

ORDINANCE NO. 1466

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA REVISING THE ARCATA MUNICIPAL CODE TO IMPLEMENT EXPEDITED REVIEW OF SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEM PERMIT APPLICATIONS

The City Council of the City of Arcata does ordain as follows:

Section 1: Title VIII—Building Regulation of the Arcata Municipal Code is hereby amended by the addition of Chapter 3—Solar Energy Systems, Article 1—Small Residential Rooftop Solar Energy System Review Process, Sections 8300–8302 as follows:

CHAPTER 3—Solar Energy Systems

ARTICLE 1—Small Residential Rooftop Solar Energy System Permit Application Review Process

SEC. 8300. Findings.

1. Section 65850.5(a) of the California Government Code provides that it is the policy of the State to promote and encourage the installation and use of solar energy systems by limiting obstacles to their use and by minimizing the permitting costs of such systems.
2. Section 65850.5(g)(1) of the California Government Code provides that, on or before September 30, 2015, every city, county, or city and county shall adopt an ordinance, consistent with the goals and intent of Section 65850.5(a), to create an expedited, streamlined permitting process for small residential rooftop solar energy systems.

SEC. 8301. Definitions.

The following words and phrases as used in this section are defined as follows:

1. “Electronic submittal” means the utilization of one or more of the following:
 - a. e-mail,
 - b. the internet, or
 - c. facsimile.
2. “Small Residential Rooftop Solar Energy System” means all of the following:
 - a. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.
 - b. 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

California Civil Code Section 714(c)(iii), as amended, renumbered, or redesignated from time to time.

- c. A solar energy system that is installed on a single or duplex family dwelling.
- d. A solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.

3. “Solar Energy System” has the same meaning set forth in California Civil Code Section 801.5(a)(1) and (2) as amended, renumbered, or redesignated from time to time.

SEC. 8302. Expedited Permit Review

1. Checklist. The Building Official is hereby authorized and directed to develop and adopt a checklist of all requirements with which Small Residential Rooftop Solar Energy System permit applications shall be eligible for expedited review in accordance with Section 65850.5 of the California Government Code. The checklist shall be published on the City’s internet website.

2. Permit Application Submittal. An applicant for a permit to install a Small Residential Rooftop Solar Energy System may submit the permit application and associated documentation to the City’s Building Division by personal, mailed, or Electronic Submittal. The City is currently unable to accept permit signatures and fee payment through Electronic Submittal due to bank account, computer software and administrative restrictions, including verification and digital storage capabilities. The City shall implement complete Electronic Submittal services for all aspects of Small Residential Rooftop Solar Energy System permits at such time when the capability to offer such services is available.

3. Applicant’s Duty to Verify. Prior to submitting an application, the applicant shall:

- a. Verify to the applicant’s reasonable satisfaction through the use of standard engineering evaluation techniques that the support structure for the Small Residential Rooftop Solar Energy System is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation; and
- b. At the applicant’s cost, verify to the applicant’s reasonable satisfaction using standard electrical inspection techniques that the existing electrical system including existing line, load, ground and bonding wiring as well as main panel and subpanel sizes are adequately sized, based on the existing electrical system’s current use, to carry all new photovoltaic electrical loads.

4. Inspection. For a Small Residential Rooftop Solar Energy System eligible for expedited review, only one inspection shall be required, which shall be done in a timely manner. If a Small Residential Rooftop Solar Energy System fails inspection, a subsequent inspection is authorized; however the subsequent inspection need not conform to the requirements of this subsection.

5. Permit Application Review. An application that satisfies the information requirements in the checklist, as determined by the Building Official, shall be deemed complete. Upon receipt of an incomplete application, the Building Official shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

6. Permit Issuance. Upon confirmation by the Building Official of the application and supporting documentation being complete and meeting the requirements of the checklist, the Building Official shall administratively approve the application and issue all required permits or authorizations. Such approval does not authorize an applicant to connect the Small Residential Rooftop Energy System to the local utility provider's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider.

7. Inspection. For a Small Residential Rooftop Solar Energy System eligible for expedited review, only one inspection shall be required, which shall be done in a timely manner. If a Small Residential Rooftop Solar Energy System fails inspection, a subsequent inspection is authorized; however the subsequent inspection need not conform to the requirements of this subsection.

8. Use Permit Requirement. In the event the Building Official finds, based on substantial evidence, that the Solar Energy System could have a specific, adverse impact upon the public health and safety, the City may require the applicant to obtain a use permit in order to avoid or mitigate the adverse impact. Any conditions imposed to mitigate the specific adverse impact upon the public health and safety shall be at the lowest cost possible.

9. Permit Denial. An application may be denied only upon written findings of the Building Official based on substantial evidence that the Solar Energy System could have a specific, adverse impact upon the public health and safety, and there is no feasible method to satisfactorily avoid or mitigate the adverse impact. The Building Official's findings shall include the basis for rejection of potential feasible alternatives to preventing the adverse impact.

10. Appeal. The decision of the Building Official pursuant to subsections I and J may be appealed to the Planning Commission, by submittal of a written appeal to the City Manager within ten (10) days after issuance of the Building Official's decision.

Section 2: Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, the decision shall not affect the

validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

Section 3: This ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Section 4: This ordinance will take effect thirty (30) days after the date of its adoption.

DATE: September 16, 2015

ATTEST:

APPROVED:

/s/ Bridget Dory
City Clerk, City of Arcata

/s/ Michael Winkler
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1466 passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California held on the 16th day of September, 2015, by the following vote:

AYES: WINKLER, PITINO, ORNELAS, PEREIRA

NOES: NONE

ABSENT: WHEETLEY

ABSTENTIONS: NONE

/s/ Bridget Dory
City Clerk, City of Arcata