

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AMENDING PROVISIONS IN TITLES 8 AND 15 OF THE ARROYO GRANDE MUNICIPAL CODE REGARDING THE ADOPTION BY REFERENCE OF THE 2022 CALIFORNIA FIRE CODE, 1997 UNIFORM ADMINISTRATIVE CODE, 2022 CALIFORNIA BUILDING CODE, 2022 CALIFORNIA ELECTRICAL CODE, 2022 CALIFORNIA MECHANICAL CODE, 2022 CALIFORNIA PLUMBING CODE, 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 2022 CALIFORNIA RESIDENTIAL CODE, 2022 CALIFORNIA ENERGY CODE, 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE, AND THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE; ADDING CHAPTER 15.06 REGARDING SWIMMING POOLS AND ADOPTING THE 2021 UNIFORM SWIMMING POOL, SPA AND HOT TUB CODE; ADDING CHAPTER 15.07 REGARDING SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS; ADDING CHAPTER 15.11 REGARDING ELECTRIC VEHICLE CHARGING STATIONS; AMENDING AND RENUMBERING ARROYO GRANDE MUNICIPAL CODE CHAPTER 15.08 AS CHAPTER 15.12, AND AMENDING AND RENUMBERING ARROYO GRANDE MUNICIPAL CODE CHAPTER 15.10 AS CHAPTER 15.13**

**WHEREAS**, the City of Arroyo Grande ("City") is a municipal corporation organized under the laws of the State of California; and

**WHEREAS**, pursuant to California Health and Safety Code Section 17921, the State of California ("State") must adopt and enforce regulations for the protection of the public governing the construction, alteration, demolition, occupancy, or other use of buildings; and

**WHEREAS**, pursuant to California Health and Safety Code Section 17958, cities may adopt ordinances imposing the California Building Standards requirements as established by the State; and

**WHEREAS**, the City desires to amend its municipal code to adopt the most recent editions of the California Building Standards Codes and Fire Codes established by the State; and

**WHEREAS**, pursuant to California Health and Safety Code Section 17958.7, a city may make local amendments to the State code requirements if it makes express findings that such amendments are reasonably necessary because of local climatic, geological, or topographical conditions; and

**WHEREAS**, it is the desire and intent of the City Council to provide citizens with the greatest degree of protection from fire; and

**WHEREAS**, the City Council has adopted Resolution No. XXX making findings that the changes or modifications to measures referred to herein are reasonably necessary because of local climatic, geographical, or topographical conditions in the area encompassed by the boundaries of the City of Arroyo Grande; and

**WHEREAS**, additionally, by this Ordinance, the City Council desires to make general corrections to its Municipal Code in order to ensure internal consistency with other

modifications set forth herein.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Arroyo Grande as follows:

**SECTION 1.** The above recitals and findings are true and correct and are incorporated herein by this reference.

**SECTION 2.** Arroyo Grande Municipal Code ("AGMC") Chapter 15.04, entitled "Building and Construction Codes Adopted," is hereby repealed in its entirety.

**SECTION 3.** AGMC Chapter 15.01, entitled "Building Code," is hereby added as follows:

Chapter 15.01  
BUILDING CODE

15.01.010	Uniform Administrative Code adopted.
15.01.010.1	Amendments to Uniform Administrative Code.
15.01.020	Adoption of California Building Code.
15.01.020.1	Amendments to Building Code.

**15.01.010 Uniform Administrative Code adopted.**

For the purposes of regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings and structures in the City and providing for the issuance of permits and the collection of fees therefor, the 1997 Edition of the Uniform Administrative Code and Appendices, as prepared by the International Conference of Building Officials, three (3) copies of which have been filed for use and examination by the public in the office of the City Clerk as provided by Sections [50022.1](#) et seq. of the Government Code of the State, is hereby adopted by reference thereto as if fully set forth in this chapter.

**15.01.010.1 Amendments to Uniform Administrative Code.**

The Uniform Administrative Code adopted by reference by Section [15.01.010](#) of this Code is amended as follows:

(a) Section 103, Definitions, is amended by adding the definition of the term "ICC Standards" to read as follows:

ICC STANDARDS refer to those codes adopted by this jurisdiction containing the provisions for design, construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures and building service equipment as published by the International Code Conference.

(b) The first paragraph of Section 303.4, Expiration, is amended to read as follows:

303.4 Expiration. In accordance with Health and Safety Code Section 18938.6, every permit issued by the building official under the provisions of the technical

codes shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within twelve (12) months (365 days) from the date of issuance of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Failure to pass a required inspection every 180 days shall constitute the abandonment of work. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further, that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

- (c) The first paragraph of Section 304.2, Permit Fees, is amended to read as follows:

304.2 Permit Fees. The fee for each permit shall be as set forth in Tables B-1, E-1, M-1, P-1, and 3-G and 3-H, adopted by uncodified ordinance and on file with the building official. The fees and fee calculation methodologies set forth in these Tables shall prevail over any conflicting fees or fee calculation methodologies set forth in any other adopted uniform code. Where a technical code has been adopted by the jurisdiction for which no fee schedule is shown in this code, the fee required shall be in accordance with the schedule established by the legislative body.

