

THE VILLAGE AT TINKER CREEK HOMEOWNERS ASSOCIATION, INC.

Solar Panel Policy Resolution

WHEREAS, § 67-700, *et seq.*, of the Virginia Code provides that owners may install or use solar energy collection devices on their property, and that the Association may establish reasonable restrictions concerning the size, place, and manner of placement of such solar energy collection devices; and

WHEREAS, the Board of Directors believes it is in the best interest of the Association for the Board to adopt reasonable regulations governing installation, maintenance, and use of solar energy collection devices on their property, consistent with the § 67-701 of the Code of Virginia.

NOW, THEREFORE, the Board of Directors hereby adopts the following regulations pertaining to solar energy collection devices, and which shall supersede any current restrictions of record or previously adopted rules on the same subject matter.

I. DEFINITIONS

Solar Energy Collection Device (or "Solar Device"): Any device manufactured and sold for the sole purpose of facilitating the collection and beneficial use of solar energy.

II. APPLICATION FOR INSTALLATION

A. Application: Prior to the placement of any solar energy collection device ("Solar Device") upon any dwelling unit, the Owner must submit a written application to the Association for approval of their proposed Solar Device. All applications must include a drawing indicating the exact purpose, type and size of the Solar Device and exact location of desired installation.

B. If an Owner submits an application to the Association for approval of the Solar Device, the Association will issue a ruling on the application within forty-five (45) days of receipt of the application. If the Association does not issue a ruling within that time, the application shall be deemed approved by waiver.

C. Either the Board or the Association's managing agent may act for the Association, at the discretion of the Board.

III. INSTALLATION WITHIN LOT BOUNDARIES

A. Location

1. No Owner may install a Solar Device in the Common Area or on any property owned by the Association.

2. The preferred location for Solar Devices shall be where there is minimal or no visibility of the Solar Device from the street. Thus, Solar Devices must be placed on the back side of the roof of the dwelling unit. In such cases where this placement location for a Solar Device is not adequate for the effective collection of solar energy, the Association shall reserve the authority, in its sole discretion, to grant a variance from any of the requirements expressed herein, but shall endeavor to protect the community from architectural blight to the greatest degree possible and strive to ensure that all concerns over safety are satisfied.

3. Except as otherwise provided herein, Owners are prohibited from installing a Solar Device which in any way, shape or form encroaches upon any Common Area or any other Lot.

B. Installation

1. Solar Devices shall not be larger or installed higher than is absolutely necessary for their intended purpose.

2. Solar Devices shall be installed and secured in a manner so that visibility from the streets is minimized and so that they blend into the roof and surroundings as much as possible.

3. Solar Devices shall be installed and secured in a manner that complies with all applicable Virginia building codes and manufacturer's instructions. Prior to installation, Owners shall provide the Association with a copy of the applicable governmental permit if it is required for safety reasons.

4. Solar Devices shall not be placed anywhere near a power line (above ground or buried). Owners must ensure that the wind velocity or other forces will not cause the Solar Device to collide with power lines.

5. Solar Devices must be properly secured so they do not jeopardize the structural integrity of any structure or the safety of any person near the Solar Devices.

C. Maintenance

1. Owners who install or maintain Solar Devices are responsible for all associated costs, including, but not limited to, the costs to:

a. Place (or replace), repair, maintain, and move or remove Solar Devices;

b. Repair damage to any property caused by an Owner's failure to properly install, maintain, or use the Solar Device.

c. Pay medical expenses incurred by persons injured by Solar Device installation, maintenance, or use;

d. Reimburse residents or the Association for costs incurred to correct damage caused by the Owner's failure to properly install, maintain or use the Solar Device;

e. Restore Solar Device installation sites to their original condition after removal of the Solar Device. If the Solar Device has not been used for its intended purpose for one year or more, the Owner must remove it and the Lot must be returned to its original condition.

2. Owners shall have a continuing duty to prevent their Solar Devices from falling into a state of disrepair. Owners shall be responsible for Solar Device maintenance, repair and replacement, and the correction of any safety hazard.

3. If Solar Devices become detached, the Owners shall remove or repair such detachment within seventy-two (72) hours of the detachment. If the detachment threatens any persons safety, the Association may remove the Solar Device at the expense of the Owner.

IV. SOLAR DEVICE CAMOUFLAGING

A. Solar Devices must blend in with the shingles of the dwelling unit, so as to be reasonably compatible with the surrounding dwelling units. Any new shingles installed by the Owner must properly blend in with the Solar Device. The Association reserves the right to require Owners to replace the shingles of the dwelling unit to match the color of the Solar Device installed.

B. The Association reserves the power to require Owners to install or provide screening around the Solar Device if the Solar Device is visible from the street, the Common Area or other Lots. Any such screening must be installed within one week of installation.

C. Owners must install exterior wiring for the Solar Device in the least visible manner.

V. SOLAR DEVICE REMOVAL

When an Owner removes a Solar Device, they are required to restore the dwelling unit to its original condition. Owners shall be responsible for all costs relating to restoration of the dwelling unit.

VI. INSURANCE

The Association shall not accept any responsibility to insure any Solar Device installed by an Owner. The Solar Device shall be considered the personal property of the Owner who installed the Solar Device.

VII. INSTALLATION BY TENANTS

These Rules shall apply in all respects to tenants. Those tenants who desire to install a Solar Device permitted under these Rules must obtain prior written permission of the Owner and furnish the Association with a copy of this permission.

VIII. ENFORCEMENT

A. If these rules are violated, the Association reserves all of its legal remedies, including, but not limited to, the enactment of rules violation assessments, subject to the due process procedures set forth in Virginia Code § 55.1-1819.

B. If any Solar Device installation poses a serious, immediate safety hazard or threat to property, the Association reserves the power to remove the Solar Device without notice to the Owner; however, whenever feasible, the Association shall provide advance written notice to the Owner of the Board's concerns for safety and its request of the Owner to remove, relocate, or resecure the Solar Device.

IX. SEVERABILITY

If a Court of law rules any provision herein to be invalid, the remainder of these rules shall remain in full force and effect.

This resolution shall become effective on January 19, 2022.

**THE VILLAGE AT TINKER CREEK
HOMEOWNERS ASSOCIATION, INC.**

RESOLUTION ACTION RECORD

Resolution Type: Policy No. _____

Pertaining to: Installation and Maintenance of Solar Panel Collection Devices

Duly adopted at a meeting of the Board of Directors of the Village at Tinker Creek Homeowners Association, Inc. held on January 12, 2022.

Motion by: Hodges Seconded by: Mason

VOTE:

	YES	NO	ABSTAIN	ABSENT
<u>Norm Mason</u> , Director	☒	☐	☐	☐
<u>Ron Hodges</u> , Director	☒	☐	☐	☐
<u>Ernie Chambers</u> , Director	☐	☐	☐	☒

ATTEST:


President

1/19/2022
Date

Resolution effective: January 19, 2022