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ORDINANCE NO.

AN ORDINANCE OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADDING CHAPTER 16 TO DIVISION 3 OF TITLE 6, REGARDING ROOFTOP SOLAR ENERGY SYSTEMS, AND AMENDING CHAPTER 8 OF DIVISION 3 OF TITLE 6, REGARDING MISCELLANEOUS CLARIFICATIONS OF THE CALIFORNIA BUILDING STANDARD CODES AS ADOPTED BY THE COUNTY, ALL OF THE COUNTY OF SAN BERNARDINO COUNTY CODE.

The Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

SECTION 1. Chapter 16 is added to Division 3 of Title 6 of the San Bernardino County Code, to read:

CHAPTER 16: RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS

Section

- 63.1601 Purpose.
- 63.1602 Definitions.
- 63.1603 Small Residential Rooftop Solar Energy System Requirements.
- 63.1604 Application Review.
- 63.1605 Electronic Access to Permit Information and Submittals.
- 63.1606 Inspection.

63.1601 Purpose.

In adopting this chapter, it is the intent of the Board of Supervisors to provide an expedited, streamlined solar permitting process that complies with the Solar Rights Act of 1978, as amended by Assembly Bill 2188 (Chapter 521, Statutes 2014), in order to facilitate the timely and cost-effective installations of small residential rooftop solar energy systems. This chapter is intended to make the installation of residential solar

1 distributed generation technology easier, to facilitate the deployment of such technology
2 in the County, to enhance the County's contribution to the state's ability to reach its
3 clean energy goals, and to generate much needed jobs in the County and state. The
4 provisions of this chapter will help the County achieve these goals while protecting
5 public health and safety.

6 **63.1602 Definitions.**

7 The following definitions shall be applicable to the provisions in this chapter.

8 **“Electronic submittal” means** the utilization of one or more of the following: e-
9 mail; internet; or facsimile.

10 **“Solar energy system” means a** solar energy system as defined in Section
11 810.01.210 (uu) of the County Code.

12 **“Small residential rooftop solar energy system” means** a solar energy
13 system which meets all of the following:

14 (a) A solar energy system that is no larger than 10 kilowatts alternating
15 current nameplate rating or 30 kilowatts thermal.

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

23 (c) A solar energy system that is installed on a single or duplex family
24 dwelling.

25 (d) A solar panel or module array that does not exceed the maximum
26 legal building height as defined by the County.

27 **“Specific, adverse impact” means** a significant, quantifiable, direct, and
28 unavoidable impact, based on objective, identified, and written public health or safety

1 standards, policies, or conditions as they existed on the date the application was
2 deemed complete.

3 **63.1603 Small Residential Rooftop Solar Energy System Requirements.**

4 (a) All small residential rooftop solar energy systems shall comply with the
5 applicable standards and requirements for solar energy systems as set forth in the
6 County Code.

7 (b) Except to the extent deviations are required due to unique climactic,
8 geological, or topographical conditions pursuant to Section 63.0809, the small
9 residential rooftop solar system permit process, standard plans, and checklists, shall
10 otherwise substantially conform to the recommendations for expedited permitting,
11 including the checklists and standard plans, contained in the most current version of the
12 California Solar Permitting Guidebook adopted by the Governor’s Office of Planning and
13 Research.

14 **63.1604 Application Review.**

15 (a) Upon confirmation that the application is complete, staff shall review the
16 application to ensure that the small residential rooftop solar energy system meets local,
17 state, and federal health and safety requirements. The Building Official may require an
18 applicant to apply for a use permit pursuant to the County Development Code, if the
19 Building Official finds, based on substantial evidence, that the small residential rooftop
20 solar energy system could have a specific, adverse impact upon the public health and
21 safety.

22 (b) Staff shall issue a building permit or other nondiscretionary permit within a
23 reasonable time following receipt of a complete application that meets the requirements
24 of the approved checklist, standard plan, and this chapter.

