



Date Received _____

**TOWN OF NEWTON
ZONING PERMIT APPLICATION
EMERGENCY STANDBY GENERATORS**

1. Work Site Street Address: _____
Block: _____ Lot: _____ Zone: _____
Owner: _____ Applicant: _____
Address: _____ Address: _____
Phone: _____ Phone: _____

2. Dimensions of principal building: _____

3. Dimensions of all accessory buildings or signs: _____

4. Describe in detail the activity to be conducted in the principal building or any accessory building for which this permit is being applied: _____

5. Has the above premises been the subject of any prior application to the Zoning Board of Adjustment or Planning Board? _____ Yes _____ No
If yes, please explain: _____

Did the application receive?

Preliminary Approval _____ Date: _____

Final Approval _____ Date: _____

Name of Corporation Association, if applicable

***PLEASE SUPPLY A COPY OF
SURVEY***

Signature of authorized officer

Applicant's Signature

Certificate of Occupancy/Approval required? _____ Yes _____ No

Construction Official

****You will be required to apply for building permits as deemed necessary by the Construction official.**

Application Approved _____ Denied _____ Date: _____

Reason for Denial: _____

Zoning Officer
\$100.00 Fee

PERMIT# _____



**TOWN OF NEWTON
CHECKLIST FOR SIGNATURE**

******FOR OFFICIAL USE ONLY******

Block_____Lot_____

Work Site_____

Historic Review

Requirement as indicated by checkmark:

Historic is required _____

Historic is not required _____

Date of Recommendation _____

Zoning Review

Requirement as indicated by checkmark:

Zoning is required _____

Zoning is not required _____

Date of the Planning Board Approval _____

Reviewed by Zoning Officer:

Signature

Date

TOWN OF NEWTON

ORDINANCE 2015-11

AN ORDINANCE CREATING SECTION 320-34 TO REGULATE EMERGENCY STANDBY GENERATORS IN THE TOWN OF NEWTON

WHEREAS, periods of severe weather have created more circumstances where properties within the Town of Newton experience prolonged power outages; and

WHEREAS, Town businesses and residents have begun to apply for permits to install permanent emergency standby generators on their property to supplement electrical power during power outages; and

WHEREAS, regulating the location and installation of permanent emergency standby generators to ensure that negative impacts to surrounding property owners is minimized serves the public, health, safety and welfare of the community;

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Town Council of the Town of Newton, County of Sussex, and State of New Jersey as follows:

SECTION 1: Section 320-34 shall be added to the Newton Form Based Code as follows:

320-34.A Title

This Article shall be referred to as the “Emergency Standby Generator Ordinance”.

320-34.B Purpose

The purpose of this article is to establish guidelines for siting permanent Emergency Standby Generators, to ensure their safe operation and prevent a nuisance to neighboring properties.

320-34.C Definitions

Emergency Standby Generator means a fuel-powered generator which is permanently connected to the electrical system of a structure and primarily operates in the event of a power outage in order to provide backup power. In the event of a power outage Emergency Standby Generators automatically turn on, or are switched on by the owner and supply power. Once utility power is restored, the generator automatically transfers the electrical load back to the utilities, or is manually switched off and power is turned back to the utilities. Emergency Standby Generators are also operated occasionally for maintenance purposes.

Portable Generator is not permanently connected to a building’s electrical system, uses a self-contained fuel source and is portable for storage. Portable generators shall be outside when they are being utilized in the event of a power outage emergency or occasionally for maintenance purposes, and are not required to obtain approval pursuant to this Article.

Emergency: Loss of power due to a power outage outside of the owner's control.

320 - 34.D Siting and Placement Requirements

(1) Residential: Single Family/Duplex

- (a) Emergency Standby Generators may be located in a secondary front yard, side yard or rear yard and may not be more than 20 feet from the structure it is serving.
- (b) Minimum setbacks: 10 feet to secondary front yard; 5 feet to side or rear yard.
- (c) Only one generator with maximum energy output of not more than 20 KW. The generator shall sit on a footprint no larger than 25 square feet and be no higher than 5 feet.

(2) All Others: Commercial/Industrial/Multi-Family/Institutional

- (a) Emergency Standby Generators may be located in a secondary front yard, side yard or rear yard and may not be more than 20 feet from the structure it is serving.
- (b) Minimum setbacks: 10 feet to any property line; where adjacent to residential uses; minimum 15 feet.

320 – 34. E Permits

- (1) Residential Applicants for an Emergency Standby Generator must submit for an application for a zoning permit from the Zoning Officer. The Application must include a site drawing showing the proposed location of the standby generator and associated setbacks to all adjacent property lines. Noise in decibels based on distance from the unit must also be provided.
- (2) Commercial Applicants for an emergency standby generator must submit an application for a Minor Site Plan with the Planning Board, unless the generator is proposed in conjunction with a Major Site Plan application.
- (3) Zoning permits for generators are revocable if the owner does not continue to meet Emergency Standby Generator use requirements.

320 – 34.F Time of Use Regulations

- (1) Unlimited use during an Emergency.
- (2) Exercise of the generator is permitted as required for maintenance, but not more than once a week, on weekdays, between the hours of 10 a.m. and 5 p.m. and not to exceed 30 minutes at a time.

320 – 34.G Screening

- (1) Screening of the unit is required, if visible from any right of way or adjacent properties.
- (2) Natural screening shall be used wherever possible.
 - (a) If, due to the characteristics of the given lot, natural screening is not possible fences conforming to section 320 – 24.A are permitted.

320 – 34.H Noise attenuation

- (1) Generator operating sound output may not exceed the New Jersey Noise Control Act (N.J.S.A. 13: 1G-1) as measured from the closest property line.
- (2) Sound attenuation enclosures, screening and landscaping may be used to minimize noise on adjacent properties and bring noise output into compliance with the standards of the New Jersey Noise Control Act (N.J.S.A. 13: 1G-1).

320 – 34.I Fuel Storage

- (1) If a generator is utilizing diesel fuel, the fuel storage tank shall be double-walled.

320 – 34.J Regulatory Compliance

- (1) Emergency Standby Generators shall be installed and operated in accordance with manufacturer's requirements as well as all Federal, State and Local codes, whichever is most stringent.

320-34.K Application Fee

Every application for the installation of a permanent standby generator shall be accompanied by a fee of \$100.00, which fee shall be separate form and in addition to any other zoning and building permit fees.

320-3.L Violations and Penalties

Any person, firm corporation or entity which shall violate any provision of this Article shall, upon conviction, be subject to a fine not exceeding \$500.00, and each day that such violation continues shall be deemed a separate offense.

SECTION 4: SEVERABILITY AND REPEALER

Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part held invalid.

SECTION 5: NOTICE

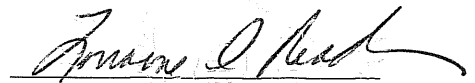
Upon the adoption of this Ordinance, after public hearing, the Town Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

SECTION 6: EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, March 23, 2015. It was adopted, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body conducted at 7:00pm on Monday, April 27, 2015 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

ATTEST:



Lorraine A. Read, RMC
Municipal Clerk