- (d) Section 304.3, Plan Review Fees, is amended to read as follows:

304.3 Plan Review Fees. When submittal documents are required by Section 302.2, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 65 percent of the building permit fee as shown in Table B-1.

The plan review fees for electrical, mechanical and plumbing work shall be equal to 25 percent of the total permit fee as set forth in Tables E-1, M-1 and P-1.

The plan review fee for grading work shall be as set forth in Table 3-G.

The plan review fees for Seismic, Disabled Access, and California Building Energy Efficiency Standards, shall be 25 percent of the Building Plan Check fee for each area when detailed as shown in Table B-1.

The plan review fees specified in this section are separate fees from the permit fees specified in Section 304.2 and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 302.4.2, an additional plan review fee shall be charged at the rate shown in Tables B-1, E-1, M-1, P-1, and 3-G.

- (e) The first three paragraphs of Section 304.5.2, Fee, are amended to read as follows:

304.5.2 Fee. An investigation fee, in addition to the permit fee, 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 required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in Tables B-1, E-1, M-1, P-1, 3-G and 3-H.

Subsequent un-permitted work by the same permittee shall result in a progressive investigation fee being assessed, second violation would result in a three times the permit fee for the investigation fee, a third violation would result in a four times the permit fee for the investigation fee, a fourth violation would result in a five times the permit fee for the investigation fee, and so on to a maximum of a ten times the permit fee for the investigation fee.

The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of either this code or the technical codes nor from the penalty prescribed by law. Swimming Pool Safety Barriers not finished prior to pool water placement are subject to an investigation fee.

- (f) Section 305.5, Required Building Inspections, is amended to read as follows:

305.5 Required Building Inspections. Reinforcing steel or structural framework or a part of a building or structure shall not be covered or concealed without first obtaining the approval of the building official. Protection of joints and penetrations in fire-resistive assemblies shall not be concealed from view until inspected and approved.

The building official, upon notification, shall make the following inspections:

1. **Under slab under foundation inspection.** This inspection is for all infrastructure to be installed below the slab and foundation, this inspection includes all plumbing mechanical and electrical system to be installed tested and inspected prior to backfill and preparation for foundation inspection.
2. **Foundation inspection.** To be made after excavations for footings are complete and required reinforcing steel is in place. For concrete foundations, required forms shall be in place prior to inspection. All materials for the foundation shall be on the job, except when concrete is ready-mixed in accordance with approved nationally recognized standards, the concrete need not be on the job. When the foundation is to be constructed of approved treated wood, additional inspections may be required by the building official.
3. **Concrete slab or under-floor inspection.** To be made after in-slab or under-floor building service equipment, conduit, piping accessories and other ancillary equipment items are in place but before any concrete is placed or floor sheathing installed, including the subfloor.
4. **Frame Inspection.** The frame inspection shall include the following; All rough framing, rough Electrical, rough Plumbing, rough Mechanical, Roof covering installed (except where access is required for intersecting wall finish), and exterior

lath or required weather barrier, the building must be weather tight prior to requesting a frame inspection.

5. **Insulation, caulking and sealing.** This inspection is for all insulated areas that will be concealed by the installation of interior lath or drywall.
6. **Interior Lath and/or wallboard inspection.** To be made after lathing and wallboard on the interior is in place but before plaster is applied or before wallboard joints and fasteners are taped and finished.
7. **Other inspections.** All inspections listed in section 109 of the International Building Code or the latest version of the California Building Code.
8. **Final inspection.** To be made after finish grading and the building is completed and ready for occupancy.

(g) Section 309.1, Use or Occupancy, is amended to read as follows:

309.1 Use or Occupancy. Buildings or structures shall not be used or occupied nor shall a change in the existing occupancy classification of a building or structure or portion thereof be made until the building official has issued a certificate of occupancy therefor as provided herein.

Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

(h) Section 309.3, Certificate Issued, is amended to read as follows:

309.3 Certificate Issued. After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws which are enforced by the code enforcement agency, the building official shall issue a certificate of occupancy which shall contain the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner or the owner's authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the code official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy in accordance with the provisions of the California Building Code.
9. The type of construction as defined in the California Building Code.
10. The design occupant load and any impact the alteration has on the design occupant load of the area not within the scope of the work.
11. If fire protection systems are provided, whether the fire protection systems are required.
12. Any special stipulations and conditions of the building permit.

(i) Table 3.1 reads as follows:

I. A fee as set forth by resolution of the City Council shall be charged for all building permits for the purposes of funding the City of Arroyo Grande Planning Program.

J. A fee of twenty dollars (\$20.00) per permit for all permit transactions shall be charged. This fee shall be collected for the exclusive use of improving the Information Management System and the transferring of legacy files into that system.