25 (c) Staff’s approval of an application shall not be based or conditioned on the
26 approval of an association, as defined in California Civil Code section 4080.

27 **63.1605 Electronic Access to Permit Information and Submittals.**

28 (a) The Building Official shall make the checklist and all permitting

1 documentation required for a small residential rooftop solar energy system available on
2 a publicly accessible website.

3 (b) An applicant may submit the application and related documentation for a
4 small residential rooftop solar energy system by electronic submittal, as specified on the
5 County website. Electronic signatures shall be accepted by the County on all electronic
6 submittals in lieu of a wet signature, in conformance with California Government Code
7 section 16.5 and Title 2 of the California Code of Regulations, section 22000 *et seq.*

8 **63.1606 Inspection.**

9 (a) One inspection shall be required and performed by staff for each small
10 residential rooftop solar energy system eligible for expedited review.

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

12 (c) If a small residential rooftop solar energy system fails inspection, a
13 subsequent inspection is authorized but need not conform to the requirements of
14 Section 63.1606.

15
16 SECTION 2. Chapter 8 of Division 3 of Title 6 of the San Bernardino County
17 Code, is amended, to read:

18
19 CHAPTER 8: GENERAL PROVISIONS FOR CALIFORNIA BUILDING STANDARDS
20 CODE

21 Section

22 63.0801 General Provisions.

23 63.0802 Substitutions of References.

24 63.0803 Permit Fees.

25 63.0804 Annual Permits.

26 63.0805 Interpretation of Code.

27 63.0806 Water Conservation.

28 63.0807 Penalty for Violation.

- 1 63.0808 Interpretation, Legal Procedure, and Penalties.
- 2 63.0809 Findings.
- 3 63.0810 Validity.

4

5 **63.0801 General Provisions.**

6 The requirements of this chapter are general in nature and apply to all the
7 provisions in Division 3 of Title 6 of the San Bernardino County Code.

8 **63.0802 Substitutions of References.**

9 Whenever in any of the parts of the California Building Standards Code (Title 24
10 of the California Code of Regulations), as adopted in this division or in any other
11 location, there appears a reference to the following names or terms, those names or
12 terms shall be deemed and construed as follows, to wit:

13 **“Building Official, Director of Building and Safety, Director of Architecture**
14 **and Engineering, Building and Engineering, Administrative Authority,”** or any
15 other similar term which makes reference to the individual official, board, department, or
16 agency created by law to administer and enforce the provisions of the codes adopted
17 herein, means the San Bernardino County Building Official and his or her authorized
18 assistants.

19 **“City Council”** means the Board of Supervisors of San Bernardino County.

20 **“City of,”** or any other similar reference to a political entity, means the
21 unincorporated territory of the County of San Bernardino.

22 **63.0803 Permit Fees.**

23 Any and all references to the amount of fees in any of the parts of the California
24 Building Standards Code herein adopted are hereby deleted and superceded by the
25 applicable fee in Division 6 of Title 1 of the San Bernardino County Code.

26 **63.0804 Annual Permits.**

27 (a) Where any person, firm, or corporation in the course of normal
28 maintenance procedures proposes to install, alter, or repair any electrical wiring,

1 devices, appliances, plumbing, drainage systems, septic tanks, seepage pits, leaching
2 lines, heating, ventilating, refrigeration, or water conservation equipment in an existing
3 facility located on property under the direct control of such person, firm, or corporation
4 and is able to, and does in fact, furnish inspection service which meets the requirements
5 and rules and regulations of the San Bernardino County Code, and whose operations
6 are under the continuous supervision of a qualified person who shall demonstrate
7 competence, to the satisfaction of the Building Official, such person, firm, or corporation
8 shall not be required to obtain approval at each consecutive inspection step of the
9 installation, alteration, or repair but shall be required only to obtain an annual permit or
10 annual permits and assure that the work in progress is accessible to the Building Official
11 for such periodic inspections as he or she may deem necessary.

