

**ORDINANCE NO. 552**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF LINDSAY ADDING CHAPTER 15.08 TO TITLE 15 OF THE MUNICIPAL CODE TO INCLUDE A STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS.**

**THE CITY COUNCIL OF THE CITY OF LINDSAY DOES ORDAIN AS FOLLOWS:**

**SECTION 1.**

Chapter 15.08 of Title 15 of the Lindsay Municipal Code shall be entitled Residential Rooftop Solar Energy Systems and shall include Sections 15.08.010, 15.08.020, 15.08.030, 15.08.040, 15.08.050, and 15.08.060 as follows:

**CHAPTER 15-08 Residential Rooftop Solar Energy Systems**

15.08.010: Definitions

15.08.020: Purpose

15.08.030: Applicability

15.08.040: Solar System Energy Requirements

15.08.050: Duties of City in Reviewing Small Residential Rooftop Solar Energy System Applications

15.08.060: Permit Review and Inspection Requirements

**15.08.010 Definitions**

A. Solar Energy System means either of the following:

1. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.
2. Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

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 all State and City, health and safety standards.
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 City.

C. Electronic submittal means the utilization of one or more of the following approved methods:

1. Email
2. Facsimile
3. The Internet

D. Association means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

E. Common interest development means any of the following:

1. A community apartment project;
2. A condominium project;
3. A planned development;
4. A stock cooperative.

F. 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.

G. Reasonable restrictions on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allows for an alternative system or comparable cost, efficiency, and energy conservation benefits.

H. Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance means:

1. For Water Systems or Solar Swimming Pool Heating Systems: an amount exceeding 10 percent of the cost of the system, but in no case more than one thousand dollars (\$1,000), or decreasing the efficiency of the solar energy system by an amount exceeding 10 percent, as originally specified and proposed.
2. For Photovoltaic Systems: an amount not to exceed one thousand dollars (\$1,000) over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding 10 percent as originally specified and proposed.

#### **15.08.020 Purpose**

The purpose of the Ordinance is to adopt an expedited, streamline solar permitting process that complies with state law and provide for timely and cost-effective installation of small residential rooftop solar energy systems. The Ordinance encourages the use of solar systems by removing unreasonable barriers and minimizing costs to property owners and the City to install solar energy systems. The Ordinance allows the City to achieve these goals while protecting the public health and safety.

#### **15.08.030 Applicability**

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

#### **15.08.040 Solar System Energy Requirements**

A. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the State and the City of Lindsay.

B. Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Codes.

C. Solar energy systems for producing electricity shall meet all applicable Codes, 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.

**15.08.050 Duties of City in Reviewing Small Residential Rooftop Solar Energy System Applications**

A. All documents required by the City to be completed for the submission of an expedited solar energy system application shall be made available on the publicly accessible City of Lindsay website.

B. Electronic submittal of the required permit applications and documents by email, the internet, or facsimile shall be made available to all small residential rooftop solar energy system permit applicants.

An applicant's electronic signature shall be accepted on all forms, applications, and other documents submitted for permit in lieu of a wet signature. Safety and performance standards established by the California Electrical Code shall provide an electronic "Notarized" copy of proof of ownership of said property and the contractor utilized by the applicant shall provide proof of current contractor's license and insurance.

Applicants are required to appear in person at the time of permit issuance. Permits will not be issued electronically and shall be available for issuance each business day during regular hours of operation.

C. The City of Lindsay City Services Building Division shall adopt a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply in order to be eligible for expedited review. This standard plan and checklist will be updated and reviewed periodically by the City Services Building Division and revised if necessary to comply with all applicable requirements.

D. The small residential rooftop solar system permit process, standard plan(s), and checklist(s) shall conform to the most current state codes.

E. All fees prescribed for the permitting of small residential rooftop solar energy systems must comply with Government Code Section 65850.55, Government Code Section 66015, Government Code Section 66016, and State Health and Safety Code Section 17951.

**15.08.060 Permit Review and Inspection Requirements**

A. The City of Lindsay City Services Building Division shall adopt an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems within 30 days of the adoption of this Ordinance. The City Services Building Division shall issue a building permit or other nondiscretionary permit the same day for over-the-counter application or within one to three business days for electronic application of receipt of a complete application that meets the requirements of the approved administrative process and standard plan. The Building Official/Inspector may

require an applicant to apply for a use permit if the official finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed.

B. Review of the application shall be limited to the building official/inspector's review of whether the application meets local, state, and federal health and safety requirements.

C. If a use permit is required, the Building Official/Inspector may deny the application for the use permit if the official makes written findings upon substantive evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid, as defined, the adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such decisions may be appealed.

D. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

E. A 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 the City on another similarly situated application in a prior successful application for a permit. The City shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of state law, including, but not limited to, subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code defining restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance.

F. The City shall not condition approval of an application on the approval of an association, meaning a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development, as the term "association" is defined in Section 4080 of the Civil Code.

G. 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, or given to, the applicant for resubmission.

H. Only one inspection shall be required and performed by the City Services Building Division for small residential rooftop solar energy systems eligible for expedited review. The City of Lindsay City Services Building Division has the authority/responsibility to perform safety inspections regarding ingress and egress on roof clearances regarding solar panels at rooftops and at leading edges. The City Services Building Division will also inspect for proper flashing installation requirements, installation of smoke alarm(s) and carbon monoxide detectors, and that the requirements of SB 407 for the replacement of noncompliant plumbing fixtures are being met.

I. The inspection shall be done in a timely manner and should include consolidated inspections. An inspection will be scheduled within two (2) business days of a request being received and shall be assigned a two (2) hour inspection window.

J. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is required and, henceforth, shall be held to the same requirements as all inspections outside of the prevue of this ordinance.

## **SECTION 2.**

As part of complying with new state law requirements, the City of Lindsay City Services Building Division has prepared a checklist of the requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review. The ordinance authorizes the City Services Building Division, in consultation with the Public Safety Department, to prepare this checklist, utilize the checklist for expedited review of small rooftop solar energy system applications, and periodically review and update the checklist. A copy of the initial checklist is included in Exhibit A.

## **SECTION 3.**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstances, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Lindsay hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

## **SECTION 4.**

The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law, and this Ordinance shall be construed in light of that intent.

## **SECTION 5.**

This Ordinance shall take effect thirty (30) days after its adoption.

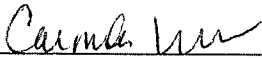
## **SECTION 6.**

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

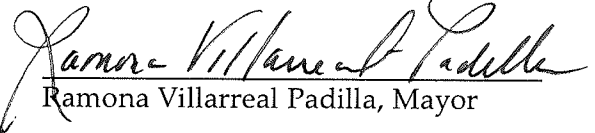
The foregoing ordinance, read by title only with waiving of the reading in full was introduced at a regularly scheduled meeting of the City Council on the 8<sup>th</sup> day of December 2015.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council held the 12<sup>th</sup> day of January 2016.

ATTEST:

  
Carmela Wilson, City Clerk

CITY COUNCIL OF THE CITY OF LINDSAY

  
Ramona Villarreal Padilla, Mayor