

ORDINANCE NO. 435

AN ORDINANCE OF THE CITY OF MOORPARK, CALIFORNIA, AMENDING TITLE 15, BUILDINGS AND CONSTRUCTION, OF THE MOORPARK MUNICIPAL CODE, BY ADDING CHAPTER 15.21 – SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS, AND DETERMINATION THAT THE CREATION OF AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS IS EXEMPT FROM THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, Subsection (a) of Section 65850.5 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; and

WHEREAS, Subdivision (g)(1) of Section 65850.5 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 subdivision (a) of Section 65850.5, that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.

WHEREAS, the Community Development Director has determined that the creation of an expedited, streamlined permitting process for small residential rooftop solar energy systems is exempt from the provisions of the California Environmental Quality Act (CEQA), in that the action of the City Council does not involve the consideration of the approval of a project.

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

SECTION 1. ENVIRONMENTAL DETERMINATION: The City Council concurs with the Community Development Director's determination that the creation of an expedited, streamlined permitting process for small residential rooftop solar energy systems is exempt from the provisions of the California Environmental Quality Act (CEQA), in that the action of the City Council does not involve the consideration of the approval of a project.

SECTION 2. Title 15, Buildings and Construction, of the Moorpark Municipal Code, is amended by adding Chapter 15.21 – Small Residential Rooftop Solar Energy Systems, to read in full as contained in Exhibit A, attached hereto and incorporated herein.

SECTION 3. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions

of this ordinance. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 4. This ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 5. The City Clerk shall certify to the passage and adoption of this ordinance; shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and shall publish notice of adoption in the manner required by law..

PASSED AND ADOPTED this 16th day of September, 2015.

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Janice S. Parvin, Mayor

ATTEST:

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Maureen Benson, City Clerk

Exhibit A: Chapter 15.21

**EXHIBIT A**

**“Chapter 15.21**

**SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS**

**Sections:**

**15.21.010 Purpose.**

**15.21.020 Definitions.**

**15.21.030 Applicability.**

**15.21.040 General requirements.**

**15.21.050 Permit application submittal and review.**

**15.21.060 Inspections.**

**15.21.010 Purpose.**

The purpose of this chapter is to create an expedited, streamlined permitting process for small residential rooftop solar energy systems in compliance with Section 65850.5 of the California Government Code.

**15.21.020 Definitions.**

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

“Electronic submittal” means the utilization of one or more of the following:

1. e-mail,
2. the internet,
3. facsimile.

“Small residential rooftop solar energy system” shall have the same meaning as provided in the Solar Rights Act, Government Code Section 65850.5(j)(3), as the same may be amended from time to time.

“Solar energy system” has the same meaning as set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code, as the same may be amended from time to time.

**15.21.030 Applicability.**

A. This Chapter applies to the permitting of solar energy systems including small residential rooftop solar energy systems in the City.

B. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of this Chapter are not subject to the requirements herein 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.

**15.21.040 General requirements.**

A. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the state, the city and the local fire department.

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 Code.

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.

**15.21.050 Permit application submittal and review.**

A. The building official shall develop and implement an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems; and develop and 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.

B. The small residential rooftop solar energy 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.

C. All documents required for the submission of a small residential rooftop solar energy system application shall be made available on the city's publicly accessible website.

D. The building official shall ensure that electronic submittal of the required permit application and associated documentation shall be made available to all small residential rooftop solar energy system applicants. In the case of electronic submittal, the electronic signature of the applicant on all forms, applications and other documentation may be used in lieu of a wet signature.

E. The building official shall deem complete an application that satisfies the information requirements in the standard plan(s) and checklist(s).

F. If the building official deems the application incomplete, the building official shall issue a written correction notice to the applicant detailing all deficiencies in the application and any additional information or documentation required so the application may be eligible for expedited permit issuance.

G. The building official shall issue a building permit on the same day for over the counter applications or within one to three business days for electronic applications or in either case as soon thereafter as may be practicable upon receipt of a complete application that meets the requirements of the approved checklist and standard plan.

**15.20.060 Inspections.**

Only one inspection shall be required and performed by the building official for small residential rooftop solar energy systems eligible for expedited review. The inspection shall be done in a timely manner and should include consolidated inspections. An inspection will be scheduled within one to two business days of a request. 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.”