

Proposed Ordinance on Standby Electric Generators

Purpose:

--The City's current generator ordinance was created when the technology was emerging for residential use and cost for these standby electric generators was prohibitive for many home owners. The initial ordinance was short, lacking definitions and proper language as to placement.

--After experiencing two major weather events this year, where power was out in much of the City for over 7 days, there is an increased interest in revising this ordinance to bring it up to current manufacturer's standards, as well as providing additional safe locations for residents to place such generators, should they choose to want to add this technology to their homes.

--Be aware that there were 3 separate incidents after Hurricane Beryl where MVFD was dispatched to homes with apparent carbon monoxide levels due to standby generators (not portable ones). It was determined that exhaust from the generators somehow entered these homes, given the wind conditions, even though the location of the generator had the necessary clearances. The City should take additional steps to ensure that homes that install generators also have multiple CO detectors, to add additional layers of safety.

--The new standards included in this draft have been discussed with the MVFD and Fire Marshall, including whether additional emergency access is needed between the generator and the home structure. They will support the manufacturers' recommendations on clearance (min. 18 inches) along with proper placement away from any openings.

--The amended ordinance leaves the current noise nuisance standard in place, which is any level exceeding "75dBA at 23 feet from the generator unit". The drafted ordinance does require sound attenuated enclosures on all generators (which should come standard with most commercially-available units) and a large number of generators currently have noise ratings in the mid-50s to upper 60s range. The City's pre-inspection should include calculations on estimated dBAs, given the manufacturer's specs and distance to property lines. Note residents and neighbors have different tolerance levels of noise, and the City could recommend quieter (but likely more expensive) generators, locations that would be quieter or provide less reflective surfaces for sound, or the installation of outdoor acoustic barriers.

--OUTSTANDING QUESTION: Can we require a separate Fire Marshall inspection for generators that are close to the house, to ensure that the minimum clearance requirements have been met and further mitigate CO issues? Is this something the City could contract with the MVFD Fire Marshall to conduct (and what would inspection cost the homeowner)?

--OUTSTANDING QUESTION: At what point in the process would the "location and clearance" inspection be best, so that the City can ensure the generator is placed in a permissible location and that all safety factors and clearances have been considered?

PROPOSED NEW ORDINANCE & CHANGES TO EXISTING ORDINANCES CONTAINING GENERATOR PROVISIONS

Sec. 74-247. Standby Electric Generators

(a) Definitions.

(1) Standby Electric Generator: (Also referred to as "generator") is a device that converts mechanical energy to electrical energy, is fully enclosed in an integral manufacturer-supplied sound attenuating enclosure, is connected to the main electrical panel of a residence by a manual or automatic transfer switch, and is rated for a generating capacity of not less than seven (7) kilowatts.

(2) Generator Structure: includes the foundation pad, the generator device, and any manufactured-supplied sound attenuating enclosure.

(b) Generally. Standby electric generators may be installed and maintained for the purpose of providing electric power during time periods when normal electric service is unavailable. Generators must be permitted by the city and must be fueled by natural gas.

(c) Location.

(1) Generators are required to meet the following building setback requirements:

a. Front Yard: No generator shall be located in a front yard or in front of the front building line of any residence.

b. Rear Yard: A generator may be placed in the rear yard, as long as the entire generator structure and pad is not less than ten (10) feet from the rear property line.

c. Side Yard: A generator may be placed in the side yard, as long as the entire generator structure and pad is in the rear one-half (1/2) of the property, and does not encroach the required side yard (or side building line of the lot) any more than needed to meet the minimum clearance requirements of this section.

(2) No portion of the generator structure, generator pad, gas lines, or wiring may be located in or across any easement or right-of-way, and no portion of the generator pad may be placed over ground-level drainage structures.

(3) The generator shall be positioned so that no structure, roof, overhang, or projection from the wall is directly over the generator structure.

(4) If a generator is to be located adjacent to the main building, the minimum clearance between the generator structure and the main building shall be the greater of twenty-four (24) inches or the length required by manufacturers' specifications for the generator model to be installed. Minimum clearance may also be increased based on the orientation of the generator and on the specific material composition of the main building. At no time shall the clearance be less than twenty-four (24) inches.

(5) If a generator is to be located adjacent to an accessory building or other structure, the minimum clearance between the generator structure and the accessory building or other structure shall be the greater of twenty-four (24) inches or the length required by manufacturers' specifications for the generator model to be installed. Minimum clearance may also be increased based the orientation of the generator and on the material composition of surrounding structures. At no time shall the clearance be less than twenty-four (24) inches.

(5) Minimum clearance between the generator structure and any door, operable window, garage door, basement window, attic vent, air intake or exhaust pipes, dryer vent, wall cracks, or other opening in the house wall, ceiling or roof shall be the greater of five (5) feet or that length required by manufacturers' specifications for the generator model to be installed. At no time shall the clearance be less than five (5) feet.

(6) Minimum clearance between the front and both ends of the generator structure and vegetation, including trees, shrubs and bushes, shall be the greater of three (3) feet or that length required by manufacturers' specifications for the specific generator model to be installed. At no time shall the clearance be less than three (3) feet.

(7) The generator shall not be placed in locations with airflow restrictions, including structural corners and heavy vegetation.

(8) The generator must meet all additional horizontal and vertical clearance requirements as specified by the manufacturer for the generator model to be installed.

(7) The base of the generator equipment must not lie in the floodplain. Any generator foundation needing to be higher than fourteen (14) inches above the ground to comply with flood plain requirements is subject to approval from the city building official.

(d) Screening and Enclosures.

- (1) All generators must be screened so it cannot be visible
 - a. from the ground by adjacent side or rear lots, and
 - b. from the street.
- (2) Any structure intended to enclose or screen a generator, other than a structure designed solely for sound attenuation, shall be considered an accessory structure and must comply with all requirements of this division applicable to accessory structures.
- (3) The design and materials used for generator screenings and enclosures is subject to approval by the city building official.

(e) Installation, Inspection and Operation.

- (1) All generators must be installed and operated in compliance with the applicable manufacturer's recommendations.
- (2) Permit inspections by the City or its designee shall include a minimum of two onsite inspections:
 - a. Pre-site inspection to determine minimum clearances are met for location of generator structure;
 - b. Final inspection to include workable operation of the generator.
- (3) A load analysis, generator specifications, and one-line electrical diagram must be posted with the permit on the project site.
- (4) Permit inspection requirements for generators shall be based on the manufacturer's installation manual, the City's building codes and standards as adopted by Ordinance, and the National Fire Protection Association ("NFPA") standards, whichever standard is the most restrictive.
- (5) No generator shall be operated except when necessary to provide electric power during time periods when normal electric service is unavailable, when operating under exercise mode, or when necessary for maintenance or repair.
- (6) A generator's exercise mode shall not be timed for performance during non-daylight hours.

(f) Sound attenuation. All generators shall be installed, maintained, and operated in such manner as to reduce, to the greatest extent reasonably possible, the volume of sound produced by their operation. The maximum sound level at any time shall be 75 DBA measured at 23 feet from the generator under normal load.

(g) Additional requirements. Any generator located less than ten (10) feet from a building that is designed or used as a residential dwelling must meet the following requirements:

- (1) Obtain a passing inspection by the Fire Marshall as to meeting minimum clearance requirements between the generator and other structures; and
- (2) Install and properly maintain carbon monoxide detectors inside the main building, under rules established by the City building official.

(EXISTING ORDINANCE Sec. 74-244. Regulations.)

- (a) *Accessory buildings and structures.* Except as provided immediately below, or specifically permitted otherwise in this chapter, no accessory building shall be erected in any yard as required by subsection (c).

- (1) *Rear yard.* A structure or accessory building not attached or made a part of the main building may be placed not less than ten feet from the rear property line, provided that all of such structure or accessory building is with the rear third of the lot.
- (2) *Side yard.* An accessory structure or accessory building not attached to or made a part of the main building, may be placed not less than ten feet from a side property line, provided that all such accessory structure or accessory building is within the rear third of the lot. Notwithstanding the foregoing, air conditioning and heating equipment, and/or mosquito equipment may be placed within the side yard so long as it is:
 - a. Located no less than ten feet from the side property line;
 - b. Located within six feet of the main structure; and
 - c. Screened so it cannot be viewed from the street.
- (3) *Equipment/residential structures.* Air conditioning/heating equipment, swimming pool equipment and mosquito equipment are not allowed on any roof or front yard of any residential structure.

~~(4) *Generator.* The generator may only be located:~~

- ~~a. On the ground;~~
- ~~b. No less than ten feet from the property line; and~~
- ~~c. At least five feet from the building.~~

~~No generator shall be located in front of the main structure. The generator must be screened from the public view by shrubbery and be fueled only by natural gas. Sound shielding and screening is subject to city approval design.~~

(EXISTING ORDINANCE Sec. 26-2. Generator noise.)

