

ORDINANCE NO. 1063

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF BEAUMONT, CALIFORNIA**

**ADDING CHAPTER 15.46 “EXPEDITED PERMITTING PROCEDURES FOR
SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS” TO THE
BEAUMONT MUNICIPAL CODE”**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT,
RIVERSIDE COUNTY, STATE OF CALIFORNIA AS FOLLOWS:

Section 1: Chapter 15.46, entitled “Expedited Permitting Procedures for Small Residential Rooftop Solar Energy Systems”, is hereby added to the Beaumont Municipal Code to read as more specifically provided for in Exhibit “A”, which Exhibit is attached hereto and made a part hereof.

Section 2: This Ordinance shall take effect as provided by law.

Section 3: If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

Section 4: This ordinance shall take effect thirty (30) days after its adoption.

MOVED AND PASSED upon first reading this 15th day of September, 2015, by
the following roll call vote:

AYES: Fox, Knight, Lara, Orozco, White
NOES: None
ABSTAIN: None
ABSENT: None

MOVED, PASSED AND ADOPTED this 6th day of October, 2015, upon second reading by the following roll call vote:

AYES: Fox, Knight, Lara, Orozco, White
NOES: None
ABSTAIN: None
ABSENT: None



Brenda Knight, Mayor

ATTEST:



City Clerk




City Attorney

Chapter 15.46
Expedited Permitting Procedures for Small Residential Rooftop Solar Energy Systems

Sections:

15.46.010	Findings and Purpose
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15.46.010 **Findings and Purpose**

- a. Subsection (a) of Government Code section 65850.5 states that the implementation of consistent statewide standards to achieve the timely and cost-effective installation of solar energy systems is a matter of statewide concern and it is the policy of the State to promote and encourage the use of solar energy systems and to limit obstacles to their use.

- b. Subsection (a) of Government Code section 65850.5 further states that it is the intent of the Legislature of the State that local agencies “not adopt ordinances that create unreasonable barriers to the installation of solar energy systems, including, but not limited to, design review for aesthetic purposes, and not unreasonably restrict the ability of homeowners and agricultural and business concerns to install solar energy systems,” and “encourage the installation of solar energy systems by removing obstacles to, and minimizing costs of, permitting solar energy systems.”

- c. The purpose of this ordinance is to adopt an expedited, streamlined permitting process for small residential rooftop solar energy systems that complies with the Solar Rights Act, as amended by Assembly Bill 2188 (Chapter 521, Statutes 2014) to achieve timely and cost-effective installations of such systems while protecting public health and safety.

- d. This ordinance shall apply to the permitting of all small residential rooftop solar energy systems in the City. Small residential rooftop solar energy systems permitted prior to the effective date of this ordinance are not subject to the requirements set forth herein unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small residential rooftop solar energy system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.

15.46.020 **Authority** This ordinance is adopted pursuant to the authority granted by Article XI, Section 7 of the California Constitution, Government Code section 65850.5, and Health & Safety Code section 17959.1.

15.46.030 **Definitions** As used in this ordinance, the following terms shall have the following meanings:

- a. **Electronic submittal.** The utilization of one or more of the following:
 - (1) Email;
 - (2) Internet;
 - (3) Facsimile.

- b. **Small residential rooftop solar energy system.** A solar energy system which meets all of the following:
 - (1) A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.
 - (2) A solar energy system that (i) conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the County; (ii) all state and County health and safety standards; and (iii) all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.
 - (3) A solar energy system that is installed on a single or duplex family dwelling.
 - (4) A solar panel or module array that does not exceed the maximum legal building height as defined by the County.

- c. **Solar energy system.** A system which is an accessory use to any residential, commercial, industrial, mining, agricultural or public use, used primarily (i.e. more than 50 percent) to reduce onsite utility usage, and which is either of the following:
 - (1) Any solar collector or other solar energy device the primary purpose of which is to provide for the collection, storage and distribution of solar energy for electric generation, space heating, space cooling, or water heating.
 - (2) Any structural design feature of a building, the primary purpose of which is to provide for the collection, storage and distribution of solar energy for electric generation, space heating, space cooling, or water heating.

