

**NOTICE OF PUBLIC HEARING FOR LOCAL LAW TO AMEND THE
WALWORTH TOWN CODE TO ADDRESS RESIDENTIAL STANDBY
GENERATORS**

PLEASE TAKE NOTICE that a proposed Local Law is under consideration by Town Board of the Town of Walworth, New York, designated as Local Law No. 5 of 2023 To Amend the Walworth Town Code to Address Residential Standby Generators.

PLEASE TAKE FURTHER NOTICE that the purpose of said Local Law to regulate residential standby generators in the Town of Walworth.

PLEASE TAKE FURTHER NOTICE that said proposed Local Law is on file at the Walworth Town Clerk's Office located at 3600 Lorraine Dr., Walworth, New York, where it is available for public inspection during regular business hours.

PLEASE TAKE FURTHER NOTICE that a public hearing upon said proposed Local Law has been scheduled for the 6th day of April, 2023, at 6:30 PM, to be held at Walworth Town Hall, 3600 Lorraine Drive, Walworth, NY. An opportunity to be heard in regard thereto will then and there be given to members of the public. Written comments may also be directed to the Walworth Town Clerk, Walworth Town Hall, 3600 Lorraine Dr., Walworth, NY.

Dated: March 16, 2023
BY ORDER OF THE
WALWORTH TOWN BOARD
Aimée Phillips
Town Clerk

LOCAL LAW NO. 5 OF 2023 TO AMEND THE WALWORTH TOWN CODE TO ADDRESS RESIDENTIAL STANDBY GENERATORS

BE IT ENACTED, by the Town Board of the Town of Walworth, Wayne County, State of New York, as follows:

Section I. Authorization

The adoption of this Local Law is in accordance with Section 10 of New York Municipal Home Rule Law.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. 5 of 2023 to Amend the Walworth Town Code to Address Residential Standby Generators, and its purpose is regulate residential standby generators in the Town of Walworth.

Section III. Legislative Intent and Finding

The current Town Code does not clearly address residential standby generators, and the Town Board finds that the Code of the Town of Walworth should address the same in order to ensure the safe and orderly installation and operation of the same.

Section IV. Amendment

Chapter 180 of the Walworth Town Code, "Zoning," shall be amended to add the following new Subsection 180-45:

§ 180-45. Residential Standby Generators.

A residential standby generator is permitted in any District as an Accessory Structure to a Dwelling so long as it additionally conforms to the following:

1. Footprint. Its footprint shall be equal to or less than 15 square feet.
2. Location. It shall be located wholly on the property it serves.
3. Building Permit. It shall require a building permit.
4. Compliance with Laws. It shall be installed and operated in compliance with all applicable laws, rules, codes and regulations (including any applicable building and fire safety regulations and codes) and manufactures specifications.
5. Setback Encroachment. The generator may be located such that it encroaches into side zoning setbacks, but only if the generator is otherwise located as far from the encroached upon neighboring property line as applicable laws, rules, codes and regulations (including any applicable building and fire safety regulations and codes), manufactures specifications and conditions safely allow, and only if located strictly in accordance with such laws, rules, codes, regulations and specifications. To otherwise encroach within a side zoning setback will require an area variance.

* Please also note that pursuant to the Chapter 108, "Noise:" Automatic cycling of residential standby generators shall only be permitted between the hours of 8:00 am and 8:00 pm. Automatic cycling outside of such times shall be deemed 'loud and unnecessary noise' in violation of the Noise Code.

Chapter 108 of the Walworth Town Code, "Noise," shall be amended to add the following additional subsection as Section 108-8, and the existing subsection 108-8 shall be renumbered to 108-9:

§ 108-8. Residential Standby Generators.

Automatic cycling of residential standby generators shall only be permitted between the hours of 8:00 am and 8:00 pm. Automatic cycling outside of such times shall be deemed "loud and unnecessary noise" in violation of this Chapter.

Section V. Validity and Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section VI. Repeal, Amendment and Supersession of Other Laws

All other ordinances or local laws of the Town which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section VII. Effective Date

This Local Law will take effect immediately.