12 (b) The fee for each separate annual permit (electrical, plumbing, mechanical)
13 shall be based upon the number of employees doing work in the crafts covered in each
14 annual permit in accordance with Division 6 of Title 1 of the San Bernardino County
15 Code.

16 (c) The designated responsible individual shall file with the Building Official a
17 written report specifying the work done under the issued annual permit. Such written
18 report shall be filed with the Building Official within thirty (30) days following the end of
19 the fiscal year for which the permit was issued.

20 **63.0805 Interpretation of Code.**

21 It shall be the duty of the Chief Inspectors, Building and Safety Engineer, and/or
22 Regional Building Inspector Supervisors, under the administration of the Building
23 Official, to enforce the provisions of the codes herein adopted and to determine the
24 intent and meaning thereof. Any determination or decision, made by any of these
25 individuals and concurred in by the Building Official, which is in dispute is subject to
26 review and final decision by the Board of Appeals as established by Section 63.0107.

27 **63.0806 Water Conservation.**

28 Stationary equipment or machinery, or water utilized for heating or cooling in an

1 industrial process, shall not be wasted but shall be recirculated and reused. Every
2 evaporative cooler shall be equipped with a circulating pump.

3 **63.0807 Penalty for Violation.**

4 Where work for which a permit is required by the codes herein adopted is started
5 or proceeded without first obtaining the required permit, a permit shall not be issued
6 until all past due enforcement costs are paid. The enforcement costs are the actual
7 costs, as specified in the schedule of fees set forth in Division 6 of Title 1 of the San
8 Bernardino County Code, and must be paid on demand. The Building Official may use
9 any legal means available to collect enforcement fees. The payment of such
10 enforcement fees shall not relieve any persons from fully complying with the
11 requirements of these codes in the execution of the work nor from any other penalties
12 prescribed herein. Any provision in any of the codes herein adopted which is in conflict
13 with this section is hereby superseded by this section.

14 **63.0808 Interpretation, Legal Procedure, and Penalties.**

15 (a) *Interpretation.* In interpreting and applying the provisions of this division,
16 said provisions shall be held to be the minimum requirements for the promotion of public
17 health, safety, and general welfare.

18 (b) *Penalties.* Any building or structure erected or maintained, or any use of
19 property contrary to the provisions of this division, shall be and the same is hereby
20 declared to be unlawful and a public nuisance and the San Bernardino County Counsel
21 may, upon request of the Building Official, immediately commence an action or actions,
22 proceeding or proceedings, for the abatement, removal and enjoinder thereof in the
23 manner provided by law and shall take such steps and shall apply to such court or
24 courts as may have jurisdiction to grant such relief as will abate or remove such
25 building, structure, or use, and restrain and enjoin any person from erecting or
26 maintaining such building or structure or using any property contrary to the provisions of
27 this Division.

28 (1) All remedies provided for herein shall be cumulative and not

1 exclusive. The conviction and punishment of any person hereunder shall not relieve
2 such person from the responsibility of correcting prohibited conditions or removing
3 prohibited buildings, structures, or improvements, nor prevent the enforced correction or
4 removal thereof.

5 (2) All other provisions of the San Bernardino County Code
6 notwithstanding, any person, firm, or corporation, whether as principal, agent, or
7 employee, violating or causing or permitting the violation of any of the provisions of this
8 division, or of any permit or exception granted hereunder, shall be guilty of an infraction
9 or misdemeanor as hereinafter specified, and each day such violation is in existence
10 shall constitute a new and separate offense. Any person so convicted shall be:

11 (A) Guilty of an infraction offense and punished by a fine not
12 exceeding \$100.00 and not less than \$50.00 for a first violation;

13 (B) Guilty of an infraction offense and punished by a fine not
14 exceeding \$200.00 and not less than \$100.00 for a second violation.

15 (C) The third and any additional violations shall constitute a
16 misdemeanor offense and shall be punishable by a fine not exceeding \$1,000.00 and
17 not less than \$500.00 or six months in jail, or both.

