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ISSUE #1

Section I - Sample Provision Excerpt (Public Preview)

No solar-collecting panels or equipment, wind-generating power equipment, flag poles, or above ground swimming pools in excess of eighteen inches (18") in depth or satellite receiving station or satellite dishes greater that eighteen inches (18") in diameter shall be permitted on any of the lots subject to these covenants.

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING — BOARD & COUNSEL REVIEW

Sec. I (p. 1): Clause prohibits or unreasonably restricts the installation of solar energy collectors in conflict with Neb. Rev. Stat. §§ 66-901 to 66-914.

Statutory / Legal Reference: Neb. Rev. Stat. § 66-901 to 66-914

Statutory Comparison: Under the Nebraska Solar Energy and Wind Agreement Act (Neb. Rev. Stat. §§ 66-901 to 66-914), the Legislature declared that the use of solar energy can help reduce the nation's reliance upon irreplaceable domestic and imported fossil fuels and provided statutory protections for solar energy collectors and solar skyspace.

CURRENT WORDING IN DOCUMENT:

No solar-collecting panels or equipment, wind-generating power equipment, flag poles, or above ground swimming pools in excess of eighteen inches (18") in depth or satellite receiving station or satellite dishes greater that eighteen inches (18") in diameter shall be permitted on any of the lots subject to these covenants.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Notwithstanding any contrary provision in this section, this covenant shall be administered and enforced strictly in accordance with Neb. Rev. Stat. § 66-901 to 66-914. Association counsel should review this provision and adopt a conforming amendment or board policy resolution to align with Neb. Rev. Stat. § 66-901 to 66-914.