INTRODUCTORY LOCAL LAW # ___ OF 2012
A Local Law Amending Chapter 310
Of the Scarsdale Village Code,
Entitled "Zoning"

A Local Law amending Chapter 310 of the Scarsdale Village Code relative to Permanent Emergency-only generators.

BE IT ENACTED by the Scarsdale Village Board of Trustees as follows:

Section 1.

§ 310-2 Definitions

Permanent Emergency-only Generator - A back up electrical system powered by a permanent fixed fuel source, including but not limited to natural gas, liquid propane or diesel. A permanent emergency-only generator requires an automatic transfer switch and shall be installed in compliance with the New York State Uniform Fire Prevention and Building Code (including all referenced codes and standards).

Section 2.

§ 310-7 Residence A Districts

S. Permanent emergency-only generators, customarily incidental to the residential use, being for the exclusive use of the occupants of such principal or accessory building and their guests, provided that said use is consistent with the public health, safety and welfare of the community, are subject to all of the following:

(1) All property owners seeking to install a permanent emergency-only ~~backup~~ generator must file an application with the Building Department prior to installation. Permanent emergency-only generators shall not exceed 70 decibels in maintenance operation as demonstrated by the manufacturer's specifications, to be submitted with the building permit application. ~~All property owners must also certify to the Building Department that on the date of installation and every five years thereafter the generator has been inspected by an acoustical engineer who has certified that the generator does not exceed 55 decibels as measured from the nearest property line.~~

(2) Permanent emergency-only generators must be placed in the principal or accessory building or in an underground facility constructed purposely to house a generator or in the rear or side yard of any property. ~~located behind the house and shall be set back 20 feet from the rear and side yard property lines.~~

(3) Permanent emergency-only generators shall be set back from the rear lot line at least:

(a) In a Residence AA-1 District: 15 feet.
(b) In a Residence A-1 District: 10 feet.

(c) In a Residence A-2, A-2a or A-3 Districts: five feet.
(d) In a Residence A-4, A-5 Districts: three feet.

(4) Permanent emergency-only generators shall be set back from the side lot line at least:
(a) In a Residence AA-1 District: 20 feet.
(b) In a Residence A-1, A-2 or A-2a District: 10 feet.
(c) In a Residence A-3 District: five feet.
(d) In a Residence A-4, A-5 Districts: three feet.

~~(3) All permanently installed backup emergency generators shall be placed so as to minimize the visual impact on adjacent properties with the use of appropriate sound-attenuating architectural materials and landscaped screening.~~

~~(4)~~ (5) The permanent emergency-only generator shall be used only during electrical power outages and as required by the manufacturer for maintenance purposes. Maintenance operation shall only take place ~~during daylight hours~~ between the hours of 10:00 a.m. and 5:00 p.m., not to exceed once a week. ~~for a maximum period of 45 minutes.~~

~~(5) The generator shall operate only on liquid propane or natural gas. (Other fuel sources are not permitted.)~~

~~(6) Documentation of the noise level of the generator measured from the nearest property line shall not exceed 55 decibels and shall comply with Chapter **205** of this Code.~~

6) Applicants for a permanent ~~backup~~ emergency-only generator shall obtain all permits as required under federal, state and local laws, including the New York State Uniform Fire Prevention and Building Code and the Scarsdale Village Code.

7) All permanent emergency-only generators shall be installed and maintained in compliance with all federal, state and local laws, including the New York State Uniform Fire Prevention and Building Code, as amended from time to time.

~~(9) All property owners with a permanent emergency backup generator prior to the effective date of this local law shall be required to certify to the Building Department every five years from the effective date of this local law that their permanent emergency backup generator has been inspected by an acoustical engineer who has certified that the generator does not exceed 55 decibels as measured from the nearest property line.~~

(8) The Village Board of Trustees may, by resolution, impose a fee for the filing of the application as required under Subsection S (1).

Section 3. This local law shall take effect upon filing with the Secretary of State.

(Underlining denotes wording to be added.)
(~~Strikethrough~~ denotes wording to be deleted.)