

THE QUINCY HILL TOWNHOUSE ASSOCIATION

RULES FOR INSTALLATION OF RENEWABLE ENERGY GENERATION DEVICES

These rules are adopted by the Board of Directors of The Quincy Hill Townhouse Association on the _____ day of _____, 2020, effective _____, 2020.

RECITALS

WHEREAS, the Board of Directors of The Quincy Hill Townhouse Association (“Association”) is responsible for governance and certain maintenance of the Quincy Hill Townhouse community (“Community”); and

WHEREAS, the Association is authorized to adopt and enforce reasonable rules and regulations in the best interests of the Community, pursuant to state law and the Association’s governing documents permitting the Association to adopt and enforce rules; and

WHEREAS, Colorado Revised Statutes Section 38-30-168 provides that any covenant, restriction, or condition contained in an instrument affecting an interest in real property that effectively prohibits or restricts the installation or use of a renewable energy generation device (“energy device”) is void and unenforceable, except that aesthetic provisions that impose reasonable restrictions on the dimensions, placement or external appearance and that do not significantly increase the cost of the device, significantly decrease its performance or efficiency or are imposed for safety reasons are nevertheless enforceable; and

WHEREAS, Colorado Revised Statutes Section 38-33.3-106.7 provides that an association shall not effectively prohibit the installation or use of an energy efficiency measure (“energy measures”); and

WHEREAS, the Association desires to adopt reasonable restrictions governing the installation of solar panels and wind turbines in a manner consistent with the provisions of Colorado law.

NOW, THEREFORE, the Association adopts the following restrictions and regulations for the installation of solar panels, wind turbines, and related equipment in the Community by owners of Lots, hereinafter referred to as the “Rules,” which shall be binding upon all owners and their grantees, tenants, occupants, successors, heirs, and assigns who currently or in the future may possess an interest in the Lot, and which shall supersede any previously adopted rules on the same subject matter.

- I. **Definitions.** “Solar Panels” has the same meaning as “renewable energy generation device” defined in C.R.S. 38-30-168, and as used in these Rules means a solar energy device as defined in C.R.S. 38-32.5-100.3, together with all wires, lines, connections, and infrastructure necessary to install the solar energy device.

“Wind-Electric Generator” has the same meaning as “renewable energy generation device” defined in C.R.S. 38-30-168, and as used in these Rules means a wind-electric generator that meets the interconnection standards established in rules promulgated by the public utilities commission pursuant to C.R.S. § 40-2-124, together with all wires, lines, connections, and infrastructure necessary to install the Wind-Electric Generator

II. General Installation Rules; Solar Panels

- A. Architectural Review Committee Approval.** Architectural Review Committee (“Committee”), or in the absence of the Committee, Board approval is required prior to installing any Solar Panels or Wind-Electric Generator or related lines, wires, attachments, or other infrastructure. While the Association encourages the use of Solar Panels and energy measures that are based on renewable resources, it must balance that use with its responsibility to improve and enhance the attractiveness, desirability and safety of the Community. Therefore, consistent with controlling statutes, and the terms and conditions of the Association’s Declaration, Committee approval is required for all Solar Panels and Wind-Electric Generators. The following standards shall apply with respect to the installation, maintenance, and use of Solar Panels.
- B. Submission Details.** In connection with obtaining the Committee’s approval of any Solar Panels, the Owner shall provide the Committee with the following information: (i) the location where the Solar Panels are to be installed on the property/structure, (ii) the type of Solar Panels to be installed, (iii) the dimensions of the Solar Panels, (iv) the proposed color of the Solar Panels, and (v) a pictorial/brochure of the Solar Panels (if available). Following the Owner’s submission of the required information, the Committee will either approve or deny the plan for installation of the Solar Panels as requested by the Owner, or, if feasible, make recommendations for changes consistent with these Rules. The Owner shall submit the information to the Association in hard copy, mailed by U.S.P.S. to the Association’s address on record with the Colorado Secretary of State.
- C. Aesthetics.** The Committee will consider the aesthetic standards stated in the Association’s governing documents when determining whether to approve the Owner’s request, to the end that the Solar Panels conform to and harmonize with existing surroundings and structures. The Association encourages the Owner to select equipment that is aesthetically acceptable in the Community and integrates with the residence and surrounding landscape to the maximum extent possible, keeping in mind the design and roofline of the residence on which the device or measure is to be installed. The color of the device or measure and any exposed pipes, panels and other apparatus must be approved by the Committee. Solar Panels shall have flashing colored or painted to closely match the adjacent roof color where

applicable. Poles shall be painted a matte color to blend with surrounding landscape.

