

Ordinance No. 733

AN ORDINANCE AMENDING CHAPTER 44 OF THE ZONING CHAPTER OF THE CODE OF ORDINANCES OF THE CITY OF HUNTERS CREEK VILLAGE, BY ADDING A NEW SECTION 44-166 REGULATING THE INSTALLATION, MAINTENANCE, AND USE OF EMERGENCY ELECTRIC GENERATORS IN DISTRICT R; AMENDING SECTION 18-141 OF THE CODE OF ORDINANCES, WHICH GOVERNS NOISE REGULATIONS, TO ADD AN EXCEPTION FOR CERTAIN EMERGENCY ELECTRIC GENERATORS; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$500.00; MAKING OTHER PROVISIONS RELATED TO THE SUBJECT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTERS CREEK VILLAGE:

Section 1. Chapter 44 of the Code of Ordinances of the City of Hunters Creek

Village is amended to add the following section:

“Section 44-166. Emergency Electric Generators.

(a) *Generally.* Electric generators may be installed and maintained in District R for the purpose of providing electric power during time periods when normal electric service is unavailable.

(b) *Location.*

- (1) Generators are not required to meet the building set-back requirements applicable to accessory structures except as provided below.
- (2) No generator shall be located in a front yard or in front of the front line of any residence.

(c) *Operation.* No generator shall be operated except:

- (1) when necessary to provide electric power during time periods when normal electric service is unavailable; or
- (2) when necessary for maintenance or repair.

(d) *Manufacturer's Recommendations.* All generators must be installed and operated in compliance with the applicable manufacturer's recommendations.

(e) *Enclosures.* 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.

(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."

Section 2. Section 18-141 of the Code of Ordinances of the City of Hunters

Creek Village is amended to add the following clause at the end:

"(6) Electric generators when operated in compliance with the requirements of section 44-166."

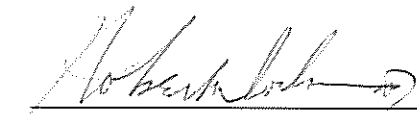
Section 3. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction shall be fined an amount not to exceed \$500.00. Each day of violation shall constitute a separate offense.

Section 4. In the event any clause, phrase, provision, sentence, or part of this Ordinance, or its application to any person or circumstance, shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 5. The City Secretary shall cause a caption of this Ordinance that summarizes its purpose and the penalty for violations, to be published in the City's official newspaper. This Ordinance shall become effective when the publication requirement is satisfied.

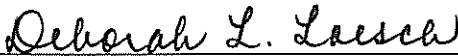
PASSED, APPROVED, AND ADOPTED this 20th day of January, 2009.





J. Robert Dodson III
Mayor

ATTEST:



Deborah L. Loesch, TRMC
City Secretary