

**ORDINANCE NO. 22-\_\_\_**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA, ADDING SECTION 15.04.170 PERTAINING TO PERMITTING PROCEDURES FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS TO MAMMOTH LAKES MUNICIPAL CODE**

**WHEREAS**, 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; and

**WHEREAS**, Section 65850.5(g) of the California Government Code requires every city and county in California to adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems;

**WHEREAS**, Town staff presented this Ordinance to the Board of Appeals/ Building Advisory Committee on February 23, 2022; to the Contractors Association on March 4, 2022; and to the Mammoth Lakes Fire Protection District on March 4, 2022;

**WHEREAS**, the Town held a public meeting on April 20, 2022 at which time all interested persons had the opportunity to appear and be heard on the matter of amending the Municipal Code as set forth herein; and

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** Recitals. The above recitals are all true and correct.

**Section 2.** Adoption of Amendments. The Town Council hereby amends the Mammoth Lakes Municipal Code by adding Section 15.04.170, to read in full as follows:

**15.04.170 - Small Residential Rooftop Solar Energy System Review Process**

A. The intent of this section is to comply with the requirements of Government Code Section 65850.5 regarding the establishment of an expedited permitting process for small residential rooftop solar energy systems.

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

“Electronic submittal” means a submittal made by email, the Internet, and/or facsimile.

“Small residential rooftop solar energy system” means a system that meets all of the following criteria:

1. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.

2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the Town, and paragraph (iii) of subdivision (c) of Section 714 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.
3. A solar energy system that is installed on a single or duplex family dwelling.
4. A solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.

“Solar energy system” has the same meaning set forth in paragraphs (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.

- C. The Town’s building official is hereby authorized and directed to develop, adopt, and maintain a checklist of the requirements with which a small residential rooftop solar energy system project must comply in order to be entitled to expedited processing. The checklist shall be published on the Town’s website.
- D. The applicant may submit the permit application and associated documentation to the Town’s building division by personal, mailed, or electronic submittal together with any required permit processing and inspection fees. 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. Prior to submitting an application, the applicant shall:
  1. 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
  2. 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.
- F. 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 and may include a consolidated inspection by the Town’s building official and a representative of the Mammoth Lakes Fire Protection District. 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.

- G. 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.
- H. 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 a utility provider's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider.

**Section 3.** Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this ordinance, or any part thereof; is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The Town Council hereby declares that it would have passed each section, subsection, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

**Section 4.** Effective Date. The Mayor shall sign and the Town Clerk shall certify passage and adoption of this ordinance, and shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this ordinance shall take effect thirty days after its final passage.

PASSED AND ADOPTED by the Town Council of the Town of Mammoth Lakes this 4<sup>th</sup> day of May 2022.

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LYNDA SALCIDO, Mayor

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JAMIE GRAY, Town Clerk