



TOWN OF FAIRFAX

STAFF REPORT

February 5, 2020

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager

SUBJECT: Introduce and read by title only an Ordinance amending Chapter 8.20 of the Fairfax Municipal Code "Noise Control" to regulate the use of back-up, emergency generators during prolonged power outages; CEQA exempt per CEQA Guidelines Section 15269c

RECOMMENDATION

Introduce and read by title only:

"An Ordinance of the Town Council of the Town of Fairfax Amending and Restating Section 8.20.070 ("Exemptions") of Chapter 8.20 ("Noise Control") of the Fairfax Municipal Code to Regulate the Use of Backup, Emergency Generators During Prolonged Power Outages."

DISCUSSION

With the advent of the PG&E Public Safety Power Shutoff (PSPS) program, communities have had to adapt to prolonged power outages. Last October, Fairfax residents and businesses experienced a power shutoff that lasted for 4 days. During the PSPS, some residents used portable emergency generators. Since the PSPS, more residents have installed permanent emergency generators. Current Town Code does not address the use of emergency generators during PSPS events since such events did not happen before.

Staff believes it is important to amend the Town Code to address the use of emergency generators. In essence, the amendment allows the use of both permanent and portable emergency generators under certain conditions. We modeled this amendment after Mill Valley's requirement, with provisions added from the San Rafael ordinance. Permanent generator installations must comply with applicable building and planning codes. Portable generators do not require any permits. The amendment to Chapter 8.20 establishes parameters for use of generators during emergencies such as PSPS.

For ease of use, we included all the provisions in the Exemption Section (8.20.070) of the Noise Control Chapter 8.20. Specifically, we included the following key provisions:

- Generators for commercial uses may be operational 24 hours per day, but should be shut off when not critically needed, to minimize the disturbance of neighbors.
- Generators supporting residential uses shall not be operated between the hours of 11:45 p.m. and 5:00 a.m., except as required for a bonafide health or medical need.

- Testing of emergency generators shall be limited to the hours between 9:00 a.m. and 8:00 p.m.
- Portable generator means any UL listed diesel or gas fired generator not connected to a structure's electrical system and intended to provide power only during emergencies or utility power outages.
- Portable generators must not exceed 69dBa when measured at the property line during full speed diagnostics and normal operations with no load and must be a minimum of 10 feet from the property line or placed in an area that is reasonably practical for the homeowner that is least disruptive to neighbors. This last provision recognizes that some parcels may not be able to meet the 10-foot set back requirement for a portable generator.

The above provisions attempt to balance the use of emergency generators to meet refrigeration, medical, and/or health needs of residents against the noise created by generators during prolonged power outages.

Attached for clarity is an Excerpt of the Town Code in redline showing the new language as well as the reformatting of Section 8.20.070.

CEQA

This Ordinance is exempt from the California Environmental Quality Act ("CEQA") since it is an emergency project under the California Environmental Quality Act (CEQA) Guidelines Section 15269c, which applies to specific, short-term actions or activities that are undertaken or deemed necessary to prevent or mitigate an emergency.

FISCAL IMPACT

N/A

ATTACHMENT

- A. Proposed Ordinance
- B. Excerpt of the Town Code (redline)