

ORDINANCE 2021-05

BOROUGH OF HIGHTSTOWN

COUNTY OF MERCER

STATE OF NEW JERSEY

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 28, ENTITLED “ZONING,” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY,” RELATING TO PERMANENTLY INSTALLED STANDBY GENERATORS

WHEREAS, the existing zoning and land use regulations of the Borough of Hightstown (the “Borough”) are set forth in Chapter 28, entitled “Zoning,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey;” and

WHEREAS, the Mayor and Council wish to make certain revisions thereto relating to permanently installed standby generators; and

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, as follows:

Section 1. Chapter 28, entitled “Zoning,” Subsection 28-10-19 entitled “Permanently Installed Standby Generators” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey,” is hereby amended and supplemented in the following limited respects (deletions are shown with ~~strikeout~~, additions are shown with underline):

Chapter 28 ZONING

Subsection 28-10-19 Permanently Installed Standby Generators.

a. Standby generators shall be permitted as accessory uses and shall be located in the rear yard and side yard only and not project beyond the front building lines of the principal structure. All generators shall be installed on a concrete pad or other pre-formed pad designed to meet the generator’s specifications. The generator shall be screened so it is not visible from adjacent properties or from any street or public way. Screening shall consist either of plantings or an opaque fence of sufficient size and height to completely screen the generator from adjacent properties or from any street or public way. Generators located in the side yard require six (6’) foot solid fencing to completely enclose the generator. A solid gate shall be required. Screening shall be maintained by the owner or occupant of the property. All screening or fencing shall be placed in accordance with the generator manufacturer’s installation instruction and clearance requirements. The location of the generator, the type of screening and the size of the screening shall be approved by the Zoning Officer.

b. Standby generators may only be used when electric power to the property has been interrupted for reasons beyond the control of the property owner or resident, or for routine testing. Routine testing is permitted for a thirty minute period once a month during weekdays between 9:00 a.m. and 4:00 p.m., subject to air quality restrictions. Routine testing shall not take place on days in which the air quality is classified as unhealthy for sensitive groups, unhealthy, very unhealthy, or hazardous in accordance with N.J.A.C. 7:27-19.2(d) as it may be amended from time to time.

c. Notwithstanding anything to the contrary, generators shall not generate noise levels in excess of 68 dB at twenty-three feet when operating at one hundred percent. Generators shall be operated at all times with a muffler, and any factory-installed enclosure for the generator may not be removed for any reason except for maintenance or repair.

d. Supplemental diesel and gasoline fuel storage tanks powering generators shall not be permitted in any residential zone. If the generator is powered by propane gas, the propane gas tank shall be completely screened so as not to be visible from adjacent properties or from any street or public way and shall obtain all applicable regulatory approvals.

(Ord. No. 2014-18)

Section 2. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

Section 3. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall become effective upon final passage and publication in accordance with the law.

Introduction: March 15, 2021

Adoption: April 5, 2021

ATTEST:

DEBRA L. SOPRONYI
MUNICIPAL CLERK

LAWRENCE D. QUATTRONE
MAYOR