

**ORDINANCE NO. 29-2020**

**BOROUGH OF ROSELAND  
COUNTY OF ESSEX, STATE OF NEW JERSEY**

**AN ORDINANCE AMENDING CHAPTER 30 LAND  
DEVELOPMENT PROVIDING FOR PERMANENT  
GENERATORS WITHIN THE BOROUGH OF ROSELAND**

**WHEREAS**, certain emergencies and recent weather events have made the permanent installation of generators desirable to an increasing number of the residents of the Borough of Roseland; and

**WHEREAS**, the location for permanent placement of electric generators has become a matter of concern for many residents of the Borough of Roseland; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Roseland, County of Essex, State of New Jersey as follows:

**SECTION I**

The Land Development code of the Borough of Roseland be and hereby is amended to add as Chapter 30-403.23, Generators, the following:

**Chapter 30-403.23**

**GENERATORS**

- 30-403.23-1        Definitions.**
- 30-403.23-2        Permit required; location for outside equipment.**
- 30-403.23-3        Generators and equipment.**
- 30-403.23-4        Application for permit.**
- 30-403.23-5        Application fee.**
- 30-403.23-6        Inspections required.**
- 30-403.23-7        Violations and penalties.**

Be it ordained by the Mayor and Council of the Borough of Roseland, in the County of Essex and State of New Jersey:

**30-403.23-1        Definitions.**

For the purposes of this chapter, the terms herein are defined as follows:

**GENERATOR** – Reciprocating internal combustion engine and associated equipment, including but not limited to fuel tanks, cover, piping, pad and transfer switch, used to supply backup electric power when local utility is unavailable, not including portable generators.

EMERGENCY – The loss of primary power due to power outage beyond the control of the property owner.

**30-403.23-2 Permit required; location for outside equipment.**

No generator shall hereafter be permanently installed to serve any existing dwelling erected on a lot located in any residential district of the Borough of Roseland, unless such generator meets the requirements of this chapter and a permit to do so is first obtained from the Construction Department. For a single or two-family residence, generators shall be located in the side or rear yard of the lot only. The location of the proposed generator must comply with the setback requirements of the zone. All generators permanently installed yard may be screened with shrubbery or fencing at least 4 feet in height as approved by the Building and Zoning Departments. Any screening or fencing proposed shall be shown and depicted in an accurate plan subject to the review and approval of the Building and Zoning Departments. The generator and any related improvements shall be placed in accordance with the generator manufacturer's recommendations, the requirements of the National Fire Protection Association, and the zoning requirements of the Borough of Roseland. All screening or fencing shall be maintained as originally approved. If the screening or fencing is not so maintained, any permit granted is subject to immediate revocation by the Building and Zoning Departments.

In the event the generator is proposed to service a two-family dwelling, the requirements of the Ordinance shall be applicable to each dwelling unit if more than one generator is being proposed. When an installation of a generator is being proposed for other than a single-family or two-family dwelling for a residence located in the other residential zones for the Borough of Roseland, the generator may be installed within 5 feet from any side or rear wall of the dwelling unit and/or in a common area or limited common area of the condominium premises provided that such installation is also permissible under the terms of the master deed and/or rules and regulations for the condominium or association which must be provided by the applicant.

**30-403.23-3 Generators and equipment.**

Except for generators serving a public purpose and owned and operated by the Borough, generators permanently placed on the ground or a pad shall be allowed only as follows:

1. Only one permanent generator ~~with an output of not more than 20kW is allowed~~shall be permitted.
2. The generator shall ~~be set back a minimum of 5 feet from the principal structure and/or otherwise if placed beyond this~~ comply with the rear and side yard setback requirements for principal uses of the zone. Generators may extend not more than 5 feet into the required or nonconforming rear yard setback requirement of the zone. In no event shall a generator be placed less than 30 feet from a rear property line. In the case of an installation of a generator in residential zones other than the single-family residential district, then the setback requirements shall conform to the requirements set forth in Section 23-2 above.
3. The generator and any related improvements shall be installed in accordance with the generator manufacturer's recommendations, the most current editions of the National Fire Protection Association, the National Electric Code, the International Fire Code New Jersey Edition, the National Standard Plumbing Code New Jersey Edition, and the International Residential Code New Jersey Edition.

