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ORDINANCE NO. 0-09-15

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF COLTON, CALIFORNIA ADDING CHAPTER 15.60 TO
TITLE 15 OF THE COLTON MUNICIPAL CODE
RELATING TO PERMITTING PROCEDURES FOR SMALL
RESIDENTIAL SOLAR ENERGY SYSTEMS**

WHEREAS, as set forth in Government Code Section 65850.5(a) it is the policy of the State of California that local agencies encourage the installation of solar energy systems by removing obstacles to, and minimizing the costs of, permitting such energy systems; and

WHEREAS, as set forth in Government Code Section 65850.5(g), cities must adopt an ordinance on or before September 30, 2015 that creates an expedited and streamlined permitting process for small residential rooftop solar energy systems; and

WHEREAS, Government Code Section 65850.5(j)(3) defines “small residential rooftop solar energy systems;” and

WHEREAS, the expedited permitting process established by the ordinance must substantially conform with the recommendations set forth in the California Solar Permitting Guidebook, including the use of a checklist of all requirements that, if complied with, requires cities to approve the application and issue the applied for permits; and

WHEREAS, the City Council of the City of City of Colton finds that it is in the interest of the health, welfare and safety of the public to provide an expedited permitting process to encourage the effective development of solar technology; and

WHEREAS, the City Council of the City of Colton finds that the following ordinance will have the effect of encouraging the installation of small residential solar energy systems and minimizing barriers, obstacles, and costs of obtaining permits for their installation.

THEREFORE, THE CITY COUNCIL OF THE CITY OF COLTON, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Title 15 of the Colton Municipal Code entitled “Buildings and Structures” is hereby amended to add Chapter 15.60, entitled “ SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEM PERMITS” commencing with Section 15.60.010 and concluding with Section 15.60.70 is hereby added to read in its entirety as follows:

1
2 **Chapter 15.60 – Permitting Small Residential Rooftop Solar Energy System:**

3
4 **Section:**

5 **15.60.010 Intent and Purpose.**

6 **15.60.020 Definitions.**

7 **15.60.030 Applicability.**

8 **15.06.040 Small Residential Rooftop Solar System Requirements.**

9 **15.60.050 Electronic processing.**

10 **15.60.060 Duties of the Building Department and Building Official;**
11 **Application Review**

12 **15.60.070 Inspection Requirements.**

13 **Sec. 15.60.010. Intent and purpose.**

14 The intent and purpose of this chapter is to adopt an expedited, streamlined solar permitting
15 process for small residential rooftop solar energy systems that complies with the Solar Rights
16 Act and AB 2188 (Chapter 521, Statutes 2014) to achieve timely and cost-effective installations
17 of small residential rooftop solar energy systems. This Chapter is designed to encourage the use
18 of solar systems by removing unreasonable barriers, minimizing costs to property owners and
the City, and expanding the ability of property owners to install solar energy systems. This
chapter allows the City to achieve these goals while protecting the public health and safety.

19 **Sec. 15.60.020 Definitions.**

- 20 A. "Association" means a nonprofit corporation or unincorporated association created for the
21 purpose of managing a common interest development.
- 22 B. "Building department" means the Building and Safety Division of the Development
23 Services Department for the City of Colton.
- 24 C. "Building official" means the Building Official for the City of Colton.
- 25 D. "City" means the City of Colton.
- 26 E. "Common interest development" means any of the following:
- 27 1. A community apartment project.
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2 2. A condominium project.

3 3. A planned development.

4 4. A stock cooperative.

5 F. "Electronic submittal" means the utilization of one or more of the following:

6 1. Email

7 2. The Internet

8 3. Facsimile

9
10 G. "Expedited permitting," and "expedited review," means the process outlined in Sec.
11 15.60.060 entitled "Expedited permit review and inspection requirements."

12 H. "Small residential rooftop solar energy system" means all of the following:

13 1. A solar energy system that is not larger than 10 kilowatts alternating current
14 nameplate rating or 30 kilowatts thermal.

15 2. A solar energy system that (1) conforms to all applicable state fire, structural,
16 electrical, and other building codes as adopted or amended by the City; (2) all state
17 and City health and safety standards; and (3) all applicable safety and performance
18 standards established by the California Electrical Code, the Institute of Electrical
19 and Electronics Engineers, and accredited testing laboratories such as
20 Underwriters Laboratories and, where applicable, rules of the Public Utilities
21 Commission regarding safety and reliability.

22 3. A solar energy system that is installed on a single or duplex family dwelling.

23 4. A solar panel or module array that does not exceed the maximum legal building
24 height as defined by the City of Colton.

25 I. "Solar energy system" means either of the following:

26 1. Any solar collector or other solar energy device whose primary purpose is to
27 provide for the collection, storage, and distribution of solar energy for space
28 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, space cooling or water heating.

Sec. 15.60.030. Applicability.

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2 This chapter applies to the permitting of all small residential rooftop solar energy systems in the
3 City. Small residential rooftop solar energy systems legally established or permitted prior to the
4 effective date of this chapter are not subject to the requirements of this chapter unless physical
5 modifications or alterations are undertaken that materially change the size, type, or components
6 of a small rooftop energy system in such a way as to require new permitting. Routine operation
and maintenance or like-kind replacements with no structural alterations shall not require a
permit.