- d. **Specific, adverse impact.** A significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public

health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

15.46.040 **Exemptions** This ordinance shall not apply to solar energy systems that are not small residential rooftop solar energy systems. All other solar energy systems, including residential rooftop solar energy systems greater than 10 kilowatts, shall be processed under conventional permit issuance procedures, and the provisions of this ordinance shall not apply.

15.46.050 **Small Residential Rooftop Solar Energy Systems Checklists and Standard Plans**

- a. On or before September 30, 2015, the Building Official shall adopt an administrative, nondiscretionary expedited review process for small residential rooftop solar energy systems, including standard plans and checklists. The checklists shall set forth all requirements with which the small residential rooftop solar energy system must comply in order to be eligible for expedited review.
- b. The small residential rooftop solar system permit process, standard plans, and checklists, shall substantially conform to the recommendations for expedited permitting, including the checklists and standard plans, contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor’s Office of Planning and Research.
- c. The Building Official may modify the checklists and standard plans found in the California Solar Permitting Guidebook due to unique climactic, geological, seismological, or topographical conditions.
- d. The checklists and standard plans for small residential rooftop solar energy systems adopted by the Building Official, as well as all other required permitting documentation shall be published on the City’s website. If the Building Official modifies the checklists and standard plans found in the California Solar Permitting Guidebook, he shall document the unique climactic, geological, seismological or topographical conditions requiring such modifications and shall also include such documentation on the City’s website.

15.46.060 **Application Review**

- a. The applicant may submit the application and related documentation for a small residential rooftop solar energy system by electronic submittal, with all required permit processing and inspection fees, as specified on the City website. Electronic signatures shall be accepted by the Building and Safety Department on all electronic submittals in lieu of a wet signature.
- b. An application for a small residential rooftop solar energy system shall be

deemed complete when Building and Safety Department staff determines that the application satisfies all the information requirements in the checklists and standard plans.

- c. If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.
- d. Applications for small residential rooftop solar energy systems shall be administratively reviewed and approved by the Building Official as nondiscretionary permits within in a reasonable time, not to exceed 30 days, following receipt of a complete application that meets the requirements of the County's approved checklists, standards plans, and payment of all required permit processing and inspection fees.
- e. The Building Official may require the applicant to apply for a plot plan pursuant to California Building Code Section 107 and all provisions of California Building Code Section 107 shall apply if the Building Official finds, based on substantial evidence, that the proposed small residential rooftop solar energy system could have a specific, adverse impact upon the public health and safety.
- f. Approval of an application for a small residential rooftop solar energy system shall not be based or conditioned on the approval of an association, as defined in section 4080 of the Civil Code.
- g. Approval does not authorize an applicant to connect the small residential rooftop energy system to the local utility's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility.

15.46.070

Inspection

- a. Only one inspection shall be required and performed by staff for small residential rooftop solar energy systems eligible for expedited review.
- b. The inspection shall be done in a timely manner.
- c. A separate fire inspection may be performed if an agreement with the local fire authority does not exist to perform safety inspections on behalf of the fire authority.
- d. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this section.

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122341-ROOFTOPSOLARENERGY

State of California)
County of Riverside) ss.

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer and publisher of Record Gazette, a newspaper published in the English language in the City of Banning, County of Riverside, and adjudicated a newspaper of general circulation as defined by the laws of the state of California by the Superior Court of the County of Riverside, under the date October 14, 1966, Case No. 54737. That the notice, of which the annexed is a copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

September 4, 2015

Executed on: 09/04/2015

At Banning , CA

I certify (or declare) under penalty of perjury that the foregoing is true and correct.



Signature

NOTICE IS HEREBY GIVEN, that the Beaumont City Council will conduct a public hearing on Tuesday, September 15th, 2015 at 550 E. 6th Street, Beaumont, California 92223, to receive testimony and comments from all interested persons regarding the adoption of the following matter(s):

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BEAUMONT, CALIFORNIA CHAPTER 15.46 EXPEDITED PERMITTING PROCEDURES FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS

The City of Beaumont is proposing to adopt Chapter 15.46 Expedited Permitting Procedures for Small Residential Rooftop Solar Energy Systems with Chapter 15 Buildings & Construction to codify the requirements of Section 65850.5(g)(1) of the California Government Code, such as accepting and approving applications through the City's web site, directing the City's Building Official to develop a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review, and authorizes the Building Official to administratively approve such applications.

Rebecca Deming
Director of Planning
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