- D. **Location.** To the maximum extent possible, Solar Panels shall be installed on the roof and flush mounted. Only when installation on the Lot's roof will have the professionally-documented effect of substantially interfering with the use of the Solar Panels or significantly increasing the cost of the Solar Panels, may Solar Panels be installed at the ground level, and then, only on the Lot itself and not on any Common Properties, and only with the prior issuance of a written variance.
- E. **Safety.** Owners shall be responsible for ensuring that installations comply with all applicable building codes and other governmental regulations. All Solar Panels must be secured so that they do not jeopardize the safety of residents or cause damage to adjacent properties. Owners shall only use licensed contractors and are obligated to ensure that all necessary permits and inspections are obtained.
- F. **Removal.** Owners are responsible for the safe removal and storage of any Solar Panels, at Owners' expense, when necessary for roof maintenance, repair, or replacement. If the Owner chooses to discontinue use of the Solar Panels, the Owner is solely responsible for removal and restoration of the installation location to its original condition. Owners shall be responsible for all costs relating to removal and restoration. Owners are responsible for any and all expenses the Association incurs due to the presence of Solar Panels where such expenses are caused by the Owner's negligence or willful act.
- G. **Costs.** Owners are responsible for all costs and expenses associated with Solar Panels, including costs of installation and removal; insurance; and damages caused by or exacerbated by the presence of the Solar Panels, including damage to the Common Properties. To the extent the Association incurs any cost or expense due to the presence of Solar Panels, the Association may assess such expenses to the Owner where such expenses are caused by the Owner's negligence or willful act.
- H. **Variances.** The Committee will review other suggested locations/installations if the above is not feasible; provided, however, the Committee requires the applicant to provide the Committee with a written statement by a solar energy expert that the restrictions imposed by the Committee will have the effect of (i) substantially interfering with the collection of solar energy or significantly impacting the performance of the energy measure, and/or (ii) significantly increasing the cost of the device or measure. In such cases, the Committee will permit variances to these installation criteria to the minimum amount as is reasonably required to allow the Solar Panels to function properly and to minimize any increase in the cost of the device to the Owner.
- I. **Effect of Approval.** Committee approval in no way should be construed as a representation, guarantee, or warranty, etc. by the Committee, the Board, the

Association, or their respective agents, employees, and contractors that collection of solar energy will be adequate for the Owner's needs or that Solar Panels will remain undisturbed by vegetation or improvements located on surrounding properties. Approval further is not a representation, guarantee, or warranty that the Solar Panels are appropriate for the Lot, that the building on the Lot is structurally appropriate for the Solar Panels, or that the Solar Panels are approved by other entities with jurisdiction over the Lot. Owners are required to obtain all necessary governmental approvals and inspections, and the Association's approval is not the government's approval.

- J. **Conveyances.** Owners are not obligated to remove Solar Panels in the event of conveyance of the Lot; however, the installing Owner's successor is responsible for all aspects of the Solar Panels to the same extent as the installing Owner would be, but for the conveyance. Any Owner who seeks to convey a Lot with Solar Panels is obligated to provide notice of the Solar Panels and these rules to the purchaser.
- K. **Prohibited Improvements.** No Solar Panels may be located on property that is: (i) owned by another person; (ii) leased, except with permission of the landlord, (iii) collateral for a commercial loan, except with permission of the secured party; or (iv) a limited common element or general common element of the Community.

III. Guidelines – Solar Panel Installation.

A. The preferred location of Solar Panels shall be on the back roof of the residence, unless such location will significantly increase the cost of the device or significantly decrease its performance or efficiency. Solar Panels shall be installed flush with the roof unless to do so will have the effect of prohibiting the collection of solar energy.

B. All Solar Panel glazing shall be solar bronze or black with no white or clear glazing allowed.

C. The total number of Solar Panels and other apparatus installed shall not cover more than 75% of any given roof section, unless doing so will have the effect of prohibiting the collection of solar energy; provided that, a roofing system that incorporates renewable energy generation devices (e.g., a Tesla Solar Roof) and that is otherwise approved by the Committee is not subject to this limitation.

IV. General Installation Rules; Wind-Electric Generators

- A. **Incorporation.** The provisions of Section II, Paragraphs A-C and E-K are incorporated into this Section III by this reference, provided that where "Solar Panel(s)" is used, "Wind-Electric Generator" is substituted therefor, and where "solar" is used, "wind" is substituted therefor.

- B. **Location.** Wind-Electric Generators may only be installed entirely on the Owner's Lot. Owners shall submit sufficient documentation to evidence that the Wind-Electric Generator will be located solely on the Owner's Lot. Sufficient evidence includes a survey or other professionally-measured map or location certificate that depicts the property lines and the proposed location of the Wind-Electric Generator. Wind-Electric Generators must comply with any setback requirements imposed by local governments and recorded plats.

IV. Covenants in Conflict with Statutes. To the extent that any provisions of the Association's recorded covenants restrict or prohibit energy devices and/or energy measures in violation of the controlling statutes, the Association shall have no authority to enforce such provisions and these Rules shall hereafter control.

These Rules for Installation of Renewable Energy Generation Devices were adopted by the Board of Directors as set forth above.

President

ATTEST:

Secretary