#### **15.01.020 Adoption of California Building Code.**

For the purpose of regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures in the City, the 2022 California Building Code (CBC), excluding Chapter 29, Plumbing systems, and including Appendix J, Grading, as promulgated by the California Building Standards Commission, which incorporates the 2021 Edition of the International Building Code with California amendments, is hereby adopted by reference thereto as if fully set forth in this chapter, save and except such portions as are deleted, modified, or amended by the provisions of this chapter. Copies of the 2022 California Building Code are on file in the office of the City Clerk and Building Official. Any changes made by the California Building Standards Commission applicable to the City, including new editions, shall be deemed incorporated herein. If any conflicts between this Code and any other City, State or Federal Code should arise, the most restrictive code providing the highest level of safety as determined by the Building Official shall prevail.

#### **15.01.020.1 Amendments to California Building Code.**

(a) CBC, Section 105.1, is hereby amended by adding the following:

Permits Required and Violations and Penalties.

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy, or maintain any building or structure in the City, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code. Any person violating any of the provisions of this Code shall be deemed guilty of a misdemeanor. Each day that a violation continues shall be deemed a separate offense. The Building Official or his/her designee may commence any or all of the following proceedings in accordance with the Arroyo Grande Municipal Code:

(1) Issue an administrative citation in accordance with the provisions of Chapter 18 of Title 1 of the Arroyo Grande Municipal Code and related written policies.

(2) Issue a court citation (Notice to Appear) in accordance with the provisions of Chapter 16 of Title 1 of the Arroyo Grande Municipal Code and related written



policies.

(3) Request the City Attorney to institute legal action.

(b) CBC, Appendix B, Board of Appeals is amended as follows:

1. Board of appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the City Council and shall hold office at its pleasure. The building official shall serve as clerk to the board.

2. Membership and qualifications. The board of appeals shall consist of three members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the city.

3. Procedures. The board of appeals shall follow the procedures for the conduct of appeals set forth in Title 1, Chapter [12](#), Appeals of the Arroyo Grande Municipal Code, or as may be established by the building official and shall provide for proper notice and a hearing that complies with due process procedures.

**SECTION 4.** AGMC Chapter 15.02, entitled "Electrical Code," is hereby added as follows:

Chapter 15.02  
ELECTRICAL CODE

**15.02.010 Adoption of California Electrical Code.**

For the purposes of prescribing regulations governing electrical systems, the 2022 California Electrical Code (CEC) promulgated by the California Building Standards Commission, which incorporates the adoption of the 2020 Edition of the National Electrical Code, is hereby adopted by reference thereto as if fully set forth in this chapter, save and except such portions as are deleted, modified, or amended by the provisions of this chapter. Copies of the 2022 California Electrical Code are on file in the office of the City Clerk and Building Official. Any changes made by the California Building Standards Commission applicable to the City, including new editions, shall be deemed incorporated herein. If any conflicts between this Code and any other City, State or Federal Code should arise, the most restrictive code providing the highest level of safety as determined by the Building Official shall prevail.

**15.02.010.1 Amendments to Electrical Code.**

The California Electrical Code adopted by reference by Section [15.02.010](#) of this Code is amended as follows:

**89.108.4.1 Permits** is hereby amended by adding the following:

(a) Permit Issuance.

Permits shall be issued only to:

- (1) Owners of single-family dwellings provided the work for which the permit is sought is to be on a dwelling to be occupied by the permittee.
- (2) Electrical contractors holding a valid State Electrical Contractor's license;
- (3) Governmental agencies;
- (4) State licensed general or specialty contractors within the scope of their licenses; and
- (5) Plant electricians certified by tests given by recognized electrical safety training organizations, may secure permits for plant maintenance work when duly authorized by individual plant management on an annual basis.

(II) The following provision is hereby added to the CEC regarding Dangerous Electrical Equipment:

For the purposes of this chapter, any electrical equipment existing in any type occupancy which has any or all of the conditions or defects described as follows shall be deemed dangerous, and such equipment shall be replaced, repaired, reinstalled, reconstructed, or removed:

- (1) The service panels show visual evidence of an excessive number of overloads.
- (2) The working area in front of any service panel is insufficient for the safe maintenance and repair of equipment.
- (3) Live front panels are being maintained or used.
- (4) The fuses are rated higher than those permitted by the California Electrical Code.
- (5) The electrical conductor is in an unapproved raceway.
- (6) The electrical conductors from different classes of service are in a common raceway.
- (7) Drop cords greater than six (6') feet in length are used to connect electrical appliances.
- (8) The electrical equipment is not properly grounded for the protection of the electrical equipment as determined by the use being made thereof.
- (9) The electrical equipment is broken, cracked, or not properly maintained to meet the standards existing at the time the equipment was approved.



(10) The electrical equipment is unsafe for the use intended.

(11) The electrical Equipment is not installed in compliance with its listing.

