

ORDINANCE NO. 2022-1101

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA AMENDING CHAPTER 15.28 OF THE YORBA LINDA MUNICIPAL CODE AND ADOPTING BY REFERENCE THE UNIFORM SOLAR, HYDRONICS AND GEOTHERMAL CODE, 2021 EDITION, WITH AMENDMENTS, DELETING APPENDICES AND REPEALING ORDINANCE NO. 2019-1070

WHEREAS, California Government Code Section 50022.1 *et seq.* authorizes the City to adopt by reference the Uniform Solar, Hydronics and Geothermal Code, 2021 Edition, published by the International Association of Plumbing and Mechanical Officials, with certain amendments and deleting appendices; and

WHEREAS, California Health and Safety Code Section 17958 *et seq.* and 18941.5 authorizes cities to adopt codes with modifications determined to be reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, the City of Yorba Linda desires to adopt the Uniform Solar, Hydronics and Geothermal Code, 2021 Edition, with amendments and deleting appendices to assure the Codes are tailored to the particular safety needs of the City of Yorba Linda as required by its unique climatic, geological and topographical conditions; and

WHEREAS, the City Council held a public hearing on December 6, 2022 at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the Uniform Solar, Hydronics and Geothermal Code, 2021 Edition, as amended herein; and

WHEREAS, the City published notice of the aforementioned public hearing pursuant to California Government Code Section 6066 on November 24, 2022 and December 1, 2022; and

WHEREAS, any and all other legal prerequisites relating to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YORBA LINDA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings. To the extent legally necessary, that the following changes and modifications to the Uniform Solar, Hydronics and Geothermal Code, 2021 Edition, that are more restrictive than the standards contained therein are justified by local conditions and reasonably necessary as outlined and determined in City Council Resolution No. 2022-5828.

Section 2. Chapter 15.28 of the Yorba Linda Municipal Code is amended in its entirety to read as follows:

**CHAPTER 15.28
SOLAR, HYDRONICS AND GEOTHERMAL CODE**

Sections:

- 15.28.010 Uniform Solar, Hydronics and Geothermal Code Adopted.**
- 15.28.020 Chapter 1, Administration – Amended.**
- 15.28.030 Chapter 5, Solar Thermal Systems – Amended.**
- 15.28.040 Chapter 9, Solar Photovoltaic Systems – Amended.**
- 15.28.050 Appendix A, Engineered Solar Energy Systems – Deleted.**
- 15.28.060 Appendix B, Solar Photovoltaic System Installation Guidelines – Deleted.**
- 15.28.070 Appendix C, Supplemental Checklist for Solar Photovoltaic Systems – Deleted.**

15.28.010. Document Adopted.

There is hereby adopted by reference, as the Solar, Hydronics and Geothermal Code of the City, the Uniform Solar, Hydronics and Geothermal Code, 2018 Edition, with certain amendments, published by the International Association of Plumbing and Mechanical Officials, one certified copy of which is on file in the office of the City Clerk for public inspection, and is adopted with the same force and effect as though set out herein in full. The Uniform Solar, Hydronics and Geothermal Code, 2018 Edition, as adopted herein, is amended as set forth in Section 15.28.020 through 15.28.070.

15.28.020. Chapter 1, Administration – Amended

Section 104.3.2 Plan Review Fees, the fourth paragraph is amended to read as follows:

Where plans are incomplete or changed so as to require additional review, an additional plan review fee shall be charged as established by resolution adopted by the City Council.

Section 104.3.3 Time Limitation of Application, is amended to read as follows:

104.3.3 Time limitation of applications. An application for which no permit is issued within 180 days following the date of application shall automatically expire, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. An application shall not be extended more than once. An application may be extended one or more times by the building official for additional period not exceeding 180 days each. An application shall not be extended if this code or any other pertinent laws or ordinances have been amended subsequent to the date of application.

Section 104.4.3 Expiration, is amended to read as follows:

104.4.3 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days any time after the work is commenced. The suspension or abandonment of work shall be defined as failing to obtain a formal approval of any required inspection as specified in Section 105.2 of this code within a 180 day time period. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Section 104.4.4 Extensions, is amended to read as follows:

104.4.4 Extensions.

104.4.4.1 Extension of an Application. An application for a permit may only be extended if a written request for an extension is received prior to the expiration of the permit application and a nonrefundable application fee of \$73.00 is paid. The application for an extension shall state the reason for the extension and identify conditions beyond the control of the applicant which justify the extension. The application shall be reviewed by the Building Official and a decision to grant an extension or not shall be based upon the merits of the written request for the extension. Payment of the \$73.00 application fee shall not automatically grant an extension. Permit application extensions shall not be granted after the expiration of the original permit application and payment of plan review fees. Full plan review fees as set forth in the fee resolution adopted by the City Council shall be paid should the permit application expire.

104.4.4.2 Extension of a Permit. A permit may only be extended, with no additional permit fees charged, if a written request for an extension is received prior to the expiration of the permit and a nonrefundable application fee of \$73.00 is paid. The application for an extension shall state the reason for the extension and identify conditions beyond the control of the applicant which justify the extension. The application shall be reviewed by the Building Official and a decision to grant an extension or not shall be based upon the merits of the written request for the extension. No additional permit fees, other than the application fee of \$64.00, shall be charged. Payment of the \$64.00 application fee shall not automatically grant an extension. Permits which have become invalid shall pay a renewal fee of 50% of the original permit fee when the permit has been expired for up to one (1) year. When a permit has been expired for a period in excess of one (1) year, the renewal fee shall be 100% of the original permit fee.

