

10/29/2020

ORDINANCE NO. _____

AN ORDINANCE TO ADD DIVISION 4, PORTABLE GENERATORS, TO CHAPTER 70, ARTICLE IV OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO REGULATE THE USE OF PORTABLE GENERATORS FOR POWER SUPPLY, REPEAL CONFLICTING ORDINANCES, AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Division 4 shall be added to Chapter 70, Article IV of the Code of Ordinances, as follows:

DIVISION 4. – PORTABLE GENERATORS

Sec. 70-211. – Purpose.

Because the unregulated or continuous use of portable generators to supply power to residential and non-residential buildings can and does create noise and emissions nuisances that may detrimentally affect neighbors and may further present possible fire and health dangers to the occupants of premises, the City Council deems it necessary and appropriate to regulate use of portable generators to control such nuisances and danger.

Sec. 70-212. – Portable generator defined.

Portable Generator. A portable device which provides temporary electric power. Portable generators are not designed or intended for permanent installation and are distinguishable from stationary generators that are fixed in place and have permanent electrical connections for delivery of standby electric power.

Sec. 70-213. – Use of portable generators regulated.

Electric power necessary to operate the systems, fixtures, appliances, equipment, and devices in or outside of residential and non-residential premises shall be supplied through connection to publicly or privately owned energy utility company facilities or through a solar or wind alternative energy facility. Portable generators shall not be used for that purpose, nor for purposes of this section are portable generators deemed to be an alternative energy facility, except that during a power outage, a portable generator may be used to supply electric power until power is restored, provided that the power outage is not attributable to disconnection from a public or private energy utility by choice or due to non-payment of utility charges or to illicit, unlawful, unsafe, or otherwise improper connection, wiring, or activity.

This section does not apply to nor does it prohibit the use, testing, and maintenance of stationary generators for standby power source, nor does it prohibit the temporary use of portable generators for power tools, pumps, compressors, or other equipment for construction, repair, lawn or property maintenance, or other services being performed at the premises for the temporary length of time necessary to perform and complete those services, provided the performance of those services otherwise complies with all applicable codes, ordinances, and regulations.

Section 2. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 3. Penalty. Except as otherwise provided therein, all violations of this ordinance shall be municipal civil infractions and upon a determination of responsibility therefore shall be punishable by a civil fine of \$500.

Section 4. Repeal, Effective Date, Adoption.

(1) Repeal. All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.

(2) Effective Date. This ordinance shall become effective on _____, 2020 following its publication in the *Oakland Press* on _____, 2020.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2020.

Bryan K. Barnett, Mayor
City of Rochester Hills

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING THEREOF ON _____, 2020.

Tina Barton, Clerk
City of Rochester Hills