(III) The following provision is hereby added to the CEC regarding Authority to Condemn Installations:

(1) When the Building Official determines that an electrical installation is in violation of this chapter, an order shall be given to the owner or person in responsible charge of the installation to either remove or replace the installation. The order shall be in writing and shall be mailed or personally delivered to such person. It shall specify the particulars in which the installation is in violation and shall fix a reasonable time for compliance with the order. In cases of extreme danger to life or property, as determined by the Building Official, the order shall further require that all persons immediately cease using electric current through the installation, and the Building Official shall have the authority to immediately physically disconnect the installation.

(2) If any violation continues to exist beyond the expiration of the time fixed by the order, the Building Official is authorized to physically disconnect the portion of the installation in violation or order the serving agency to disconnect electric service to the consumer's wiring system.

(VI) The following provision is hereby added to the CEC regarding Unused Facilities:

(1) For all existing commercial and industrial establishments and places of assembly, when the service has been disconnected for ninety (90) continuous days or more, the service may not be reconnected without an inspection and approval from the Building Official. A permit shall be required for such inspection, and the fee shall be as set forth in Section 15.1.01.1 of this Article.

(2) For all existing residential buildings, when the service has been disconnected for ninety (90) continuous days or more, the service may not be reconnected without an inspection and approval from the Building Official. A permit shall be required for such inspection, and the fee shall be as indicated in Section 15.1.01.1 of this Article.

**SECTION 5.** AGMC Chapter 15.03, entitled "Mechanical Code," is hereby added as follows:

Chapter 15.03  
MECHANICAL CODE

**15.03.010 Adoption of California Mechanical Code.**

For the purposes of prescribing regulations governing mechanical systems, the 2022 California Mechanical Code (CMC) promulgated by the California Building Standards Commission, which incorporates the adoption of the 2021 Edition of the Uniform

Mechanical Code, excluding Table 104.5, is hereby adopted by reference thereto as if fully set forth in this chapter, save and except for portions as are deleted, modified, or amended by the provisions of this chapter. Copies of the 2022 California Mechanical Code are on file in the office of the City Clerk and Building Official. Any changes made by the California Building Standards Commission applicable to the City, including new editions, shall be deemed incorporated herein. If any conflicts between this Code and any other City, State or Federal Code should arise, the most restrictive code providing the highest level of safety as determined by the Building Official shall prevail.

**SECTION 6.** AGMC Chapter 15.04, entitled "Plumbing Code," is hereby added as follows:

Chapter 15.04  
PLUMBING CODE

15.04.010 Adoption of the California Plumbing Code.

For the purposes of prescribing regulations governing plumbing systems, the 2022 California Plumbing Code (CPC) promulgated by the California Building Standards Commission, which incorporates the adoption of the 2021 Edition of the Uniform Plumbing Code, excluding Table 104.5, is hereby adopted by reference thereto as if fully set forth in this chapter, save and except for portions as are deleted, modified, or amended by the provisions of this chapter. Copies of the 2022 California Plumbing Code are on file in the office of the City Clerk and Building Official. Any changes made by the California Building Standards Commission applicable to the City, including new editions, shall be deemed incorporated herein. If any conflicts between this Code and any other City, State or Federal Code should arise, the most restrictive code providing the highest level of safety as determined by the Building Official shall prevail.)

15.04.010.1 Amendments to Plumbing Code.

The California Plumbing Code adopted by reference by Section [15.04.010](#) of this Code is amended as follows:

(a) The following provision is hereby added to the CPC to read as follows:

Section 1305.1.1

In all existing commercial and industrial establishments and places of assembly, when the service has been discontinued for ninety (90) days or more, the gas meter may be turned on only after the piping has been pressure tested and when the test and gas appliances have been approved by the Administrative Authority. A permit shall be required for such test.

In all existing residential buildings where service has been discontinued for ninety (90) days or longer, the gas may be turned on only after the piping has been pressure tested and when the test and gas appliances have been approved by the Administrative Authority. A permit shall be required for such test.

**SECTION 7.** AGMC Chapter 15.05, entitled "Dangerous Buildings," is hereby added as follows:

Chapter 15.05  
DANGEROUS BUILDINGS

15.05.010 Uniform Code for the Abatement of Dangerous Buildings adopted.

For the purpose of providing a just, equitable, and practicable method, to be cumulative with and in addition to any other remedy provided by the Uniform Building Code, 1997 Edition, or Uniform Housing Code, 1997 Edition, or otherwise available at law, whereby buildings or structures, which from any cause endanger the life, limb, health, morals, property, safety, or welfare of the general public or their occupants, may be required to be repaired, vacated, or demolished, the 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings, as prepared by the International Conference of Building Officials, three (3) copies of which have been filed for use and examination by the public in the office of the City Clerk as provided by Section [50022.1](#) et seq. of the Government Code of the State, is hereby adopted by reference thereto as if fully set forth in this chapter.

**SECTION 8.** AGMC Chapter 15.06, entitled "Swimming Pools," is hereby added as follows:

Chapter 15.06  
SWIMMING POOLS

- 15.06.010 Purpose.
- 15.06.020 Enforcement.
- 15.06.030 Permits: Fees.
- 15.06.040 Fencing.
- 15.06.050 Notices to power companies.
- 15.06.060 Inspections.
- 15.06.070 Public pools: County jurisdiction.

