

INTRO: 6/10/2013
ADOPTED: 6/24/13

TOWNSHIP OF FAIRFIELD
ORDINANCE # 2013-07

**AN ORDINANCE AMENDING CHAPTER 45, ADMINISTRATION
OF THE CODE OF THE TOWNSHIP OF FAIRFIELD
ADDING SECTION 12.10 INSTALLATION OF
GROUND-MOUNTED EQUIPMENT**

WHEREAS, the governing body finds it necessary to amend Chapter 45-12.10 to regulate ground-mounted equipment in residential zones; and

WHEREAS, Fairfield Township has experienced weather related emergencies that have caused the failure of the electrical grid for days at a time, and as a result, many homeowners are seeking to install permanent emergency generators; and

WHEREAS, the governing body has determined there is a need to regulate ground-mounted structures in general to ensure public safety; and

WHEREAS, the governing body finds this addition to be in the best interest of the Township of Fairfield.

**NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND
COUNCIL OF THE TOWNSHIP OF FAIRFIELD, COUNTY OF ESSEX, STATE
OF NEW JERSEY AS FOLLOWS:**

1. CHAPTER 45 -- ZONING, Section 12.10 Ground-Mounted Equipment, shall be revised as follows:

45-12.10 Ground-Mounted Equipment.

- a. In any non-residential zone, ground-mounted structures such as mechanical heating and ventilating equipment, air-conditioning units, transformer boxes, emergency generators, or any other structure may not be located in the front yard. Ground-mounted equipment may only be placed in the side and rear yards and must be screened by an enclosure approved by the Municipal Zoning Officer.
- b. In any residential zone or any property used for residential purposes, ground-mounted generators for emergency use when the municipal power grid is off-line are permitted to be used when installed and used in accordance with the following regulations:
 1. Must be permanent and incidental to the residential use and meet the following technical requirements:
 - a. Must be located so as to minimize noise and visual impact on adjacent properties with use of appropriate

sound attenuated enclosures, screening, and landscaping as approved by the Municipal Zoning Officer.

b. May not be located in the front yard. May only be placed in the side and rear yards with a minimum setback of ten (10) feet from the rear and side property lines.

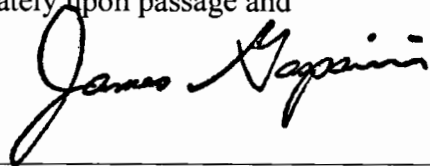
c. Generator operating sound output may not exceed state statute (N.J.S.A. 13:1G-T) as measured from the closest property line.

d. To be operated only during power loss or for maintenance operation. Maintenance operation shall only occur between the hours of 11:00 a.m. to 1:00 p.m. Monday through Friday and in accordance with manufacturing specifications.

e. Be in compliance with all federal, state, and local laws and regulations.

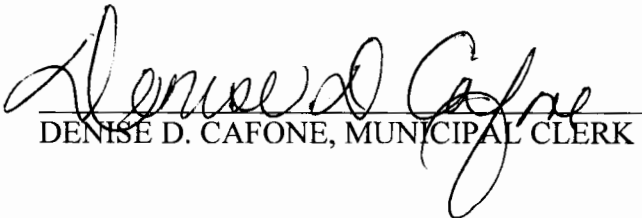
2. Must obtain all required construction permits.

2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
3. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged to be 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, valid and effective.
4. This Ordinance shall take effect immediately upon passage and publication in accordance with law.



JAMES W. GASPARINI, MAYOR

ATTEST:



DENISE D. CAFONE, MUNICIPAL CLERK

NOTICE

Notice is hereby given that the foregoing ordinance was submitted in writing at a meeting of the Mayor and Council of the Township of Fairfield, County of Essex, State of New Jersey, held on **June 10, 2013** introduced and read by title and passed first reading, and that said Governing Body will further consider the same for second reading and final passage thereof at a meeting to be held on **June 24, 2013 at 7:30 p.m.**, at the Municipal Building, 230 Fairfield Road, Fairfield, New Jersey, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens of interest shall have an opportunity to be heard concerning same.

Denise D. Cafone
Municipal Clerk

INTRODUCTION OF ORDINANCE June 10, 2013: ORDINANCE #2013-07 AN ORDINANCE AMENDING CHAPTER 45, ADMINISTRATION OF THE CODE OF THE TOWNSHIP OF FAIRFIELD REGARDING SECTION 12.10 INSTALLATION OF GROUND-MOUNTED EQUIPMENT

**INTRODUCED BY: COUNCILMAN CIFELLI
 SECONDED BY: COUNCILMAN LAFORGIA
 PUBLISHED: June 15, 2013**

ROLL CALL VOTE

GOVERNING BODY	AYES	NAYS	ABSTAIN	ABSENT	NOT VOTING
COUNCIL PRESIDENT MICHAEL B. MCGLYNN	X				
COUNCILMAN THOMAS J. MORGAN	X				
COUNCILMAN JOHN LAFORGIA	X				
COUNCILMAN JOSEPH CIFELLI	X				
MAYOR JAMES GASPARINI	X				

2ND READING AND PUBLIC HEARING: June 24, 2013

**INTRODUCED BY: COUNCILMAN CIFELLI
 SECONDED BY: COUNCIL PRESIDENT MCGLYNN
 PUBLISHED: JUNE 27, 2013**

ROLL CALL VOTE

GOVERNING BODY	AYES	NAYS	ABSTAIN	ABSENT	NOT VOTING
COUNCIL PRESIDENT MICHAEL B. MCGLYNN	X				
COUNCILMAN THOMAS J. MORGAN	X				
COUNCILMAN JOHN LAFORGIA	X				
COUNCILMAN JOSEPH CIFELLI	X				
MAYOR JAMES GASPARINI	X				