18 Notwithstanding the above, a first or second offense may be
19 charged and prosecuted as a misdemeanor. Payment of any penalty herein provided
20 shall not relieve a person, firm, corporation, or other entity from the responsibility of
21 correcting the condition, resulting from the violation. In addition to the above penalties
22 the court may order that the guilty party reimburse the County of San Bernardino for all
23 of its costs of investigating, analysis and prosecuting the enforcement action against the
24 guilty party; the court shall fix the amount of any such reimbursements upon submission
25 of proof of such costs by the County.

26 (3) Each such person, firm, or corporation shall be deemed guilty of a
27 separate offense upon each day during any part of which any violation of any of the
28 provisions of this division is committed, continued, permitted, or maintained by such

1 person, firm, or corporation.

2 (4) A notice of pendency of administrative action or proceeding may be
3 filed in the Office of the San Bernardino County Recorder at the time of commencement
4 of action or proceeding or at any time before final judgment or order. The County
5 Recorder shall record and index the pendency of action in the name of each person
6 specified in the action or proceedings. After all required work has been completed and
7 approved, the Building Official shall record in the Office of the County Recorder a
8 document terminating the above notice.

9 (5) In the event that any person, firm, or corporation shall fail, neglect,
10 or refuse to demolish, remove, abate, or correct a structure or condition existing in
11 violation of this division, upon his or her or its property after a civil court order or criminal
12 conviction obtained pursuant to this section, the Board of Supervisors may order the
13 Building Official to demolish, remove, abate, or correct the offending structure or
14 condition. A statement of the cost of such work shall be transmitted to the San
15 Bernardino County Board of Supervisors who shall cause the same to be paid and
16 levied as a special assessment against the property.

17 **63.0809 Findings.**

18 The Board of Supervisors of the County of San Bernardino finds that these
19 regulations and provisions and those of the codes adopted herein are in compliance
20 with Health and Safety Code sections 17958, 17958.5, and 17958.7, and that any
21 modification and changes herein made to the model codes herein adopted are
22 reasonably necessary because of local climatic, geological or topographical conditions.

23 **63.0810 Validity.**

24 If any chapter, section, subdivision, sentence, clause or phrase of the division is,
25 for any reason, held to be unconstitutional, such decision shall not affect the validity of
26 the remaining portions of this division nor its application to other persons or
27 circumstances. The San Bernardino County Board of Supervisors hereby declares that
28 it would have passed this division and each chapter, section, subdivision, clause,

1 sentence or phrase thereof, irrespective of the fact that any one or more section,
2 subdivision, clause, sentence and phrase be declared unconstitutional.

3

4 SECTION 3. This ordinance shall take effect thirty (30) days from the date of
5 adoption.

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JAMES RAMOS, Chairman
Board of Supervisors

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SIGNED AND CERTIFIED THAT A COPY
OF THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIRMAN OF THE BOARD

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LAURA H. WELCH, Clerk of the
Board of Supervisors

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1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF SAN BERNARDINO)

4 I, LAURA H. WELCH, Clerk of the Board of Supervisors of the County of San
5 Bernardino, State of California, hereby certify that at a regular meeting of the Board of
6 Supervisors of said County and State, held on the _____ day of _____, 2015,
7 at which meeting were present Supervisors: _____

8 and the Clerk, the foregoing ordinance was passed and adopted by the following vote,
9 to wit:

10 AYES: SUPERVISORS:

11 NOES: SUPERVISORS:

12 ABSENT: SUPERVISORS:

13 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official
14 seal of the Board of Supervisors this ____ day of _____, 2015.

15 LAURA H. WELCH, Clerk of the
16 Board of Supervisors of the
17 County of San Bernardino,
18 State of California

19 _____
20 Deputy

21 Approved as to Form:

22 JEAN-RENE BASLE
23 County Counsel

24 By: _____
25 KENNETH C. HARDY
26 Deputy County Counsel

27 Date: _____
28