15.06.010 Purpose.

This chapter is enacted to provide for the protection of the public safety, health, and welfare by establishing minimum standards for the construction and installation, repair, and maintenance of public or private swimming pools and equipment; requiring permits and inspections; and by setting forth administration enforcement standards prescribing penalties for the violation thereof.

For the purposes of regulating the erection, construction, enlargement, alteration, repair, moving, removal, and maintenance of plumbing systems in swimming pools, spas, and hot tubs and providing the issuance of permits, the 2021 Edition of the Uniform Swimming Pool, Spa and Hot Tub Code as published by the International Association of Plumbing and Mechanical Officials is hereby adopted by reference thereto as if fully set forth in this chapter, save and except for portions as are deleted, modified, or amended by the provisions of this chapter. Copies of the 2021 Edition of the Uniform Swimming Pool, Spa and Hot Tub Code are on file in the office of the City Clerk and Building Official. Any changes made by the International Association of Plumbing and Mechanical Officials

applicable to the City, including new editions, shall be deemed incorporated herein. If any conflicts between this code and any other City, State or Federal code should arise, the most restrictive code providing the highest level of safety as determined by the Building Official shall prevail.

#### 15.06.020 Enforcement.

(a) Administrative Authority. The Building Official or his/her appointed assistants or deputies are designated as the “Administrative Authority” wherever that term is used in this chapter.

(b) Enforcement. The Building Inspection Division, under the direction of Administrative Authority, shall have jurisdiction over the enforcement of the provisions of this chapter.

#### 15.06.030 Permits: Fees.

See Tables B-1, E-1, M-1, P-1 in Section [15.1.01.1](#).

#### 15.06.040 Fencing.

(A) All pool barriers shall comply with the California Health and Safety Code Sections [115920](#) through [115929](#) (Swimming Pool Safety Act.)

#### 15.06.050 Notices to power companies.

The applicant shall notify the company furnishing electrical power when electrical lines or other installations subject to the rulings of the Public Utilities Commission of the State encroach upon a pool site within ten feet (10') horizontally from a swimming pool, diving board, or platform. (Decision will be made according to State of California Public Utilities Commission General Order No. 95 or other applicable regulation).

#### 15.06.060 Inspections.

Swimming pool inspections shall be requested by the applicant on the completion of stages of construction as follows:

(a) The excavation and installation of the reinforcement steel, pool drain, rough plumbing, rough pool piping, and bonding, prior to the placing of Gunite, Shotcrete, or concrete;

(b) The installation of the rough electrical;

(c) Pre-deck inspection after all grading is complete and forms are set and ready for concrete placement;

(d) The pool fence and/or alarm inspection shall be completed before a pool is plastered or filled with water; and

(e) A final inspection must be approved prior to plastering or filling the pool.

15.06.070 Public pools: County jurisdiction.

Plans for public pools in addition to being submitted to the City of Arroyo Grande Building Division shall be submitted to the County of San Luis Obispo Environmental Health Department for their approval.

**SECTION 9.** AGMC Chapter 15.07, entitled "Small Residential Rooftop Solar Energy Systems," is hereby added as follows:

Chapter 15.07

SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS

Sections:

- 15.07.010 Purpose.
- 15.07.020 Definitions.
- 15.07.030 Applicability.
- 15.07.040 Solar energy system requirements.
- 15.07.050 Duties of Building Department and Building Official.
- 15.07.060 Permit review and inspection requirements.

15.07.010 Purpose.

The purpose of this chapter is to adopt an expedited, streamlined solar permitting process that complies with the Solar Rights Act and AB 2188 (Chapter 521, Statutes 2014) to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This chapter encourages the use of solar systems by removing unreasonable barriers, minimizing costs to property owners and the City of Arroyo Grande, and expanding the ability of property owners to install solar energy systems. This chapter allows the City of Arroyo Grande to achieve these goals while protecting the public health and safety.

15.07.020 Definitions.

For the purposes of this chapter, the following definitions shall apply:

- (a) "Association" means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.
- (b) "Common interest development" means any of the following:
  - (i) A community apartment project.
  - (ii) A condominium project.
  - (iii) A planned development.

