

ORDINANCE NO. 12-111
INTRODUCED BY: Mr. Miller

First Reading 12-17-12
Second Reading 1-14-13

AN ORDINANCE
ENACTING NEW CODIFIED ORDINANCE CHAPTER 1370 ENTITLED
“ELECTRICAL STAND-BY POWER GENERATOR SYSTEMS”,
AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That the Codified Ordinances of the City of Bay Village are hereby amended by enacting new Chapter 1370 to read as follows:

“CHAPTER 1370
ELECTRICAL STAND-BY POWER GENERATOR SYSTEMS

1370.01 Purpose

It is the purpose of this chapter to regulate the construction, modification, operation and abandonment by discontinuation of use of electrical stand-by power generation systems in the City of Bay Village, subject to reasonable conditions that will protect the public health, safety, and welfare while preserving the enjoyment of private property, promoting orderly land use, and development; allowing the safe, effective, and efficient use of electrical stand-by power generation systems. Electrical stand-by power generation systems shall be considered a permitted use in any zoning district, subject to the requirements of any other applicable chapter of this Code.

1370.02 Definitions

- a) Applicant: The person or entity filing an application under this Chapter.

- b) Decibel: means the unit used to express sound pressure level and sound power level.

- c) Electrical stand-by power generators: means any permanently mounted stand-by unit or combination of permanently mounted stand-by units, gas or combustible fuel operated machinery used for the purpose of temporarily supplying electricity for human occupancy in residential or non-residential buildings.

- d) Electrical power generation: refer to this Section 1370.02, item c).

- e) Owner: The entity responsible for the day-to-day operation and maintenance of the electrical power generator system.

- f) Sound: means a pulsation of air pressure capable of being heard.

- g) Sound level: means the reading in decibels taken with a sound level meter. Decibel is abbreviated “db”, and the abbreviation “dba” refers to decibels measured using the A scale on a meter.

1370.03 Applicability

- a) No person shall place, construct, connect, or operate, or permit the placement, construction, connection or operation of, any electrical power generation equipment or facility for the purpose of providing stand-by or backup power, either permanent or temporary, on any property in the City without first obtaining a permit from the Building Department pursuant to the provisions of this chapter.
- b) Electrical power generator systems constructed prior to the effective date of this Chapter shall not be required to meet the requirements of this code; unless any physical condition or modification renders such system un-repairable or un-usable. If any pre-existing electrical power generator system is destroyed or damaged to the such extent that it cannot be returned to original service, or any such damage or modification creates an unsafe condition it shall be replaced or removed in conformity with this chapter.
- c) Like-kind replacements shall not require review or approval, excepting as required for electrical or general building permits. Existing installations shall provide emergency disconnect location and register emergency contact information to City of Bay Village Building Department and Division of Fire.
- d) Applications for such permits shall be made to the Building Department by the owner or by his agent in accordance with the procedures set forth herein. The Building Department may, where it is determined that proposed electrical power generators comply with all of the criteria of this chapter, that no required parking space or similar site feature is being eliminated, and that the amount of open space will not be reduced below the minimum required standards for the use district, issue a permit for the installation of such facilities without referral to the Board of Zoning Appeals; otherwise applications for energy generation facilities shall be referred to the Board of Zoning Appeals for final site plan approval.

1370.04 Application Requirements

Applications to the Building Department for installation of electrical power generators shall include:

- 1) A drawing, at representative scale of a site plan showing:
 - a) The exact location, indicating size (WxLxH) and position of exhaust, of the generator, including measurements to and identification of property lines and structures.
 - b) The location of any window, vents and air intakes.
- c) A landscape buffering plan, showing quantities and types of plant material existing and to be planted, or other screening materials to be used.

- d) A signed statement from the owner specifying the date, or approved alternative date, by which the landscape buffering will be completed to coincide with installation of generator system.
 - e) Indicate emergency disconnect location and register emergency contact information to City of Bay Village Building Department and Division of Fire.
- 2) A drawing, at representative scale of the perimeter of the residence or non-residential building showing:
- a) All fuel or gas piping and valves from unit to source with the type and size of piping, in compliance with Manufacturers Specifications, Utility Supplier provision, and prevailing Construction Code not limited to National Fuel Gas Code, NFPA, and EPA requirements.
 - b) Electrical panel location including the transfer or interconnect switch and any other electric equipment associated with the unit, including disconnecting means.
 - c) The type and size of new electrical wiring, concealment requirements and location, of all wiring from unit to source, to unit, to distribution panel.
 - d) Evidence that the electrical distribution panel and interconnect meets generator manufacturer's specifications and applicable building code.
 - e) A copy of the manufacturer's specifications for installation, including generator Manufacturer Name and Model Number, clearance requirement data, and sound attenuation requirements.
 - f) The property owner, or agent, shall be the applicant for the proposed installation.

