

Ordinance 05-2013

Intro 5-14-13

Adopt 6-11-13

ORDINANCE NO. 05 -2013

**AN ORDINANCE OF THE TOWNSHIP OF TEWKSBURY, COUNTY OF HUNTERDON,
STATE OF NEW JERSEY, TO AMEND, REVISE AND
SUPPLEMENT ARTICLE VII "ZONING PROVISIONS," OF THE
DEVELOPMENT REGULATIONS ORDINANCE AND TO
ADD SECTION 702.2 "SPECIFIC ACCESSORY STRUCTURES"**

WHEREAS, the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey, has determined that there is a need to regulate permanent standby generators within the Township; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Tewksbury, in the County of Hunterdon, State of New Jersey, that the Development Regulations Ordinance of the Township of Tewksbury Article VII "Zoning Provisions" is hereby amended, revised and supplemented to add the following:

Section 1:

§702.2 Specific Accessory Structures

A. Permanent standby generators.

(1) Applicability. This section shall apply to the owners and/or occupiers of a one-family dwelling or a two-family dwelling as those terms are defined in the definition section (§ 301) of the Township of Tewksbury Development Code who wish to install and utilize an outdoor standby generator. This section and its requirements shall not apply to portable generators.

(2) Purpose and permission. Permission is hereby granted to the owners and/or occupiers of a one- or two-family dwelling to install and utilize an outdoor permanent standby generator, subject to the requirements delineated below.

(3) Definitions. As used in this section, the following terms shall have the meanings indicated:

PERMANENT STANDBY GENERATORS

Generators permanently connected to the building's electrical systems in order to provide backup power in the event of power outages.

PORTABLE GENERATOR

Generators not permanently connected to the building's electric systems, use a self-contained fuel source and have wheels or are light enough to be carried.

(4) Distance requirements.

Ordinance 05-2013

Intro 5-14-13

Adopt 6-11-13

(a) A permanent standby generator may be located in the front, rear or side yard of the property, provided it satisfies the applicable setback requirement for the given zoning district.

(b) In the event the installation of a standby generator cannot meet the setback requirements applicable to the property, then the setback requirements may at the reasonable discretion of the Zoning Officer be replaced with the following requirements: five feet from the rear property line; five feet from the side property lines.

(c) Location of the permanent standby generator relative to the dwelling. The generator shall be located in accordance with its manufacturer's installation instructions or the building codes adopted by the State of New Jersey, whichever is more stringent.

(5) Impact on neighboring properties.

(a) All such generators shall be placed so as to minimize the visual impact on adjacent properties with the use of appropriate sound-attenuating architectural materials and landscape screen.

(b) The noise level of such a generator, when in use, shall not create a nuisance as determined by the New Jersey State noise statutes and regulations.

(6) Time of use. The generator shall only be used during electrical power outages and as required by the manufacturer for maintenance purposes. Maintenance operation shall only take place during day light hours between the hours of 10:00 a.m. and 5:00 p.m. not to exceed once a week.

(7) Fuel. The generator shall operate on liquid gas propane fuel, diesel, natural gas or gasoline.

(8) Permits and applicable codes. All such property owners seeking to install an outdoor permanent standby emergency backup generator must file an application with the Construction Department prior to installation and receive permits as necessary before any work can be commenced. The Uniform Construction Code (UCC), adopted both in New Jersey and the Township of Tewksbury, shall be complied with. This means that the property owner shall comply with all municipal ordinances and state-adopted codes (i.e., National Electric Code, National Fire Protection Association Code, International Fuel Gas Code, etc.).

(9) Size and capacity of permanent standby generator. The permanent standby generator to be installed shall not exceed a capacity of 75 kw and must be located on an impervious surface not larger than one hundred square feet.

Section 2:

All other sections shall remain unchanged.

Ordinance 05-2013

Intro 5-14-13

Adopt 6-11-13

Section 3:

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 4.

Repealer.

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 5.

Effective Date.

This Ordinance shall take effect upon final passage and publication.

ATTEST:

Township of Tewksbury

Roberta Brassard, Clerk

By: _____
Louis DiMare, Mayor