ISSUE #1

Section 1: [Article V, Section 5.14] Solar Energy Collectors and Roof Equipment

No solar panels, solar collectors, or solar energy devices of any kind shall be installed upon any Lot or residence in Summit Point, and no Lot Owner may grant or record a solar easement across any adjoining Lot.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 1 (p. 1): Architectural covenant prohibits solar energy collectors or photovoltaic systems in conflict with North Dakota solar energy policy (N.D.C.C. § 47-05-02.1).

Statutory / Legal Reference: N.D.C.C. § 47-05-02.1

Statutory Comparison: Under N.D.C.C. § 47-05-02.1, North Dakota law recognizes and protects solar easements and the beneficial exposure of solar energy devices to direct sunlight. Blanket architectural prohibitions that completely bar residential solar collectors without reasonable design accommodations are unenforceable.

CURRENT WORDING IN DOCUMENT:

[Article V, Section 5.14] Solar Energy Collectors and Roof Equipment No solar panels, solar collectors, or solar energy devices of any kind shall be installed upon any Lot or residence in Summit Point, and no Lot Owner may grant or record a solar easement across any adjoining Lot.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Consistent with N.D.C.C. § 47-05-02.1, nothing in the governing documents shall impose an absolute prohibition on rooftop solar energy devices, which shall be permitted subject to reasonable architectural review standards that do not impair direct sunlight access or collector efficiency.