

CITY OF FAIRFIELD

ORDINANCE NO. 2020-13

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIRFIELD
AMENDING SECTIONS 25.30.6, 25.1402, AND 25.1405 OF THE FAIRFIELD CITY
CODE TO ADD AN EXEMPTION FROM NOISE REGULATIONS AND CLARIFY
REGULATIONS FOR THE USE OF GENERATORS DURING EMERGENCIES AND
POWER OUTAGES**

THE CITY COUNCIL OF THE CITY OF FAIRFIELD DOES ORDAIN AS FOLLOWS:

SECTION 1. Subsection C.2 within Section 25.30.6, “Exceptions to Height Limits and Setback Requirements,” of Chapter 25.30 “General Development Regulations” of the Fairfield Zoning Ordinance is hereby amended as follows, with additions in underline and deletions in strikethrough text:

“2. Equipment. Swimming pool equipment, air conditioning and heating equipment, etc., may extend up to 30” into side yards, and to within 30” of a rear property line. Stationary and portable emergency generators, as defined in Section 25.1402 of this Code, may project into setbacks provided that they are located a minimum of ten (10) feet away from any property line.”

SECTION 2. Section 25.1402, “Definitions” of Chapter 25.25, Article X, “Noise Regulations,” is hereby amended by inserting the following definitions in alphabetical order, with additions in underline and deletions in strikethrough text:

“Stationary Emergency Generator

Any UL 2200 listed natural gas and/or propane fired generator permanently connected to the building’s electrical system and only intended to provide power during emergencies or utility power outages.

Portable Emergency Generator

Any UL listed diesel or gas fired generator not connected to a building’s electrical system and only intended to provide power during emergencies or utility power outages.”

SECTION 3. Section 25.1405, “Exemptions,” of Chapter 25, Article X, “Noise Regulations,” is hereby amended to read as follows, with additions in underline and deletions in strikethrough text:

“25.1405 Exemptions

Sound or noise emanating from the following sources and activities are exempt from the provisions of this ordinance:

- A. Sound sources typically associated with residential uses (e.g., children at play, air conditioning and similar equipment, but not including barking dogs).
- B. Sound sources associated with property maintenance (e.g., lawn mowers, edgers, blowers, pool pumps, power tools, etc.) provided such activities take place between the hours of 7:00 a.m. and 10:00 p.m.
- C. Safety, warning and alarm devices, including house and car alarms, and other warning devices that are designed to protect the health, safety and welfare, provided such devices are not negligently maintained or operated.
- D. The normal operation of public and private schools typically consisting of classes and other school-sponsored activities, such as school bands and school athletic events.
- E. Emergencies, involving the execution of the duties of duly authorized governmental personnel and others providing emergency response to the general public, including but not limited to sworn peace officers, emergency personnel, utility personnel, and the operation of emergency response vehicles and equipment.
- F. Portable or stationary emergency generators used to provide backup power during a power outage or an emergency, or as required for routine testing of the generator. Portable and stationary emergency generators must not exceed 70 dBA during full speed diagnostics and normal operations when measured at 21 feet with no loads, must comply with all requirements of the California Fire Code as amended by the City, and must comply with setback requirements pursuant to Section 25.30.6 of this Code. Installations of stationary emergency generators shall require a building permit and must comply with the screening requirements in Section 25.30.3. Testing of generators shall be limited to the hours of 7:00 a.m. and 10:00 p.m. on any day, and limited to the duration specified by the manufacturer's recommendations. For the purpose of this subsection, an "emergency" means any city, county, or state declared emergency, or any interruption of utility power due to preventive utility shut-off measures or due to damage to utility infrastructure from accidents, earthquakes, fires, floods, storms, winds, or other acts.
- G. Tree, park, and golf course maintenance activities conducted by the City or a City contractor.
- H. Any activity related to the construction, development, manufacture, maintenance, testing or operation of any aircraft engine, or of any weapons system or subsystems which are owned, operated or under the jurisdiction of the United States.

I. Any other activity to the extent regulation thereof has been preempted by state or federal law or regulations.”

SECTION 4. The City Council hereby finds and determines that this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 21080(b)(4) of the Public Resources Code and Section 15269(c) of the State CEQA Guidelines because this is a specific action necessary to prevent or mitigate an emergency.

SECTION 5. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 6. This Ordinance shall be effective 30 days following its adoption by the City Council. A summary of this Ordinance shall, within fifteen (15) days after passage, be published in accordance with Section 36933 of the Government Code of the State of California with the names of the City Council members voting for and against it.

INTRODUCED at a regular meeting of the City Council of the City of Fairfield on the 21st day of July, 2020, and

PASSED AND ADOPTED this 4th day of August, 2020, by the following vote:

AYES: Councilmembers: PRICE / BERTANI / MOY / TIMM / VACCARO

NOES: Councilmembers: _____

ABSENT: Councilmembers: _____

ABSTAIN: Councilmembers: _____

MAYOR

ATTEST:

CITY CLERK