

ORDINANCE NO. 3026

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADDING A NEW CHAPTER 8 TO TITLE 8 OF THE ONTARIO MUNICIPAL CODE TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS.

WHEREAS, the City Council of the City of Ontario seeks to implement Assembly Bill 2188 (Chapter 521, Statutes 2014) through the creation of an expedited, streamlined permitting process for small residential rooftop solar energy systems; and

WHEREAS, the City Council wishes to advance the use of solar energy by all of its residents; and

WHEREAS, it is in the interest of the health, safety, and welfare of the residents of the City to provide an expedited permitting process for small rooftop solar energy systems to assure the effective deployment of solar technology, in accordance with the requirements of Assembly Bill 2188.

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND ORDAINED by the City Council of the City of Ontario, as follows:

SECTION 1. Findings. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Chapter 8 is added to Title 8 of the City of Ontario Municipal Code to read in its entirety as follows:

“CHAPTER 8. SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS

- 8-8.01 Applicability and Purpose
- 8-8.02 Small Residential Rooftop Solar Energy System Requirements
- 8-8.03 Duties of the Building Department and Building Official
- 8-8.04 Expedited Permit Review and Inspection Requirements

Sec. 8-8.01 Applicability and Purpose.

This Chapter 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 chapter are not subject to the requirements of this chapter 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.

Sec. 8-8.02 Small Residential Rooftop Solar Energy System Requirements.

- (a) "Small residential rooftop solar energy system" means solar energy system which meets all of the following:
 - (1) Is no larger than ten (10) kilowatts alternating current nameplate rating or thirty (30) kilowatts thermal;
 - (2) 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) Conforms to 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;
 - (4) Is installed on a single or duplex family dwelling;
 - (5) The panel or module array does not exceed the maximum legal building height as defined by the City.
- (b) Solar energy systems for heating water in single-family residences or 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 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.

Sec. 8-8.03 Duties of Building Department and Building Official.

- (a) A checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review and all documents required for the submission of an expedited small residential rooftop solar energy system shall be made available on the City's publicly accessible website.
- (b) Electronic submittal of the required permit application and documents via email, or facsimile shall be made available to all small residential rooftop solar energy system permit applicants. Website applications may be allowed at such time in the future that the technology is made available by the City.
- (c) An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.

- (d) The Building Department shall adopt a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.
- (e) The small residential rooftop solar energy system permit process, standard plans, and checklist shall substantially conform to the recommendations for expedited permitting, including the checklist and standard contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research.

Sec. 8-8.04 Expedited Permit Review and Inspection Requirements.

- (a) The Building Department shall adopt an administrative, nondiscretionary review process to expedite the approval of small residential rooftop solar energy system applications within thirty (30) days of the adoption of this chapter.
- (b) An application for a small residential rooftop solar energy system that meets the requirements of the approved checklist and standard plan shall be deemed complete, and the Building Department shall issue a building permit or other non-discretionary permit within three (3) business days.
- (c) Review of the application shall be limited to the building official's review of whether the applicant meets local, state and federal health and safety requirements.
- (d) If an application for a small residential rooftop solar energy system 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 permitting shall be sent to the applicant for resubmission.
- (e) Only one inspection shall be required and performed by the Building Department for small residential rooftop solar energy systems eligible for expedited review.
- (f) The inspection shall be done in a timely manner and should include consolidated inspections.
- (g) If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this chapter."

SECTION 3. CEQA. This Ordinance does not commit the City to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act.

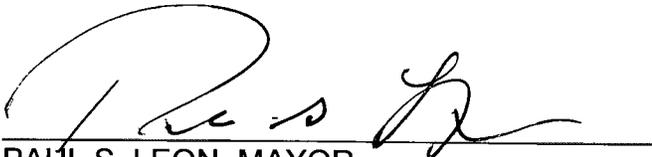
SECTION 4. Severability. If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance, which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable. This Ordinance amends, adds to and deletes (as applicable) sections of the Ontario Municipal Code.

SECTION 5. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings and this Ordinance are based are located at the City Clerk's office located at 303 East "B" Street, Ontario, CA 91764. The custodian of these records is the City Clerk.

SECTION 6. Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

SECTION 7. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 1st day of September 2015.


PAUL S. LEON, MAYOR

ATTEST:


for MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO FORM:


BEST BEST & KRIEGER LLP
CITY ATTORNEY