- (iv) A stock cooperative.
- (c) “Electronic submittal” means the utilization of one or more of the following:
  - (i) Email;
  - (ii) The Internet;
  - (iii) Facsimile.
- (d) “Reasonable restrictions on a solar energy system” means those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.
- (e) “Restrictions that significantly increase the cost of the system or decrease its efficiency or specified performance” means:
  - (i) For water heater systems or solar swimming pool heating systems: an amount exceeding ten percent (10%) of the cost of the system, but in no case more than one thousand dollars (\$1,000), or decreasing the efficiency of the solar energy system by an amount exceeding ten percent (10%), as originally specified and proposed.
  - (ii) For photovoltaic systems: an amount not to exceed one thousand dollars (\$1,000) over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding ten percent (10%) as originally specified and proposed.
- (f) “Small residential rooftop solar energy system” means all of the following:
  - (i) A solar energy system that is no larger than ten (10) kilowatts alternating current nameplate rating or thirty (30) kilowatts thermal.
  - (ii) A solar energy system that conforms to all applicable State fire, structural, electrical, and other building codes as adopted or amended by the City of Arroyo Grande and all State and City of Arroyo Grande health and safety standards.
  - (iii) A solar energy system that is installed on a single or duplex family dwelling.
  - (iv) A solar panel or module array that does not exceed the maximum legal building height as defined by the City of Arroyo Grande.
- (g) “Solar energy system” means either of the following:
  - (i) Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.



(ii) Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

(h) "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

**15.07.030 Applicability.**

(a) This chapter applies to the permitting of all small residential rooftop solar energy systems in the City of Arroyo Grande.

(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 of this chapter 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.

**15.07.040 Solar energy system requirements.**

(a) All solar energy systems shall meet applicable health and safety standards and requirements imposed by the State and the City of Arroyo Grande Building and Fire Departments.

(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.

**15.07.050 Duties of Building Department and Building Official.**

(a) All documents required for the submission of an expedited solar energy system application shall be made available on the publicly accessible City of Arroyo Grande website.

(b) Electronic submittal of the required permit application and documents by email, the Internet, or facsimile shall be made available to all small residential rooftop solar energy system permit applicants.

(c) An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.

(d) The City of Arroyo Grande's Building Department shall 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.

(e) The small residential rooftop solar 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.

(f) All fees prescribed for the permitting of small residential rooftop solar energy systems must comply with Government Code Sections [65850.55](#), [66015](#), and [66016](#), and State Health and Safety Code Section [17951](#).

#### 15.07.060 Permit review and inspection requirements.

(a) The City of Arroyo Grande Building Department shall adopt an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems within thirty (30) days of the adoption of this chapter. The Building Department shall issue a permit or other nondiscretionary permit the following business day for over-the-counter applications which are deemed complete or within three (3) business days for electronic applications of receipt of a complete application and meets the requirements of the approved checklist and standard plan. A Building Official may require an applicant to apply for a use permit if the Official finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed to the City of Arroyo Grande Appeals Board.

(b) Review of the application shall be limited to the Building Official's review of whether the application meets local, State, and Federal health and safety requirements.

(c) If a use permit is required, the Building Official may deny an application for the use permit if the Official makes written findings based upon substantive evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid, as defined, the adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such decisions may be appealed to the City of Arroyo Grande Appeals Board.

(d) Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

(e) A feasible method to satisfactorily mitigate or avoid the specific, adverse impact includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the City on another similarly situated application in a prior successful application for a permit. The City shall use its best efforts to ensure that the selected method, condition, or mitigation does not significantly increase the cost of the system or decrease its efficiency or specified performance.

(f) The City of Arroyo Grande shall not condition approval of an application on the approval of an association, as defined in Section [4080](#) of the Civil Code.

(g) If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.

(h) Only one inspection shall be required and performed by the Building Department for small residential rooftop solar energy systems eligible for expedited review. A separate fire inspection may be performed if deemed required by the Arroyo Grande Fire Department.

(i) The inspection shall be done in a timely manner and should include consolidated inspections. An inspection will be scheduled within two (2) business days of a request and provide a four (4) hour inspection window.

(j) 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

**SECTION 10.** AGMC Chapter 15.08, entitled "Construction Site Maintenance and Sanitation," is hereby renumbered as Chapter 15.12.

**SECTION 11.** AGMC Chapter 15.08, entitled "Residential Code," is hereby added as follows:

Chapter 15.08  
RESIDENTIAL CODE

**15.08.010 Adoption of the California Residential Code.**

For the purposes of prescribing regulations governing one- and two-family dwellings, the 2022 California Residential Code (CRC) promulgated by the California Building Standards Commission, which incorporates the adoption of the 2018 Edition of the International Residential Code, is hereby adopted by reference thereto as if fully set forth in this chapter. Copies of the 2022 California Residential Code are on file in the office of the City Clerk and Building Official. Any changes made by the California Building Standards Commission applicable to the City, including new editions, shall be deemed incorporated herein. If any conflicts between this Code and any other City, State or Federal Code should arise, the most restrictive code providing the highest level of safety as determined by the Building Official shall prevail.

**SECTION 12.** AGMC Chapter 15.09, entitled "Energy Code," is hereby added as follows:

Chapter 15.09  
ENERGY CODE

15.09.010 Adoption of the California Energy Code.

For the purposes of prescribing regulations governing energy conservation standards for all residential and nonresidential buildings, the 2022 California Energy Code, promulgated by the California Building Standards Commission, is hereby adopted by reference thereto as if fully set forth in this chapter. Copies of the 2022 California Energy Code are on file in the office of the City Clerk and Building Official. Any changes made by the California Building Standards Commission applicable to the City, including new editions, shall be deemed incorporated herein. If any conflicts between this Code and any other City, State or Federal Code should arise, the most restrictive code providing the highest level of safety as determined by the Building Official shall prevail.