1370.05 Residential Use Location Requirements

Electrical power generators for residential use shall only be located in compliance with the following requirements.

- a) Generators shall be located in the rear yard, as defined in Chapter 1125.
- b) Notwithstanding subsection (a) of this Section 1370.05, generators may be placed in a side yard, as defined in Chapter 1125, if the following factors demonstrate to the reasonable satisfaction of the Building Department that such placement will better serve the home owner and will not create adverse conditions or impacts on neighboring properties:
 - 1) Topography;
 - 2) Landscaping;
 - 3) Location of a patio, deck or pool;
 - 4) Window placement;
 - 5) Site line from adjacent homes;
 - 6) Other similar factors determined by the Building Department.

- c) Generators shall be placed a maximum of ten (10) feet from the rear of the home and a minimum of ten (10) feet from any side lot line.
- d) Generators shall be screened from view from public rights-of-way and adjacent properties by means of a landscape or hardscape buffer, consisting of ever-green plantings and/or semi-opaque fencing, of a height at least equal to the height of the generator. The landscape buffer shall be provided and maintained in a manner reasonably satisfactory to the Building Department.
- e) Generators shall contain vibration dampeners and sound attenuation equipment sufficient to ensure that the sound level produced during operation shall not exceed 75 db measured at twenty-three feet.
- f) Generators shall be situated so as to exhaust into the interior of the lot on which they are located.
- g) Generators shall be installed in conformance with the manufacturer's specifications.
- h) Generators shall be installed on a suitable mounting surface as directed by manufacturers requirements, placed on firm ground and of sufficient area to support the unit.
- i) Generators shall be programmed to cycle for routine testing and maintenance not more than once a week for no more than twenty minutes, Monday through Saturday between the hours of 09:00 a.m. and 06:00 p.m. only.
- j) Generators shall be used only during periods of power outages or for periodic testing and necessary maintenance operation and shall not be used to sell power back to a power company or for use by power customers during periods of peak demand.
- k) Generators shall be fueled by natural gas.
- l) No generator shall be installed prior to the issuance of a generator permit.

1370.06 Non-Residential Use Location Requirements

Electrical power generators for non-residential use shall only be located in compliance with the following requirements:

- a) Where practical, generators shall be installed on rooftops, in the interior of the building or adjacent to the rear or side of the building. Otherwise, generators other than rooftop or interior units shall be located in rear or side yards, adjacent to one another in the event

there are more than one generator, and shall be placed a minimum of ten feet from any non-residential lot line and twenty feet from any residential lot line.

- b) Generators shall be situated so as to exhaust into the interior of the lot on which they are located.
- c) Generators shall be buffered from view from public rights-of-way and adjacent properties by means of a landscape buffer set forth by Chapter 1165, or other approved screening.
- d) Generators shall be placed in sound attenuation enclosures sufficient to ensure that the noise level produced by all of the generators on the site during simultaneous operation does not exceed 80 db at any non-residential property line and 75 db at any residential property line as measured by the requirements of Section 1370.05 while the equipment is in operation.
- e) Generators shall be installed in conformance with the manufacturer's specifications.
- f) Generators shall be programmed to cycle for routine testing and maintenance not more than once a week for no more than twenty minutes, Monday through Saturday between the hours of 09:00 a.m. and 06:00 p.m. only.
- g) Generators shall be used only during periods of power outages or for periodic testing and necessary maintenance operation and shall not be used to sell power back to a power company or for use by power customers during periods of peak demand.
- h) Diesel generators with integral fuel tanks of double wall construction shall be permitted.
- i) No generator shall be installed prior to the issuance of a generator permit.

1370.07 SEVERABILITY.

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

1370.99 PENALTY.

Any person who violates any provision of this chapter shall be deemed guilty of a misdemeanor and fined not more than fifty dollars (\$50.00) for each offense. Each day's continued violation shall constitute a separate offense.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council; and that all deliberations of this Council, and of any committees, that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to adopt the most current electrical stand-by power generator regulations, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED: January 28, 2013

/s/ Paul A. Koomar
PRESIDENT OF COUNCIL

/s/ Joan T. Kemper
CLERK OF COUNCIL

APPROVED: January 29, 2013

/s/ Deborah L. Sutherland
MAYOR

1/24/2013