

ORDINANCE NO. 936-2015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BARSTOW, CALIFORNIA, AMENDING THE BARSTOW MUNICIPAL CODE ADDING CHAPTER 15.10 ENTITLED EXPEDITED REVIEW PROCESS FOR ONE- AND TWO-FAMILY DWELLING RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEM (10kW OR LESS)

WHEREAS, on September 14, 2014, the State of California adopted Assembly Bill 2188, which modified California Government Code Section 65850.5(a); and

WHEREAS, such modification to the California Government Code mandates all cities and counties to adopt an ordinance which creates and expedited, streamlined permitting process for small (10kW or less) rooftop solar systems for one- and two-family dwellings.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BARSTOW DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Municipal Code Amendment. Title 15, Buildings and Construction, of the Barstow Municipal Code is hereby amended to add Chapter 15.10 to read as follows:

Chapter 15.10

EXPEDITED REVIEW PROCESS FOR ROOFTOP SOLAR ENERGY SYSTEM (10 KW OR LESS) FOR ONE- AND TWO-FAMILY DWELLING

Sections:

- 15.10.010 Purpose
- 15.10.020 Definitions
- 15.10.030 Duties of the Building Department
- 15.10.040 Permit Review and Inspection

15.10.010 Purpose

Section 65850.5 of the California Government Code provides that, on or before September 30, 2015, every city, county, or city and county shall adopt an ordinance that creates an expedited, streamlined permitting process for small residential roof top solar energy systems (10kW or less) for one- and two-family dwellings.

15.10.010 Definitions

For the purpose of this chapter, unless otherwise more particularly defined, the following terms are hereby defined:

- A. "Electronic submittal" means the utilization of one or more of the following:
 - 1. E-mail,
 - 2. The internet,
 - 3. Facsimile (fax).
- B. "Small residential rooftop solar energy system" means 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 conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City and paragraph (iii) of subdivision © of Section 714 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.
 - 3. A solar 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 authority having jurisdiction.

C. "Solar energy system" has the same meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.

D. "Feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by a city, county, or city and county on another similarly situated application in a prior successful application for a permit. A city, county, or city and county shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) or paragraph (1) of subdivision (d) of Section 714 of the Civil Code.

E. "Specific, adverse impact" means 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.

15.10.030 Duties of the Building Department

A. As per Section 65850.5 of the California Government Code, the Building Department shall develop an expedited permitting process which shall include the adoption of a checklist of all requirements for which a small residential solar energy system may be eligible for expedited review.

B. All documents required for the submission of an expedited solar energy system application shall be made available on the City's website.

C. An applicant may submit the permit application and associated documentation to the City's Building Department in person, by mail, or by electronic submittal along with the permit fee, as adopted in the City's Master Fee Schedule.

D. In the case of electronic submittal, an applicant's electronic signature shall be accepted on all forms, application and other documents in lieu of a wet signature. For purposes of this Section, the City will accept as an electronic signature an electronic copy, such as a facsimile image or an electronic image (such as a PDF), of an applicant's original signature.

15.10.040 Permit Review and Inspection

A. Applications received either in person or electronic submittal will be plan checked within three (3) business days. Upon receipt of an incomplete application, the Building Department shall issue a written correction notice within the same time frame, which details all deficiencies in the application and provide any additional information required to be eligible for expedited permit issuance.

B. Review of an application shall be limited to the building official's review of whether the application meets the requirements of the adopted checklist and the California Building Standards Code (whichever edition has been most recently adopted by the City Council). In the event the Building Official makes a finding, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety, the applicant may be required to apply for a use permit.

C. In the case that a use permit is required to install a solar energy system, its applicant may not be denied unless written findings are made based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

D. In most cases only one consolidated inspection shall be performed, in a timely manner, for small residential rooftop solar energy systems which are permitted under expedited review. If a small residential rooftop solar energy system fails an inspection, subsequent inspection(s) shall be authorized but need not conform to the requirements of this Chapter.

E. The Building Official shall not condition approval of any solar energy system on the approval of a solar energy system by an association, as that term is defined in Section 4080 of the Civil Code.

Section 2. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this chapter is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this chapter. The city council declares that it would have adopted this chapter, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases, or portions be declared invalid or unconstitutional.

Section 3. Effective Date. This Ordinance is adopted by the City Council and shall take effect on September 30, 2015. This Ordinance and the City Clerk's certification, together with proof of publication, shall be entered in the Book of Ordinances of the City Council.

PASSED, APPROVED AND ADOPTED, this 17th day of August, 2015.

Julie Hackbarth-McIntyre, Mayor

ATTEST:

JoAnne V. Cousino, City Clerk

I, JoAnne V. Cousino, City Clerk of the City of Barstow, California, do hereby certify that the foregoing Ordinance No. 936-2015 was introduced at a regular meeting of the City Council of the City of Barstow held on the 3rd day of August, 2015, and was adopted at its regular meeting of August 17, 2015 by the following vote:

AYES: COUNCIL MEMBERS GRACEY, HARPOLE, HERNANDEZ; MAYOR PRO TEM
SILVA; MAYOR HACKBARTH-MCINTYRE

NOES: NONE

ABSENT: NONE

ABSTAINED: NONE

JoAnne V. Cousino, City Clerk