Section 104.5 Fees, is amended to read as follows:

104.5 Fees. Fees shall be assessed in accordance with the provisions of this section and as established by resolution adopted by the City Council at the rate provided for each classification shown therein.

Section 104.5.2 Investigation Fees, is amended to read as follows:

104.5.2 Investigation Fees; Work Without Permits

104.5.2.1 Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. A special investigation shall be made either by the building official, or a building inspector. Prior to any special inspection, all concealed structural and non-structural items shall be exposed so either the building official, or the inspector can conduct an accurate assessment of the non-permitted construction. The items to be exposed shall include, but not limited to, foundation, framing, electrical, plumbing and mechanical.

104.5.2.2 Fee. An investigation fee, in addition to the permit, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee that would be required by this code if a permit were to be issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code or from any penalty prescribed by law.

104.5.2.3 Emergency Work. The investigation fee shall not apply to emergency work when it shall be demonstrated to the satisfaction of the Administrative Authority that such work was urgently necessary and that it was not practical to obtain a permit therefore before commencement of the work. In all such cases, a permit must be obtained as soon as it is practical to do so, and if there be an unreasonable delay in obtaining such permit, an investigation fee as herein provided shall be charged.

Section 104.5.3, Fee Refunds, is amended to read as follows:

104.5.3 Fee Refunds. The building official may authorize refunding of a fee paid hereunder which was erroneously paid or collected.

104.5.3.1 The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

104.5.3.2 The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.

104.5.3.3 The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Section 105.2.6 Reinspections, is hereby amended to read as follows:

105.2.6 Reinspections: The Authority Having Jurisdiction shall have the authority to assess a reinspection fee for each inspection or reinspection when such portion of work for which inspection is requested is not complete or when required corrections have not been made. Reinspection fees may also be assessed when the approved plans are not readily available to the inspector, or failure to provide access on the date for which inspection is requested or for deviating from plans requiring the approval of the Building Official or requesting a reinspection of the same item three or more times.

This provision is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for inspection or reinspection.

To obtain reinspection, the applicant shall file an application therefore in writing upon a form furnished for that purpose and pay the reinspection fee established by resolution adopted by the City Council.

In instances where reinspection fees have been assessed, no additional inspection of the work will be preformed until the required fees have been paid.

Section 105.2.7 is added to read as follows:

105.2.7 Extra inspections: When extra inspections are necessary by reason of deficient or defective work, or otherwise through fault or error on the part of the holder of the permit or on the part of his employees, only one such extra inspection shall be made under the regular fees as herein prescribed; and the holder of the permit shall be entirely responsible for each and every subsequent extra visit or inspection. A reinspection fee shall be paid for every subsequent extra visit or inspection. The reinspection fee shall be established by resolution adopted by the City Council.

Table 104.5, Solar System Permit Fees, is deleted in its entirety.

Section 107.0 Board of Appeals, is deleted in its entirety.

15.28.030. Chapter 5, Solar Thermal Systems - Amended.

Section 502.5.1 is amended to read as follows:

502.5.1 Roof Installations. Panels shall be anchored to roof structures or other surfaces in a manner to resist wind and seismic loadings in compliance with the Building Code. Anchors secured to and through the roofing material shall be made in a manner to maintain the water integrity of the roof covering. Roof drainage shall not be impaired by the installation of collectors. Solar photo voltaic panels that are not an integral part of the roofing system shall be installed with a three (3)

inch minimum clearance from the roof surface in order to preserve the integrity of the roof surface. See also Chapter 9.

15.28.040. Chapter 8, Solar Photovoltaic Systems – Amended.

Chapter 8 in its entirety. All references to the National Electrical Code or NFPA 70 in Chapter 9 are hereby amended to mean the 2022 Edition of the California Electrical Code as adopted by the City.

15.28.050. Appendix A, Engineered Solar Energy Systems – deleted.

Appendix A Engineered Solar Energy Systems is hereby deleted.

15.28.060. Appendix B, Solar Photovoltaic System Installation Guidelines – deleted.

Appendix B Solar Photovoltaic System Installation Guidelines is hereby deleted.

15.28.070. Appendix C, Supplemental Checklist for Solar photovoltaic Systems – deleted.

Appendix C Supplemental Checklist for Solar Photovoltaic Systems is hereby deleted.

Section 3. Ordinance No. 2019-1070 is hereby repealed in its entirety.

Section 4. CEQA. The City Council hereby finds and determines that it can be seen with certainty that there is no possibility that this ordinance may have a significant adverse effect on the environment, since it adopts updated building and safety standards, which the City had previously adopted in substantial form. Thus, the adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to Section 15061(b)(3) of the CEQA Guidelines. Staff is directed to file a Notice of Exemption with the Orange County Clerk’s Office within five (5) working days of the approval of this ordinance.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions might subsequently be declared invalid or unconstitutional.

Section 6. Effective Date. This ordinance shall take effect thirty days after its adoption or on January 1, 2023, whichever is later. The City Clerk shall certify to the adoption of this ordinance and shall cause this ordinance or a summary thereof to be published in the manner required by law.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Yorba Linda on this 6th day of December, 2022.

, MAYOR
CITY OF YORBA LINDA

ATTEST:

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

APPROVED AS TO FORM:
RUTAN & TUCKER LLP

CITY ATTORNEY

STATE OF CALIFORNIA)

ss.

COUNTY OF ORANGE)

I, **MARCIA BROWN**, City Clerk of the City of Yorba Linda, California, **DO HEREBY CERTIFY** that the foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Yorba Linda held on this 6th day of December, 2022, and was carried by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA