

ORDINANCE NO. 691

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, ADDING CHAPTER 16.100 OF TITLE 16 (BUILDING AND CONSTRUCTION) TO THE INDIAN WELLS MUNICIPAL CODE, TO PROVIDE AN EXPEDITED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

WHEREAS, the City Council of the City of Indian Wells (the "City") seeks to implement Assembly Bill 2188, an act amending Section 65850.5 (Solar Rights Act) of the State Government Code through the creation of an expedited, streamlined permitting process for small residential rooftop solar energy systems; and

WHEREAS, the City wishes to advance the use of solar energy by all of its residents by adopting regulations for an expedited, streamlined permitting process for small residential rooftop solar energy systems; 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 systems to assure the effective deployment of solar technology, in accordance with the requirements of AB 2188.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIAN WELLS DOES ORDAIN AS FOLLOWS:

SECTION 1. Indian Wells Municipal Code Chapter 16.100 (Small Residential Rooftop Solar Systems) is hereby added to read in its entirety as follows:

"Chapter 16.100 SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

Sections:

16.100.010	Applicability and purpose.
16.100.020	Definitions.
16.100.030	Small residential rooftop solar system requirements.
16.100.040	Electronic processing.
16.100.050	Application review.
16.100.060	Inspections.

16.100.010 Applicability and purpose.

This Chapter applies to the permitting of all small residential rooftop solar energy systems in the City. The purpose of this Chapter is to create an expedited, streamlined solar permitting process that complies with the Solar Rights Act, as amended by AB 2188 (Chapter 521, Statutes 2014), to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This Chapter encourages the use of small residential rooftop solar energy systems by removing unreasonable barriers, minimizing costs to property owners and the City, and expanding the ability of property owners to install small rooftop solar energy systems. This Chapter allows the City to achieve these goals while protecting the public health and safety of the community.

16.100.020 Definitions.

The definitions set forth below shall be applicable to the provisions in this Article.

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

- i. Email;
- ii. The Internet;
- iii. Facsimile.

"Official" means the City's Building Official.

"Small residential rooftop solar energy system" means a solar energy system that meets all of the following:

- i. Is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal;
- ii. 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;
- iii. 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;
- iv. Is installed on a single or duplex family dwelling;
- v. The panel or module array does not exceed the maximum legal building height as defined by the City.

"Solar energy system" has the meaning set forth in paragraph (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.

16.100.030 Small residential rooftop solar system requirements.

(a) A solar energy system that qualifies as a small residential rooftop solar energy system, as defined in this Chapter, shall be processed in accordance with the terms of this Chapter.

(b) A small residential rooftop solar energy system shall meet applicable health and safety standards and requirements imposed by the State, City, and local fire department or district.

(c) The Official shall, prior to September 30, 2015, adopt an administrative, nondiscretionary expedited review process for small residential rooftop solar energy systems, which shall include standard plan(s) and checklist(s). The checklist(s) shall set forth all requirements with which small residential rooftop solar energy systems must comply with to be eligible for expedited review.

(d) The small residential rooftop solar system permit process, standard plan(s), and checklist(s) shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research.

16.100.040 Electronic processing.

(a) All documents required for the submission of an expedited small residential rooftop solar energy system application shall be made available on a publicly accessible City website.

(b) Electronic submittal of the required permit application and documents by electronic means shall be made available to all small residential rooftop solar energy system permit applicants. The City's website shall specify the permitted method of electronic document submission.

(c) An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.

16.100.050 Application review.

(a) An application that City staff determines satisfies the information requirements contained in the City's checklist(s) for expedited small residential rooftop solar system processing, including complete supporting documents, shall be deemed complete.

(b) 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 the applicant for resubmission.

(c) After City staff deems an application complete, City staff shall review the application to determine whether the application meets local, state, and federal health and safety requirements.

(d) City staff shall issue a building permit or other nondiscretionary permit within a reasonable period of time after receipt of a complete application that meets the requirements of the approved checklist, standard plan and this Chapter.

(e) The City shall not condition approval of an application on the approval of an association, as defined in Section 4080 of the Civil Code.

16.100.060 Inspections.

(a) Only one inspection shall be required and performed by the Building Division for small residential rooftop solar energy systems eligible for expedited review.

(b) The inspection shall be done in a timely manner.

(c) If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but the inspection timing need not conform to the requirements of this Chapter."

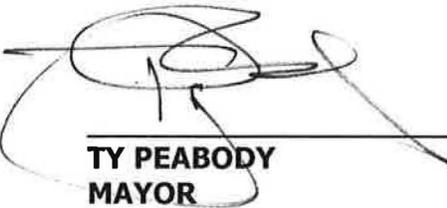
SECTION 2. CEQA. This Ordinance does not commit the City to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act.

SECTION 3. 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 Indian Wells Municipal Code.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect and be in force 30 days after passage.

SECTION 5. PUBLICATION. The City Clerk is directed to publish this Ordinance within the manner and in the time prescribed by law.

PASSED APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held on the 17th day of September, 2015.



**TY PEABODY
MAYOR**

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF INDIAN WELLS)

CERTIFICATION FOR ORDINANCE NO. 691

I, Anna Grandys, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that Ordinance No. 691, having been regularly introduced at the meeting of July 16, 2015 was again introduced, the reading in full thereafter unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on September 17, 2015 and said Ordinance was passed and adopted by the following stated vote, to wit:

AYES: Balocco, Hanson, Mertens, Peabody, Reed
NOES: None

and was thereafter on said day signed by the Mayor of said City of Indian Wells.

ATTEST:

APPROVED AS TO FORM:



ANNA GRANDYS
CITY CLERK



STEPHEN P. DEITSCH
CITY ATTORNEY