

**ORDINANCE NO. 10 - \_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EMERYVILLE  
AMENDING CHAPTER 18 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL  
CODE TO REFERENCE THE MASTER FEE SCHEDULE FOR BUILDING  
PERMIT FEES FOR THE INSTALLATION OF PHOTO VOLTAIC SOLAR  
PANELS.**

**WHEREAS**, the City received a request from the Sierra Club to review solar panel permitting fees and to consider adjusting such fees to a level consistent with surrounding local jurisdictions; and

**WHEREAS**, the City desires to establish new flat permit fees for the installation of solar panels to implement the City's housing and energy conservation objectives and to enable the City to track the number of solar panel installation projects in Emeryville; and

**WHEREAS**, it is the desire of the City to provide flat rates for permit fees to enable property owners to consider alternative options for energy saving and to be less dependant on fossil fuels; and

**WHEREAS**, the proposed flat rate permit fees will include the permit application, plan check and inspection fees, and are based on the estimated time and cost of providing application processing, plan review and inspection services in connection with solar panel installations; and

**WHEREAS**, the building permit fees for the installation of photo voltaic solar panels shall be set forth in the Master Fee Schedule and established by a separate resolution of the City Council; and

**WHEREAS**, the Council has considered the information set forth in the report to the City Council dated July 20, 2010, as well as any information submitted during the public hearing and Council deliberations on this matter; and

**WHEREAS**, the public interest will be served by this ordinance;

**NOW THEREFORE THE CITY COUNCIL OF THE CITY OF EMERYVILLE HEREBY ORDAINS AS FOLLOWS:**

**SECTION ONE.     PURPOSE AND INTENT**

The purpose and intent of this Ordinance is to amend Chapter 18 of Title 8 of the Emeryville Municipal Code to include the installation of photo voltaic solar panels for all properties and to reference the Master Fee Schedule where such fees shall be located.

**SECTION TWO. AMENDING CHAPTER 18 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE**

Chapter 18 of Title 8 of the Emeryville Municipal Code is hereby amended to read as follows:

**CHAPTER 18.**

**BUILDING PERMIT FEES FOR THE INSTALLATION  
OF PHOTO VOLTAIC SOLAR PANELS**

**Sections:**

- |         |                     |
|---------|---------------------|
| 8-18.01 | Application         |
| 8-18.02 | Fees                |
| 8-18.03 | Other Work Excluded |

**8-18.01. Application.**

Applications for solar panel installations shall include:

- (a) Three sets of plans, noting plat, scope of work, framing/sizing of existing roof structure, and manufacturer's information of methods and materials used for installation.
- (b) Two sets of structural calculations.
- (c) Copies of approved listings from the manufacturer.

**8-18.02. Fees.**

Notwithstanding any other provisions of this Code, a permit fee shall be assessed to cover administration, plan check and field inspections for the installation of solar panels as set forth in the Master Fee Schedule. No other fees shall be assessed for such work.

**8-18.03. Other Work Excluded.**

The fee set forth in Section 8-18.02 shall not include any other work that may be required related to the installation of solar panels, including but not limited to structural reinforcement or reconstruction of the roof. Such work shall be permitted and charged separately in accordance with applicable provisions of this Code and other applicable fees and procedures.

**SECTION THREE. CEQA DETERMINATION**

The City Council finds, pursuant to State CEQA Guidelines Section 15378(a), that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a "Project" as defined by CEQA. This Ordinance is further exempt from the definition of Project pursuant to State CEQA Guidelines Section 15378(b)(5) in that it concerns organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment. This Ordinance is further exempt from environmental review pursuant to the "general rule" at State CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that it may have a significant effect on the environment.

**SECTION FOUR. SEVERABILITY**

Every section, paragraph, clause, and phrase of this Ordinance is hereby declared severable. If, for any reason, any section, paragraph, clause, or phrase is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining section, paragraphs, clauses, or phrases.

**SECTION FIVE. EFFECTIVE DATE**

This Ordinance shall take effect thirty (30) days following its final passage. The City Clerk is directed to cause copies of this Ordinance to be posted or published as required by Government Code Section 33693.

**SECTION SIX. CODIFICATION**

Section Two of this Ordinance shall be codified in the Emeryville Municipal Code. Sections One, Three, Four, Five, and Six shall NOT be so codified.

This Ordinance was introduced and first read by the City Council of the City of Emeryville at a regular meeting on Tuesday, July 20, 2010 and **PASSED AND ADOPTED** by the City Council at a regular meeting on Tuesday, August 3, 2010 by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_ ABSENT: \_\_\_\_\_

EXCUSED: \_\_\_\_\_ ABSTAINED: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
CITY ATTORNEY