

**ORDINANCE NO. 05-2024 AN ORDINANCE REPEALING AND REPLACING SECTION 148
OF CHAPTER 207 OF THE BOROUGH OF KINNELON CODE
TITLED “PERMANENTLY INSTALLED (NON-PORTABLE)
GENERATORS AND AIR CONDITIONER UNITS”**

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the Borough of Kinnelon (“Borough”) desires to repeal and replace Section 148 of Chapter 207 titled “Permanently installed (non-portable) generators and air conditioner units” to preserve the public health, safety, and welfare by setting forth regulations on the replacement of generators and air conditioner units.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Kinnelon, County of Morris, State of New Jersey, as follows:

SECTION 1. The Code of the Borough of Kinnelon, Part II General Legislation therein, is hereby amended by repealing and replacing Section 148 of Chapter 207 titled “Permanently installed (non-portable) generators and air conditioner units”, to read as follows:

§ 207-148 Permanently installed (non-portable) generators and air conditioner units.

- A. Permanently installed, non-portable generators and air conditioner units shall not be installed in a front yard. Permanently installed air conditioner units shall maintain a minimum side yard and backyard setback of 15 ft.; permanently installed generators shall maintain a minimum side yard and backyard setback of 25 ft.
- B. The exterior condenser unit of a permanently installed residential air conditioner system or non-portable generator may be replaced without zoning review if all of the following conditions are met:
 - (i) The new unit is situated in the same location as the unit being replaced and it utilizes the same pad, or a pad of the same dimensions, as the unit being replaced, so as not to alter existing setbacks or increase the impervious coverage of the property; and

(ii) The unit being replaced was installed in compliance with all applicable Borough codes in force at the time of the installation; and

(iii) the installation of the new unit complies with current Borough construction, electrical and/or plumbing codes.

C. When completely installed on the exterior wall of a primary dwelling, ductless air conditioning or heating units shall maintain a minimum side yard and backyard setback of 15 ft.

SECTION 2. All ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency.

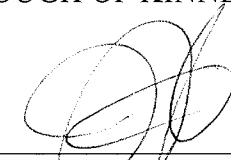
SECTION 3. This Ordinance shall take effect after approval and publication as required by law.

ATTEST:

BOROUGH OF KINNELON



Karen M. Iuele, RMC, Borough Clerk



James J. Freda, Mayor

CERTIFICATION

I, Karen M. Iuele, Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at the regular meeting of the Borough held on March 21, 2024 and adopted by the Governing Body at a regular meeting of the Borough held on April 18, 2024.



Karen M. Iuele, RMC, Borough Clerk

RECORD OF VOTE -ORDINANCE 05-2024 04/18/24

Motion Councilman Mabey

Seconded
Councilman Chrido

Council person	Yes	No	Abstain	Absent
A. Chirido	x			
W. Yago	x			
E. Harriz	x			
S. Mabey	x			
V. Russo	x			
C. Frank	x			