipalities Planning Code, for the adoption of the proposed ordinance, including advertising, submission to the planning commissions, and holding a public hearing; and

WHEREAS, the Board, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety and general welfare of the residents and guests of the Township will be served by this amendment of the Montgomery Township Zoning Code as set forth below:

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Montgomery Township, Montgomery County, Pennsylvania, as follows:

SECTION I: CODE AMENDMENTS. Montgomery Township Code is hereby amended as follows:

A. Chapter 230, Section 230-5, Word usage; Definitions, shall be amended to add the following definitions:

ELECTRIC VEHICLE (EV)

An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, primarily powered by an electric motor that draws current from a rechargeable storage battery, fuel cell, photovoltaic array, or other source of electric current. Plug-in hybrid electric vehicles (PHEV) are electric vehicles that have a second source of motive power. Off-road, self-propelled electric mobile equipment, such as industrial trucks, hoists, lifts, transports, golf carts, airline ground support equipment, tractors, boats, and the like, are not considered electric vehicles.

ELECTRIC VEHICLE CHARGING STATION (EVCS)

A public or private parking space that is served by battery charging station equipment, including any electrical component, assembly, or cluster of component assemblies, that is designed to, or has a primary purpose of, the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an EV.

ENERGY STORAGE SYSTEM (ESS)

One or more devices installed as a system capable of storing energy and providing electrical energy into the premises wiring system or an electric power production and distribution network

LEVEL 1 ELECTRIC VEHICLE CHARGING STATION

An electric vehicle charging station that operates on a 15 to 20 amp overcurrent protective device (fuse or circuit breaker) on a 120 volt AC circuit

LEVEL 2 ELECTRIC VEHICLE CHARGING STATION

An electric vehicle charging station that operates on a 40 to 100 amp overcurrent protective device (fuse or circuit breaker) on a 220 or 240 volt AC circuit

LEVEL 3 ELECTRIC VEHICLE CHARGING STATION

An electric vehicle charging station that typically operates on a 480 volt or higher three phase circuit with special grounding equipment. Level 3 stations can also be referred to as rapid charging or fast charging stations that are typically characterized

by electrical 400 to 800 volt direct current outputs to the EV that allow for faster recharging of electric vehicles.

LEVEL 4 ELECTRIC VEHICLE CHARGING STATION

Uses a charge of over 1 megawatt (MW) and is used for large commercial vehicles including but not limited to school buses, buses, and large commercial vehicles

SURFACE PARKING LOT

Parking which is not enclosed or created by a structure and is an area 'at grade,' or on ground level.

STRUCTURED PARKING LOT

Parking is an above-grade, ramp-access, open-air structure specifically designed to accommodate vehicle parking, a below-grade structure specifically designed to accommodate vehicle parking, or on-grade parking sheltered under a building elevated on piers.

B. Chapter 230, Article XXI, Miscellaneous Provisions, shall be amended to provide for a new Section 230-156.8, to provide as follows:

§230-156.8. Electric Vehicle Charging Stations.

A. Applicability

- 1) These requirements under this section for Electric Vehicle Charging Stations shall apply to all buildings regulated under the IBC and shall comply with all applicable codes, ordinances, and regulations of the Township.
- 2) The Authority Having Jurisdiction (AHJ) in Montgomery Township regarding this Ordinance will be the Montgomery Township Fire Chief or designee and the Montgomery Township Director of Planning and Zoning or designee.

B. Placement Requirements for Electric Vehicle Charging Stations.

- 1) An EVCS providing a Level 3 or Level 4 charge or a 480+ volt charging outlet shall not be installed inside or under any structures or buildings or inside, under, or on top of any parking garage or parking structure with a combustible canopy.
- 2) In a surface parking lot, the entirety of an EVCS providing a Level 2, Level 3, or Level 4 charge, including the vehicle parking space area, shall be separate from the following materials and structures by the defined distance:

Item	Distance (ft)
Point of Ingress/Egress to/from parking lot or Emergency Exit Pathway	50
Buildings/Structures	25
Utility Poles	25
Utility Distribution Infrastructure deemed to Pose a Potential Public Safety Hazard by the AHJ	25
Fuel Tank or Gas Pump	25
Electrical Meters, Gas Meters, or Gas Pipes	25

- 3) In a structured parking lot, the entirety of an EVCS providing a Level 2, Level 3, or Level 4 charge, including the vehicle parking space area, shall be separate from the following materials and structures by the defined distance:

Item	Distance (ft)
Point of Ingress/Egress to/from the structure or Emergency Exit Pathway	50
Utility Distribution Infrastructure deemed to Pose a Potential Public Safety Hazard	25
Electrical Meters, Gas Meters, or Gas Pipes	25

- 4) All Level 2, Level 3, and Level 4 EVCS shall be installed at parking spaces with at least a 10' x 20' parking stall.
- 5) All Level 2, Level 3, and Level 4 EVCS shall not be installed under a combustible canopy.
- 6) All Level 2, Level 3, and Level 4 EVCS shall include all appropriate safety and contact information for reporting issues or problems.
- 7) To protect the EVCS, all Level 2, Level 3, and Level 4 EVCS equipment shall be separated from associated parking spaces by curb stops, curbing, or bollards.
- 8) An emergency disconnect approved by the Township's Fire Code Official shall be readily accessible, within sight, and installed a minimum of 25 feet and a

maximum of 50 feet from all Level 3 and Level 4 EVCS that shall shut off all electrical power to the associated EVCS(s). The emergency disconnect switch shall contain a readily legible sign that says, "Fire Department Use Only - Electric Vehicle Charger Shutoff." The label shall not be handwritten and shall be suitable for the environment in which it is installed.

The disconnects need to be labeled and secured in an approved manner by the AHJ. The emergency disconnect is permitted to be a shunt trip device that opens a remote circuit breaker. The AHJ shall witness the operation of the emergency disconnect.

- 9) Communal (bank) EV and Lithium-Ion battery charging stations for personal transport, such as bikes, hoverboards, and scooters, shall not be located within 50 feet of the point of ingress/egress of a garage or lot. The Authority Having Jurisdiction will approve the location.

C. Permitting Process of Electric Vehicle Charging Stations, Energy Storage Systems, and the Storage of Electrical Vehicle Batteries.

- 1) All EVCS shall obtain approved Permits from the Township before installation or voltage upgrade. The electrical installation/upgrade shall be approved and accepted by the Montgomery Township Department of Planning and Zoning and a Township-approved Third-Party Electrical Inspection.
- 2) All Permits shall include plan drawings for review.
- 3) All EVCS, Energy Storage Systems, and the Storage of Electrical Vehicle Batteries shall comply with all applicable Township, Commonwealth, and Federal codes, ordinances, and regulations.

D. Energy Storage Systems

- 1) All energy storage systems shall obtain a Permit from the Township before installation or upgrade. The installation/upgrade shall be approved by the Montgomery Township Department of Planning and Zoning and a Township-approved Third-Party Electrical Inspection.
- 2) All Permits shall include a drawing of plans for review.
- 3) An ESS shall not be installed below grade without the approval of the AHJ.

E. Storage of Electrical Vehicle Batteries

- 1) All electric vehicle batteries, when separate from a vehicle, including new, used, repurposed, and damaged batteries, shall be stored in an appropriate

container/enclosure and location. The type, size, and location of the batter container/enclosures shall be approved by the AHJ.

- 2) All electric vehicle-damaged lithium-ion battery storage areas will not be located within 50 feet of the buildings. The AHJ will approve all areas used to store damaged lithium-ion batteries. This will comply with building setbacks as established per the zoning district.

SECTION II: REPEALER. All Ordinances or parts of Ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

SECTION III: REVISIONS. Montgomery Township Board of Supervisors does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its Ordinance, including this provision.

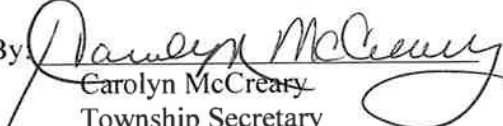
SECTION IV: SEVERABILITY. If any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

SECTION V: EFFECTIVE DATE. This amendment shall become effective five (5) days after date of adoption.

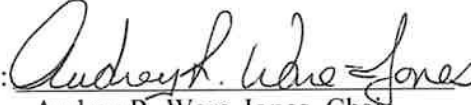
SECTION VI: FAILURE TO ENFORCE NOT A WAIVER. The failure of Montgomery Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

ORDAINED AND ENACTED by the Board of Supervisors for Montgomery Township, Montgomery County, Pennsylvania, this 23rd day of June, 2025.

ATTEST:

By: 
Carolyn McCreary
Township Secretary

MONTGOMERY TOWNSHIP
BOARD OF SUPERVISORS

By: 
Audrey R. Ware-Jones, Chair
Montgomery Township
Board of Supervisors