**SECTION 13.** AGMC Chapter 15.10, entitled "Safety Assessment Placards," is hereby renumbered as Chapter 15.13.

**SECTION 14.** AGMC Chapter 15.10, entitled "Green Building Standards Code," is hereby added as follows:

Chapter 15.10

GREEN BUILDING STANDARDS CODE

15.10.010 Adoption of the California Green Building Standards Code.

For the purposes of prescribing regulations governing residential and nonresidential buildings, the 2022 California Green Building Standards Code (CAL Green Code), promulgated by the California Building Standards Commission, is hereby adopted by reference thereto as if fully set forth in this chapter. Copies of the 2022 California Green Building Standards Code are on file in the office of the City Clerk and Building Official. Any changes made by the California Building Standards Commission applicable to the City, including new editions, shall be deemed incorporated herein. If any conflicts between this Code and any other City, State or Federal Code should arise, the most restrictive code providing the highest level of safety as determined by the Building Official shall prevail.

**SECTION 15.** AGMC Chapter 15.11, entitled "Electric Vehicle Charging Stations," is hereby added as follows:

Chapter 15.11

ELECTRIC VEHICLE CHARGING STATIONS

Sections:

- 15.11.010 Purpose.
- 15.11.020 Definitions.
- 15.11.030 Expedited permitting process.
- 15.11.040 Permit application processing.
- 15.11.050 Technical review.

15.11.060 Electric vehicle charging station installation requirements.

15.11.010 Purpose.

The purpose of this chapter is to promote and encourage the use of electric vehicles by creating an expedited, streamlined permitting process for electric vehicle charging stations while promoting public health and safety and preventing specific adverse impacts in the installation and use of such charging stations. This chapter is also purposed to comply with California Government Code Section [65850.7](#).

15.11.020 Definitions.

For the purposes of this chapter, the following definitions shall apply:

- (a) “Electric vehicle charging station” or “charging station” means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of this chapter, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.
- (b) “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
- (c) “Electronic submittal” means the utilization of one or more of the following:
  - a. Electronic mail or email.
  - b. The internet.
  - c. Facsimile.

15.11.030 Expedited permitting process.

Consistent with Government Code Section [65850.7](#), the Building Official shall implement an expedited, streamlined permitting process for electric vehicle charging stations, and adopt a checklist of all requirements with which electric vehicle charging stations shall comply with in order to be eligible for expedited review. The expedited, streamlined permitting process and checklist may refer to the recommendations contained in the most current version of the “Plug-In Electric Vehicle Infrastructure Permitting Checklist” of the “Zero-Emission Vehicles in California: Community Readiness Guidebook” as published by the Governor’s Office of Planning and Research. The City’s checklist shall be published on the City’s website.

15.11.040 Permit application processing.

- (a) Prior to submitting an application for processing, the applicant shall verify that the installation of an electric vehicle charging station will not have specific, adverse impact to public health and safety and building occupants. Verification by the applicant includes, but is not limited to: electrical system capacity and loads; electrical system wiring, bonding

and overcurrent protection; building infrastructure affected by charging station equipment and associated conduits; areas of charging station equipment and vehicle parking.

(b) A permit application that satisfies the information requirements in the City's adopted checklist shall be deemed complete and be promptly processed. Upon confirmation by the Building Official that the permit application and supporting documents meet the requirements of the City's checklist, and are consistent with all applicable laws and health and safety standards, the Building Official shall, consistent with Government Code Section [65850.7](#), approve the application and issue all necessary permits. Such approval does not authorize an applicant to energize or utilize the electric vehicle charging station until a final inspection is approved by the City. If the Building Official determines that the permit application is incomplete, he or she shall issue a written correction notice to the applicant, detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

(c) Consistent with Government Code Section [65850.7](#), the Building Official shall allow for electronic submittal of permit applications covered by this chapter and associated supporting documentations. In accepting such permit applications, the Building Official shall also accept electronic signatures on all forms, applications, and other documentation in lieu of a wet signature by any applicant.

#### 15.11.050 Technical review.

(a) It is the intent of this chapter to encourage the installation of electric vehicle charging stations by removing obstacles to permitting for charging stations so long as the action does not supersede the Building Official's authority to address higher priority life-safety situations.

(b) In the technical review of a charging station, consistent with Government Code Section [65850.7](#), the Building Official shall not condition the approval for any electric vehicle charging station permit on the approval of such a system by an association, as that term is defined by Civil Code Section [4080](#).

#### 15.11.060 Electric vehicle charging station installation requirements.

(a) Electric vehicle charging station equipment shall meet the requirements of the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories, and rules of the Public Utilities Commission or a municipal electric utility company regarding safety and reliability.

