

INCORPORATED VILLAGE OF GARDEN CITY  
NASSAU COUNTY, NEW YORK  
LOCAL LAW 12-2016

A Local Law Amending Chapter 200 of the Village Code Regarding Zoning

BE IT ENACTED, by the Board of Trustees of the Village of Garden City, as follows:

Section 1. Chapter 200 of the Village Code, entitled “Zoning”, is hereby amended as follows:

§200-45.4 Backup Generators.

- A. Definitions. For purposes of this section, a “permanent backup generator” is a stationary, outdoor machine designed to provide a temporary source of electricity for a structure or building when electricity from an off-site utility provider has been disrupted. A “portable backup generator” is an outdoor machine which is designed to provide a temporary source of electricity for a structure or building when electricity from an off-site utility provider has been disrupted, and which is manually transported by the use of attached wheels or a hand truck, dolly or similar handcart.
- B. Permanent backup generators, including fuel tanks and related components and equipment, are accessory structures subject to Section 200-52 and 200-55 of this Code. In addition, such generators may only be placed: (a) in the rear yard or rear-half of the side yard of a residential property; or (b) on the roof of a structure, subject to approval by the Building Department.
- C. Siting and installation of a permanent backup generators must comply with the following standards:
  - 1. A permit shall be required for the installation of a permanent backup generator. Applications for the permit shall be made to the Building Department on a form provided by the Village together with all applicable fees.
  - 2. To the extent practicable, as determined by the Building Superintendent, permanent backup generators shall be collocated with existing or proposed outdoor mechanical equipment, such as air conditioning units.
  - 3. Permanent backup generators shall be placed as close to a building as possible taking into account any applicable building or fire safety standards and manufacturer recommendations.
  - 4. Permanent backup generators shall be adequately screened and maintained (with landscape or other appropriate material as approved by the Building Department) so as to minimize the visual impact on adjacent properties and any public right-of-way. The Building Department shall consider the placement of permanent backup generators taking into account the existing use, or planned use, of screening of the yard in its totality. The visual impact of a generator shall be based on the view at

ground level from adjoining properties. The Building Superintendent is authorized, but not required, to refer screening applications to the ADRB for review and approval if, in his/her sole discretion, the approval of the ADRB should be sought to opine on the adequacy or appropriateness of screening based on the size and location of the proposed generator. The adequacy of screening shall take into account the location of the permanent standby backup generator and the overall screening and landscaping present on the property.

5. Permanent backup generators shall be used only during electrical power outages and as required by the manufacturer for maintenance purposes. Exercise or testing of permanent backup generators shall only take place between 9:00 a.m. and 5:00 p.m., Monday through Friday, not to exceed once a week for a maximum of 30 minutes, excluding emergency repairs.
  6. Permanent backup generators shall operate on liquid propane or natural gas only; other fuel sources are prohibited.
  7. Applicants seeking approval for installation of a permanent backup generator must obtain any other permits required under federal, state or local law.
- D. Any permanent backup generator for which a Village permit was issued prior to the effective date of this section shall be exempt from complying with the siting provisions herein. Permanent backup generators for which a Village permit was previously issued may be replaced in the same exact location, provided the replacement generator complies with all other provisions of this section.
- E. Portable backup generators shall be exempt from the requirements of this section, except that:
1. Portable backup generators shall be used outdoors and only during electrical power outages and as required by the manufacturer for maintenance purposes.
  2. Exercise or testing of portable backup generators shall only take place during daylight hours between 9:00 a.m. and 5:00 p.m., Monday through Friday, not to exceed once a week for a maximum of 30 minutes, excluding emergency repairs.
  3. Portable backup generators may not be stored outdoors.
  4. When in use, portable backup generators may only be placed in the rear yard or rear-half of the side yard of the property on which they are being used.
  5. Portable backup generators shall not be operated less than 10 feet from the nearest property line.

- F. A violation of this chapter shall constitute a violation punishable by a fine of not less than \$500.00 and not more than \$1,500.00. Each day a violation persists after the date of issuance of the first summons shall constitute a separate violation of this chapter. This chapter shall be administered and enforced by the Village Building Department, and summonses for violations may be issued by the Building Department or Garden City Police Department.
- G. Nothing in this chapter shall excuse the requirement for ADRB approval where required under Chapter 57 of this Code.

Section 2. This local law shall take effect immediately upon filing with the Office of the Secretary of State.