

# HARBORVIEW HOMEOWNERS ASSOCIATION, INC.

## RESOLUTION REGARDING SOLAR PANELS

**THIS RESOLUTION** is adopted this 27th day of December, 2022 by the Board of Directors (“Board”) of Harborview Homeowners Association, Inc. (“Association”), at a meeting duly called and a quorum being present.

**WHEREAS**, the Harborview Homeowners Association (“Association”) Board of Directors has the authority to adopt standards and specifications with respect to the construction and alterations of any structures in the community; and

**WHEREAS**, Missouri Senate Bill NO.820 was passed in 2022 and is effective January 1, 2023, which will supersede the Harborview Declaration of Covenants and Restrictions in Article V, Section 16, regarding restrictions on solar panels ; and

**WHEREAS**, The Association recognizes the growing desire for homeowners to find alternative energies;

**NOW THEREFORE**, The Association is establishing the following resolution, outlining the standards for homeowners to follow in regards to solar equipment and installations. The goal is to ensure the impact to neighbors and property values are minimal. These guidelines apply to all solar collectors including without limitation solar panels and their associated components, or other solar energy devices (collectively referred to in this Resolution as “devices’ or “systems” or “equipment”) which due to installation and use location are or may become “visible” from neighboring yards and homes.

**Section 1, Solar Panels & Shingles.** This Section is intended to foster use of solar energy within the Community by providing guidance to Owners, contractors, engineers, architects and others providing services on behalf of Owners while preserving the architectural theme and restrictions of the community.

**(a) Application.** Any Owner desiring to install a solar energy system (“System”) on his or her home must apply to the Board for approval. Prior to installing any System, the Owner shall apply to the Board for approval using such form as the Board may prepare and modify from time to time (“Application”). The Application shall include plans and specifications depicting (i) the location, design, dimensions, materials, and colors of the proposed System, (ii) construction drawings showing the number of collectors, attachment to the roof structure, and location of any exterior components, (iii) a sample or illustrated brochure of the proposed System, and (iv) calculations showing the number and area of the collectors planned (“Plans”).

**(b) Review Process.** The Board shall review, approve or reject the Application within 90 days after receipt of a complete Application and Plans. The Board shall state its decision in writing. A rejection shall state the reasons, and the Owner may make a new Application. If the Board does not act within the allotted time, the Application shall be deemed approved. Board determinations shall be upheld so long as made in good faith.

**(c) Liability.** Owners are responsible to check with their insurance company prior to installation of devices for how such installation may impact their roof warranty or other aspects of their homes. Neither the Association nor the Board of Directors is liable to owners for roof damage or for effects to roof warranties. The Association's approval for installation of any such device is not a representation that the system chosen by an Owner is safe to use or is compatible with Owner's roof. Owner assumes all risks regarding installation and use of such a system

**(d) Obstructions.** The Association has no obligation to ensure the System is free from obstructions, such as trees from adjacent property or the common ground.

**(e) No Waiver.** Approval of an Application and Plans shall not waive the right to withhold approval of similar applications or plans submitted in the future for approval.

**(f) Criteria.** The following criteria apply to the installation of Systems:

1. Panels (or shingles) and related fixtures shall be firmly secured in accordance with the manufacturer's recommendations, industry standards and local governmental building codes.
2. A copy of all applicable local governmental building permits, approval from electric utility and approval by the Smithville Area Fire Protection District ("FPD") shall be provided to the Board before any work begins.
3. A copy of the contractor's certificate of insurance evidencing current general liability insurance of at least one million dollars and workers' compensation insurance in accordance with the laws of the State of Missouri shall be provided to the Board before any work begins.
4. Installers shall comply with such reasonable regulations as may be adopted by the Board with respect to hours of operation, parking of workers' vehicles, storage of equipment and materials on site, etc.
5. Panels shall be installed as flush with the roof of the home as possible.
6. A roof on the side of the home facing a street is not a rear roof.
7. Panels shall be mounted square to the roof and shall be no closer than two (2) feet to the edge of the roof.
8. To the extent possible, panels, trim and framing materials of the System shall be color treated to match the roofing material.
9. To the extent possible, trim and frame materials shall not be reflective.
10. To the extent possible, conduit, pipes, wiring, and equipment related to the System shall be hidden from view (by locating under the panels or inside the envelope of the home) or, if visible, shall be color treated to match the roofing material or exterior walls, as the case may be.
11. To the extent possible, components mounted on the exterior of the home such as inverters and switches shall be placed at inconspicuous locations and approved by FPD.
12. Solar panel installations must be roof-mounted.

**(g) Work Change and Completion.** Installation of any System shall comply with the Plans approved by the Board, and shall be completed within six months of the date of approval. Any material change in the approved Plans shall be submitted for prior approval of the Board.

**(h) Certification.** Within three months after installation of the System is complete, the Owner shall provide the Board a Certificate of Operation indicating that the System is operational. The Board may, not more than once in a calendar year, request a new certificate that the System is operational. If the System is no longer operating, the Owner shall have sixty (60) days to repair and restore the System or shall remove the System and restore the Lot to its prior condition.

**(i) Maintenance.** Owners will ensure that all surfaces of such devices or equipment, whether painted or colored materials, are properly and timely maintained to prevent peeling and cracking of paint or loss of coloration or other deterioration to the point where the equipment becomes unsightly and/or incompatible with the aesthetic standards of the community

**(j) Variances.** An Owner may request a variance for any of the criteria and procedures in this Section by written request to the Board. The request for a variance shall be published to all Owners within ten (10) days of receipt to provide each Owner an opportunity to comment within thirty (30) days to the Board. After the comment period has ended, the Board shall make a determination on the application pursuant to Section (b). If granted, the variance shall be in writing and does not preclude the Board from denying a variance in other circumstances. The inability to obtain approval of any governmental agency, the issuance of any permit, or the terms of any financing shall not be considered a hardship warranting a variance.

**(k) Enforcement.** Any noncompliance with this Section may be enforced as provided in the Declaration of Covenants and Restrictions for Harborview Subdivision.

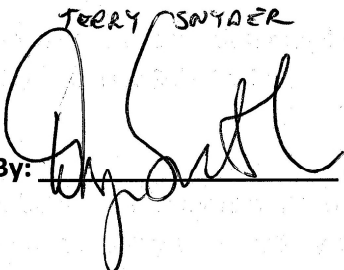
The President and Secretary of the Board of Directors of Harborview, by their signatures below, certify that this Resolution has been duly unanimously approved by the Board at a meeting duly held on the date and year appearing above.

**Board of Directors**

**Harborview Homeowners Association, Inc.**

By:  President

TERRY SWYLER

By:  Secretary