(b) Installation of electric vehicle charging stations and associated wiring, bonding, disconnecting means and overcurrent protective devices shall meet the requirements of Article 625 and all applicable provisions of the California Electrical Code.

(c) Installation of electric vehicle charging stations shall be incorporated into the load calculations of all new or existing electrical services and shall meet the requirements of



the California Electrical Code. Electric vehicle charging equipment shall be considered a continuous load.

(d) Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the California Building or Residential Code as applicable per occupancy, and the provisions of the manufacturer's installation instructions. Mounting of charging stations shall not adversely affect building elements.

**SECTION 16.** AGMC Sections 8.04.010, 8.04.016, 8.04.018, 8.04.020 and 8.04.22 are hereby amended to read as follows:

**8.04.010 - Adoption of California Fire Code.**

There is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain code known as the 2022 California Fire Code, including Appendix Chapters 4, A, B, BB, C, CC, D, E, F, H, I and O; the 2018 International Property Maintenance Code as published by the International Code Council, the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by the rest of this chapter, one copy of which has been and is now filed in the office of building and life safety of the City of Arroyo Grande and the same is hereby adopted and incorporated as fully as if set out in full herein, and from the date on which this ordinance shall take effect, the provision thereof shall be controlling within the limits of the city of Arroyo Grande.

**8.04.016 - Section [A] 112.4 amended: Violation penalties.**

A. Section [A] 112.4 of the 2022 California Fire Code is amended to read as follows:

Persons who shall violate the provisions of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire chief or the building official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not exceeding six months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**8.04.018 - Section [A] 113.4 amended: Failure to comply.**

A. Section 113.4 of the 2022 California Fire Code is amended in its entirety to read as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as the person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than triple the amount charged for the original permit fee(s) or one thousand dollars (\$1,000.00), provided, however, that the maximum fine shall not exceed one thousand dollars (\$1,000.00). Each day that a violation continues shall be deemed a separate offense.

8.04.020 - Section 903.2 amended—Automatic sprinkler systems.

Sections 903.2 through 903.2.11.3 of the 2022 California Fire Code shall be deleted in its entirety and replaced with the following:

903.2 Where required. Automatic sprinkler systems shall be installed in the following locations:

1. In all new buildings and structures that exceed 1,000 square feet.
2. In additions or alterations for all buildings or structures as follows:
  - a. Throughout structures where additions add more than 50% of the existing square footage to the structure AND results in a total square footage in excess of 1,000 (one thousand) square feet.
  - b. Throughout existing structures where alterations encompass more than 50% of the existing square footage of the structure AND is in excess of 1,000 (one thousand) square feet.
  - c. Throughout structures where additions and alterations combined encompass more than 50% of the existing square footage of the structure AND are in excess of 1,000 (one thousand) square feet.
  - d. Where there is a change of occupancy to a more hazardous use as determined by the building official or fire chief based on Table 903.2.1:

**Table 903.2.1**  
**Hazard Categories**

Relative Hazard	Occupancy Classifications
1 (Highest Hazard)	H
2	I-2, I-2.1, I-3, I-4, L
3	A, E, I-1, M, R-1, R-2, R-2.1, R-4
4	B, F-1, R-3, R-3.1, S-1
5 (Lowest Hazard)	F-2, S-2, U

- e. These requirements will be applicable to the combined square footage of all building permits issued for the address or site within the last five years. Buildings or structures separated by less than ten (10) feet shall be considered as a single building or structure unless separation is provided by a permitted, code compliant, rated assembly.

- f. In buildings, or portions thereof, where cellulose nitrate film or pyroxylin plastics are manufactured, stored or handled.

For the purpose of requiring the automatic fire sprinkler systems specified in this chapter, the floor area within the surrounding exterior walls shall be considered as one building (measured from the exterior surface of these exterior walls). For the purpose of calculating square footage for the application of fire sprinkler requirements and fire flow, the floor area shall be as defined by Floor Area Gross in Section 202 of this code.

The provisions of this section shall not apply to those occupancies regulated by section R313 of the 2022 California Residential Code and those sections of R313 shall apply.

8.04.022 - Appendix D 2022 California Fire Code Section D107.1.

Appendix D 2022 California Fire Code section D107.1 is hereby amended as follows: delete exception 1.

**SECTION 17.** Within fifteen (15) days after passage of this Ordinance, it shall be published once, together with the names of the Council Members voting thereon, in a newspaper of general circulation within the City.

**SECTION 18.** This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage.

**SECTION 19.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a 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 passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

On motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, and on the following roll call vote, to wit:

**AYES:**

**NOES:**

**ABSENT:**

the foregoing Ordinance was passed and adopted this 24<sup>th</sup> day of January 2023.

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**CAREN RAY RUSSOM, MAYOR**

**ATTEST:**

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**JESSICA MATSON, CITY CLERK**

**APPROVED AS TO CONTENT:**

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**WHITNEY MCDONALD, CITY MANAGER**

**APPROVED AS TO FORM:**

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**TIMOTHY J. CARMEL, CITY ATTORNEY**