7 **Sec. 15.60.040. Small Residential Rooftop Solar System Requirements.**

- 8 A. A small residential rooftop solar energy systems shall meet applicable health and safety
9 standards and requirements imposed by the City and the State of California.
- 10 B. Small residential rooftop solar energy systems for heating water shall be certified by an
11 accredited listing agency as defined by the California Plumbing and Mechanical Code.
- 12 C. Small residential rooftop solar energy systems for producing electricity shall meet all
13 applicable safety and performance standards established by the California Electrical
14 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.

15 **Sec. 15.60.050. Electronic Processing.**

- 16 A. All documents required for the submission of an expedited small residential rooftop solar
17 energy system application shall be made available on the City's publicly accessible
18 website.
- 19 B. Electronic submittal of the required permit application and documents via email, the
20 City's website, or facsimile shall be made available to all small residential rooftop solar
energy system permit applicants.
- 21 C. An applicant may submit the application and related documentation for a small residential
22 rooftop solar energy system by electronic submittal, as specified on the City website.
23 Electronic signatures shall be accepted by the City on all electronic submittals in lieu of
24 a wet signature, in conformance with California Government Code § 16.5 and 2 California
Code of Regulations § 22000 et seq.

25 **Sec. 15.60.060. Duties of Building Department and Building Official; Application
26 Review.**

- 27 A. The Building Department shall adopt a standard plan and checklist of all requirements
28 with which small residential rooftop solar energy systems shall comply in order to be
eligible for expedited permitting. The permitting process, including the standard plans

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2 and checklist, shall substantially conform to the recommendations for expedited
3 permitting set forth in the most current version of the California Solar Permitting
4 Guidebook adopted by the Governor's Office of Planning and Research.

- 4 B. An application that City staff determines satisfies the information requirements contained
5 in the City's checklist(s) for expedited small residential rooftop solar system processing,
6 including complete supporting documents, shall be deemed complete.
- 6 C. If an application is deemed incomplete, a written correction notice detailing all
7 deficiencies in the application and any additional information or documentation required
8 to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.
- 9 D. After City staff deems an application complete, City staff shall review the application to
10 determine whether the application meets applicable local and state codes and regulations.
- 10 E. City staff shall issue a building permit or other nondiscretionary permit within a
11 reasonable period of time after receipt of a complete application that meets the
12 requirements of the approved checklist, standard plan and this article.
- 13 F. The City shall not condition approval of an application on the approval of an association,
14 as defined in this chapter.

14 **Sec. 15.60.070. Inspections.**

- 15 A. Only one inspection shall be required and performed by the Building Department for small
16 residential rooftop solar energy systems eligible for expedited review.
- 17 B. The inspection shall be done in a timely manner and should include consolidated
18 inspections. An inspection will be scheduled within two business days of a request.
- 19 C. If a small residential rooftop solar energy system fails inspection, a subsequent inspection
20 is authorized but need not conform to the requirements of this chapter.

21 **Section 2.** Any provision of the Colton Municipal Code or appendices thereto inconsistent
22 with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is
23 hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

24 **Section 3.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is
25 for any reason held to be invalid or unconstitutional by the decision of any court of competent
26 jurisdiction, such decision shall not affect the validity of the remaining portions of this
27 Ordinance. The City Council of the City of Colton hereby declares that it would have adopted
28 this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof,
irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or
portions be declared invalid or unconstitutional.

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2 **Section 4.** The Mayor shall sign and the City Clerk shall certify to the passage and adoption
3 of this Ordinance and shall cause the same to be published and posted pursuant to the provisions
4 of law in that regard and this Ordinance shall take effect 30 days after its final passage.

5 **Section 5.** This Ordinance is not a project within the meaning of Section 15378 of the State
6 of California Environmental Quality act ("CEQA") Guidelines, because it has no potential for
7 resulting in physical change in the environment, directly or indirectly. The City Council further
8 finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this
9 Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered
10 by the general rule that CEQA applies only to projects which have the potential for causing a
11 significant effect on the environment. Where it can be seen with certainty that there is no
12 possibility that the activity in question may have a significant effect on the environment, the
13 activity is not subject to CEQA. The City Council, therefore, directs that a Notice of Exemption
14 be filed with the County Clerk of the County of San Bernardino in accordance with CEQA
15 Guidelines.

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17 **PASSED, APPROVED, AND ADOPTED** this 4th day of August, 2015.

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19 
20 RICHARD A. DELAROSA
21 Mayor

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23 **ATTEST:**

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25 
26 CAROLINA R. PADILLA
27 City Clerk
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1 **STATE OF CALIFORNIA**)
2 **COUNTY OF SAN BERNARDINO**) ss
3 **CITY OF COLTON**)

4 **CERTIFICATION**

5 **I, CAROLINA R. PADILLA**, City Clerk of the City of Colton, California, do hereby
6 certify under penalty of perjury that the foregoing is a full, true and correct copy of
7 **ORDINANCE NO. O-09-15**, and was duly passed, approved, and adopted by the City
8 Council of the City of Colton at its Regular Meeting held on the **4th day of August,**
9 **2015**, by the following vote to wit:

10
11 **AYES:** COUNCILMEMBER Toro, Jorin, Navarro, González,
12 Bennett, Suchil and Mayor
DeLaRosa

13 **NOES:** COUNCILMEMBER None

14 **ABSTAIN:** COUNCILMEMBER None

15 **ABSENT:** COUNCILMEMBER None
16

17 **IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official
18 seal of the City of Colton, California, this ____ day of _____, _____.

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22 _____
CAROLINA R. PADILLA
23 City Clerk
City of Colton, California

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25 (SEAL)
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