



# AGENDA MEMORANDUM

**Item No:** 6B.  
**Meeting Date:** July 25, 2016  
**From:** Dan Miller, Planning & Zoning Manager  
Jim Hardy, Building Division Manager  
**Subject:** Generator Ordinance

## Staff Recommendation

Staff recommends approval of the attached ordinance creating Section 7-170 of the City of Leesburg Code of Ordinances, which requires energized electrical power connection to residential units, and prohibits the use of generators for day to day electrical power.

## Analysis

Code Enforcement Division of the Police Department has found repeated unsafe conditions of gasoline powered generator use for day-to-day power of appliances and homes. The use of generators presents two specific problems. First, an issue of life safety from carbon monoxide laded exhaust fumes, and second, a noise issue for surrounding properties. Members of Code Enforcement Division staff have requested an amendment to allow them to appropriately deal with these issues.

## Options:

1. Approve the ordinance as presented.
2. Such alternative action as the Commission may deem appropriate

## Fiscal Impact:

No fiscal impact is expected as a result of this proposal.

**Submission Date and Time:** 7/20/2016 3:16 PM

Department: <u>Comm Dev.</u>	Reviewed by: Dept. Head _____	Account No. _____
Prepared by: <u>DM</u>	Finance Dept. _____	Project No. _____
Attachments: Yes ___ No ___	Deputy C.M. _____	WF No. _____
Advertised: <u>Not Required</u>	<u>mwr</u>	Budget _____
Dates: _____	Submitted by: _____	Available _____
Attorney Review : Yes ___ No ___	City Manager _____	
Revised 6/10/04		

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, CREATING §7-170 OF THE LEESBURG CODE, REQUIRING THAT ELECTRICAL POWER BE CONNECTED TO ANY RESIDENTIAL DWELLING UNIT, AND ENERGIZED, AS A PREQUISITE TO OCCUPANCY OF A DWELLING UNIT; PROHIBITING THE USE OF GENERATORS TO PROVIDE ELECTRICITY TO A DWELLING UNIT EXCEPT IN TIMES WHEN ELECTRICAL POWER FROM A UTILITY PROVIDER IS UNAVAILABLE DUE TO AN OUTAGE; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA:

SECTION I.

§7-170 of the Code of Ordinances of the City of Leesburg, Florida, is hereby created to read as set forth below:

**Sec. 7-170. Electric Power Required for Occupancy.**

- (A) Before any residential dwelling unit may be occupied, it must be connected to a permanent source of electrical power, either from an established utility providing electrical power, or a duly permitted, properly installed, and fully functioning, on site solar energy system serving the dwelling unit, and the utility or solar system must be providing electrical power to the dwelling unit continuously during any period the dwelling unit is occupied, other than periods of power outage, except as provided in subsection (B) of this Ordinance. Dwelling units obtaining electrical power from an on-site solar energy system must be connected to an electrical utility service to serve as a backup in the event the solar energy system becomes inoperable for any reason. Under no circumstances shall a generator be used to provide electrical power to an occupied dwelling unit, except during periods when electrical power is temporarily unavailable from the electrical utility service provider due to storms, damage to utility infrastructure, or other types of power outages. As soon as power is restored, use of a generator shall cease.
- (B) Notwithstanding subsection (A), a permanently installed generator serving a single family dwelling unit may be operated for brief intervals, either for testing, or to comply with manufacturer's recommendations pertaining to periodic operations, but shall not be used as a primary source of electrical power for the dwelling unit unless one of the exceptions in subsection (A) apply. A generator may also be utilized to supply electrical power to dwelling units where (i) no electrical utility service is available, or (ii) the dwelling unit is being rehabilitated and is not occupied while the generator is in use.

**SECTION II.**

All ordinances or part of ordinances which are in conflict with this Ordinance are hereby repealed, to the extent necessary to alleviate the conflict, but shall continue in effect insofar as they are not in conflict herewith, unless repeal of the conflicting portion destroys the overall intent and effect of any of the conflicting ordinance, in which case those ordinances so affected shall be hereby repealed in their entirety.

**SECTION III.**

If any portion of this Ordinance is declared invalid or unenforceable, and to the extent that it is possible to do so without destroying the overall intent and effect of this Ordinance, the portion deemed invalid or unenforceable shall be severed herefrom and the remainder of the ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

**SECTION IV.**

This Ordinance shall become effective upon its passage and adoption according to law.

**PASSED AND ADOPTED** at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

THE CITY OF LEESBURG, FLORIDA

BY: \_\_\_\_\_  
JAY HURLEY, Mayor

Attest: \_\_\_\_\_  
ANDI PURVIS, City Clerk