- ~~3.4.~~ The footprint of the generator, including the pad, will not be counted as impervious coverage.
- 4.5. The footprint, including the pad and cover, shall not exceed 12 square feet and a height of 4 feet.
- ~~5.6.~~ The generator shall be used only during periods of emergency or for periodic testing and necessary maintenance operations.
- ~~6.7.~~ The generator shall at all times comply with any Ordinance or regulation of the Borough of Roseland imposing noise restrictions except when used for emergency purposes, testing, or repairs, and said system must at all times be outfitted with a working muffler.
- ~~7.8.~~ The exhaust of the generator shall, as much as practically feasible, be vented upwards or directed away from neighboring properties.
- ~~8.9.~~ The generator shall be operated for routine testing and maintenance purposes not more than one time in any seven-day period, and no test shall exceed 30 minutes. Testing of emergency generators is permitted Monday through Saturday only (excluding holidays), between the hours of 11:00 a.m. and 12:00 p.m. or 2:00 p.m. and 3:00 p.m.
- ~~9.10.~~ Testing may be conducted when the unit is being repaired, provided that such testing period shall not exceed 30 minutes and shall be conducted only between the hours of 10:00 a.m. and 5:00 p.m. Monday through Saturday, excluding holidays.

**30-403.23-4      Application for permit.**

The application for the installation of a generator in accordance herewith, on forms supplied by the Building and Zoning Departments, shall be accompanied by a survey prepared by a licensed land surveyor of the State of New Jersey, showing the property lines of the lot, the location of the building or structure, the front, side, and rear yard dimensions and the proposed location, drawn to scale, of the generator and for any related screening proposed.

For any generator proposed for other than a single-family or two-family residence in any other residential district of the Borough, the application shall be accompanied by the site plan for the condominium or development as currently exists in the master deed for the condominium or association as provided by the applicant and accompanied with an overlay with an accurate drawing or sketch to scale showing the dimensions and the proposed location of the generator and any properly proposed screening subject to the reasonable review, requirements, and approval of the Building and Zoning Departments.

**30-403.23-5      Application fee.**

Every application for the installation of a generator to serve a dwelling, building, or other structure shall be accompanied by a fee in accordance with the Fee Schedule of the Borough Code.

**30-403.23-6      Inspections required.**

No generator shall be placed in operation, or routinely tested, unless and until inspected and approved by the Roseland Building and Zoning Departments.

**30-403.23-7      Violations and penalties.**

23-7(1) Any person, firm, corporation, or other entity who shall violate any of the provisions of this chapter shall, upon conviction, be subject to a fine as provided in Section 30-82 of the Borough Land Development Ordinance and/or as may be applicable per the rules and regulations of the Borough's Construction Department. Each day that such violation shall continue shall be deemed a separate offense.

## SECTION II

All Ordinances and parts of Ordinances inconsistent herewith are hereby amended/repealed accordingly.

## SECTION III

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed to be valid and effective.

## SECTION IV

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

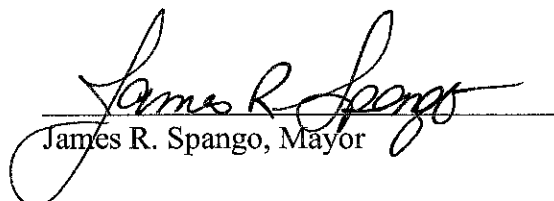
DATE OF INTRODUCTION: November 5, 2020

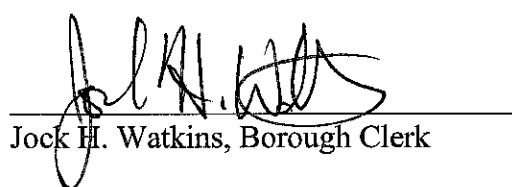
Motion to Introduce by: Councilwoman Perrotti  
Motion Seconded by: Councilman Trillo  
Introduction Approved: 5-0 Voice Vote (Fishman absent)

DATE OF ADOPTION: December 15, 2020

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Councilman Bardi			X				
Councilwoman Fishman			X				
Councilman Freda			X				
Councilwoman Perrotti	X		X				
Councilwoman Tolli		X	X				
Councilman Trillo			X				
Mayor Spango (In case of tie)							
VOTE:			6	0			

I hereby certify that the above Ordinance was duly adopted by the Mayor and Council of the Borough of Roseland at a meeting of Borough Council held on the 15<sup>th</sup> day of December, 2020.

  
James R. Spango, Mayor

  
Jock H. Watkins, Borough Clerk

Date of Publication: December 24, 2020, The Progress