It shall be unlawful for any person within the city to allow or cause to allow a generator to exceed 75 DBA at 23 feet from the generator unit.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PINEY POINT VILLAGE, TEXAS, AMENDING CHAPTER 74, ARTICLE IV. SECTION 74-244 -REGULATIONS, OF THE CODE OF ORDINANCES, AND CREATING A NEW SECTION 74-247 –STANDBY ELECTRIC GENERATORS, REGARDING THE PLACEMENT, INSTALLATION AND OPERATION OF RESIDENTIAL STANDBY ELECTRIC GENERATORS.

* * * * *

WHEREAS, the zoning regulations and district established in Chapter 74 of the Code of Ordinance have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety and general welfare of the city and its inhabitants; and

WHEREAS, such regulations and such district have been designed to lessen congestion on the streets; to secure safety from fire, panic and other dangers; to facilitate adequate provisions of transportation, particularly in times of natural disaster when timely evacuation is critical for the protection of lives; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate adequate provisions of water, sewage, schools, parks and other public requirements; and

WHEREAS, these regulations have been made with reasonable consideration of the character of the city and its suitability for a particular use, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

WHEREAS, pursuant to Section 74-98 of the Piney Point Village Code of Ordinances, the City Council of the City of Piney Point Village, Texas and the Planning and Zoning Commission of the City of Piney Point Village, Texas have each held a public hearing to consider possible amendments to the Piney Point Village Code of Ordinances; and

WHEREAS, pursuant to Section 74-98 of the Piney Point Village Code of Ordinances, the Planning and Zoning Commission of Piney Point Village, Texas submitted its written recommendation to the City Council of the City of Piney Point Village, Texas, concerning proposed amendments to Chapter 74, Article IV., Section 74-244 - Regulations, and a new Section 74-247 -Standby Electric Generators, relating to residential generators; and

WHEREAS, pursuant to Section 74-98 of the Piney Point Village Code of Ordinances, the City Council of the City of Piney Point Village, Texas has considered the recommendation of the Planning and Zoning Commission, concerning the proposed amendments to Chapter 74, Article IV., Section 74-244 - Regulations, and a new Section 74-247 -Standby Electric Generators relating to residential generators; and

WHEREAS, the City Council of the City of Piney Point Village, Texas, has concluded that amendments should be made to Chapter 74, Article IV., Section 74-244 - Regulations, and a

new Section 74-247 -Standby Electric Generators relating to residential generators should be added to the Piney Point Village Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE, TEXAS, THAT:

Section 1. The recitals set forth above are found to be true and correct and are adopted as the findings of fact of the City.

Section 2. Chapter 74, Article IV., Section 74-244 -Regulations, of the Code of Ordinances of the City of Piney Point Village, Texas is hereby amended to read as set forth in Appendix A, attached hereto.

Section 3. Chapter 74, Article IV., Section 74-247 -Standby Home Generators, is hereby added to the Code of Ordinances of the City of Piney Point Village, Texas, to read as set forth in Appendix A, attached hereto.

Section 4. All other portions of the Piney Point Village Code of Ordinances not specifically amended hereby remain in full force and effect.

Section 5. All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

Section 6. If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

Section 7. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

PASSED, APPROVED, AND RESOLVED this _____ day of _____, 2024.

Aliza Dutt
Mayor

Attest:

Robert Pennington
City Administrator / City Secretary

ATTACHMENT A

Chapter 74

Article IV.

Section 74-244 –Regulations

Sec. 74-244. Regulations.

- (a) *Accessory buildings and structures.* Except as provided immediately below, or specifically permitted otherwise in this chapter, no accessory building shall be erected in any yard as required by subsection (c).
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 - Located within six feet of the main structure; and
 - Screened so it cannot be viewed from the street.
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- ~~On the ground;~~
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Chapter 74

Article IV.

Section 74-247 –Standby Electric Generators

Sec. 74-247. Standby Electric Generators

(b) Definitions.

(3) Standby Electric Generator: (Also referred to as “generator”) is a device that converts mechanical energy to electrical energy, is fully enclosed in an integral manufacturer-supplied sound attenuating enclosure, is connected to the main electrical panel of a residence by a manual or automatic transfer switch, and is rated for a generating capacity of not less than seven (7) kilowatts.

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