ISSUE #1

MARKUP #1 ->

Section 1: [Architectural Control Committee Rules, Section 14 (Solar Panels)] Architectural Prohibition of Front-Facing

Applications for rooftop solar panels must be accompanied by signed consent forms from all adjacent Lot Owners. Solar panels shall not be installed on any roof plane facing a street or the lake, and ground-mounted solar panels are prohibited on all Lots.

Section 2: [General Regulations, Section 9 (Suspension of Privileges and Assessment Collection)] Immediate Suspens

Upon the issuance of a violation notice by the Compliance Officer, the General Manager may immediately suspend the Property Owner's gate card, boat launch decals, and recreational privileges until the violation is cured and all assessed fines and administrative fees are paid in full.

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE — BOARD & COUNSEL REVIEW

Sec. 1 (p. 1): Rule or Bylaw clause prohibits solar energy collection devices without a specific prohibition in the recorded Declaration, violating Ohio SB 61.

Statutory / Legal Reference: Ohio Rev. Code § 5312.16 (Ohio Planned Community Law)

Statutory Comparison: Under Ohio Rev. Code § 5312.16 (Ohio Planned Community Law) (enacted by Ohio SB 61, effective September 13, 2022), unless the recorded declaration specifically prohibits solar energy collection devices, an owners association may not prohibit an owner from installing a solar energy collection device on the roof of the owner's home or unit if the cost to insure, maintain, repair, and replace the roof is the owner's responsibility. Any reasonable restrictions on size, place, or manner must establish an equivalent or lesser standard than that imposed on other architectural elements.

CURRENT WORDING IN DOCUMENT:

[Architectural Control Committee Rules, Section 14 (Solar Panels)] Architectural Prohibition of Front-Facing Applications for rooftop solar panels must be accompanied by signed consent forms from all adjacent Lot Owners. Solar panels shall not be installed on any roof plane facing a street or the lake, and ground-mounted solar panels are prohibited on all Lots.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Ohio Rev. Code § 5312.16 (Ohio Planned Community Law) (Ohio SB 61), unless expressly prohibited in the recorded Declaration, Owners whose roofs are maintained and insured at the Owner's expense may install solar energy collection devices, subject only to reasonable, non-discriminatory architectural guidelines regarding size, placement, and manner of installation.