

Introduced by Senator Galgiani

February 23, 2015

An act to amend Section 53091 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 313, as introduced, Galgiani. Local government: zoning ordinances: compliance.

Existing law requires each local agency to comply with all applicable building and zoning ordinances of the county or city in which the territory of the local agency is situated. Existing law provides that each local agency and each school district whose school buildings are subject to inspection by a county or city are subject to the payment of any applicable fees, but that those fees may not exceed the amount charged to nongovernmental agencies for the same services or permits.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 53091 of the Government Code is
- 2 amended to read:
- 3 53091. (a) Each local agency shall comply with all applicable
- 4 building ordinances and zoning ordinances of the county or city
- 5 in which the territory of the local agency is situated.
- 6 (b) On projects for which state school building aid is requested
- 7 by a local agency for construction of school facilities, the county

1 or city planning commission in which the local agency is located
2 shall consider in its review for approval information relating to
3 attendance area enrollment, adequacy of the site upon which the
4 construction is proposed, safety features of the site and proposed
5 construction, and present and future land utilization, and report
6 thereon to the State Allocation Board. If the local agency is situated
7 in more than one city or county or partly in a city and partly in a
8 county, the local agency shall comply with the ordinances of each
9 county or city with respect to the territory of the local agency that
10 is situated in the particular county or city, and the ordinances of a
11 county or city shall not be applied to any portion of the territory
12 of the local agency that is situated outside the boundaries of the
13 county or city. Notwithstanding the preceding provisions of this
14 section, this section does not require a school district or the state
15 when acting under the State Contract Act (Article 1 (commencing
16 with Section 10100) of Chapter 1 of Part 2 of Division 2 of the
17 Public Contract Code) to comply with the building ordinances of
18 a county or city.

19 (c) Each local agency required to comply with building
20 ordinances and zoning ordinances pursuant to this section and each
21 school district whose school buildings are inspected by a county
22 or city pursuant to Section 53092 shall be subject to the applicable
23 ordinances of a county or city requiring the payment of fees, but
24 the amount of those fees charged to a local agency or school district
25 shall not exceed the amount charged under the ordinance to a
26 nongovernmental ~~agencies~~ *agency* for the same services or permits.

27 (d) Building ordinances of a county or city shall not apply to
28 the location or construction of facilities for the production,
29 generation, storage, treatment, or transmission of water,
30 wastewater, or electrical energy by a local agency.

31 (e) Zoning ordinances of a county or city shall not apply to the
32 location or construction of facilities for the production, generation,
33 storage, treatment, or transmission of water, or for the production
34 or generation of electrical energy, facilities that are subject to
35 Section 12808.5 of the Public Utilities Code, or electrical
36 substations in an electrical transmission system that receives
37 electricity at less than 100,000 volts. Zoning ordinances of a county
38 or city shall apply to the location or construction of facilities for

- 1 the storage or transmission of electrical energy by a local agency,
- 2 if the zoning ordinances make provision for those facilities.

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