

Bill T 2021A

A local law to amend the Code of the Village of Thomaston, in relation to regulating location and maintenance of generators.

Section one. The Code of the Village of Thomaston is hereby amended, by adding thereto a new section, to be section 203-119, to read as follows:

“§203-119. Generators.

A. Definitions. As used in this section, the terms “generator”, “equipment” and “permanent standby generator” shall mean and refer to a stationary, outdoor machine designed to provide a temporary source of electricity for a structure or building when electricity from an off-site utility provider has been disrupted.

B. Permit required. Any person or entity hereafter installing permanent standby generator equipment within the Village of Thomaston shall be required to obtain from the Building Official a permit pursuant to this section, prior to any such installation. No person or entity shall maintain or operate any such generator equipment installed on or after the effective date of this section without a permit as required by this section.

(1) An application for a permit pursuant to this section shall payment of any applicable permit or application fee established from time to time by resolution of the Board of Trustees, and the following information form satisfactory to the Building Official:

(a) a copy of the survey of the property upon which the installation is proposed;

(b) a sketch plan of the proposed location of the equipment to be installed, indicating thereon the distances in feet to all property lines,

(c) a brief description of the equipment proposed to be installed,

(d) a copy of the manufacturer’s specifications for the unit(s) to be installed and

(e) such other information as may from time to time reasonably be requested by the Building Inspector.

C. Review of application; issuance of permit.

(1) Upon receipt of the required fee and a properly completed permit application, the Building Official promptly shall review the application, and the plans and specifications and other material included therein, and, if necessary, make a visual inspection of the proposed installation site. Before issuing any permit pursuant to this section, the Building Official shall have the power to require reasonable changes deemed

necessary, including the power, where appropriate, to require or designate appropriate screening of the equipment.

(2) In issuing a permit pursuant to this section, the Building Official may include such conditions as may be reasonable and proper, and necessary to protect the public health, safety and general welfare, including protection of adjoining properties from visual impacts, noise and odors.

(3) In the event the Building Official determines that the application and the proposed installation are satisfactory and compliant pursuant to this section, the Building Official shall issue a permit pursuant to this code section, with such conditions as may be permitted as provided in this section.

D. In zoning districts R-6, R-7/7C, R-8, R-9/9B/9C, and R-10 a permanent standby generator shall be installed and maintained only in a rear yard and only in compliance with the following regulations:

(1) A permanent standby generator located in a rear yard shall be located as close to the rear building wall as feasible, while providing sufficient clearance to comply with all applicable building and other safety codes and manufacturer requirements, subject to the rear yard and side yard setback requirements for the zoning district in which the property is located.

(2) No permanent standby generator may exceed a sound rating of 70 decibels, pursuant to the manufacturer's specifications, nor operate at a decibel level in excess of 70 dBA measured at a distance of seven (7) meters from the source. The manufacturer's specifications demonstrating compliance with such sound rating shall be submitted with the permit application.

(3) Permanent standby generators shall be used only during electrical power outages, and as required by the manufacturer for maintenance purposes. Except where required in conjunction with an ongoing emergency repair, exercise, testing or maintenance operation shall take place only on Monday through Friday, between the hours of 9:00 a.m. and 5:00 p.m., for a maximum duration not to exceed thirty (30) minutes, and shall not occur more often than once in any calendar week.

E. In all other zoning districts, permanent standby generators may be installed and maintained only in locations as described in paragraph D(1) of this section, or on

the roof of a principal structure. All such equipment shall be operated and maintained, as provided in paragraphs D(2) and D(3) of this section. All such equipment located on the roof of a structure shall be set back from the roof edge not less than ten (10) feet, and shall be surrounded by screening as reasonably approved by the Building Official to minimize or eliminate visibility from surrounding properties or streets.

- F. Notwithstanding any other provision of this section, the provisions of this section shall not be applicable to a generator installed prior to January 11, 2021, and any such generator may be maintained and operated in its location as of that date, and may be repaired or replaced as reasonably necessary provided that there is no material change in the size or location of such equipment. In any case, the burden of proof to establish that such equipment was installed prior to such date shall be on the owner of the property.”

Section two. Nothing in this law shall be deemed to affect any pending violation notice or prosecution for violation of any provision of the Village Code which is amended by this local law. Any such violation may be enforced, and any such prosecution may continue, notwithstanding any provision of this local law.

Section three. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section four. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.