

Section 1: [Code Enforcement Procedure, Fees and Penalties (03.10.2022), Section 3] Code Enforcement Fine Schedule

Pursuant to the authority vested in the Board of Directors, the Association has adopted a Code Enforcement Procedure and Schedule of Fees and Penalties under which uncured violations of the Initial Use Restrictions, ARB Guidelines, or Community Rules are subject to administrative fees and continuous daily fines until the violation is remedied to the satisfaction of the Association.

MARKUP #1 ->

ISSUE #1

Section 2: [ARB Guidelines, Roofing & Solar Policy Section 4.3] Prohibition on Street-Facing Solar Panels and Skylights

Solar panels, photovoltaic shingles, and skylights are strictly prohibited on any front-facing roof slope or any roof elevation visible from a public street, park, or thoroughfare on Daniel Island, and the Architectural Review Board may deny any solar application that cannot be completely concealed on a rear roof plane.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 2 (p. 1): Renewable Energy, Solar Orientation, EV Charging, or Water-Wise Landscaping Conflict: Clause prohibits or impairs solar collectors, solar drying lines, EV charging stations, or drought-tolerant landscaping in conflict with SC law.

Statutory / Legal Reference: 47 C.F.R. § 1.4000 (FCC OTARD Rule)

Statutory Comparison: Under S.C. Code Ann. § 27-1-60; S.C. Code Ann. §§ 27-30-110 to 27-30-310 (South Carolina HOA Act) & S.C. Code Regs. Ch. 28 (SC Dept. of Consumer Affairs HOA Rules); 47 C.F.R. § 1.4000, covenants and architectural rules may not prohibit solar energy systems, ban street-facing solar panels without the statutory efficiency/cost safe harbor, prohibit residential EV charging stations in designated parking areas, or ban statutorily protected drought-tolerant landscaping or solar drying lines.

CURRENT WORDING IN DOCUMENT:

[ARB Guidelines, Roofing & Solar Policy Section 4.3] Prohibition on Street-Facing Solar Panels and Skylight Solar panels, photovoltaic shingles, and skylights are strictly prohibited on any front-facing roof slope or any roof elevation visible from a public street, park, or thoroughfare on Daniel Island, and the Architectural Review Board may deny any solar application that cannot be completely concealed on a rear roof plane.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section 2 to incorporate the mandatory statutory safe harbors of S.C. Code Ann. § 27-1-60; S.C. Code Ann. §§ 27-30-110 to 27-30-310 (South Carolina HOA Act) & S.C. Code Regs. Ch. 28 (SC Dept. of Consumer Affairs HOA Rules); 47 C.F.R. § 1.4000, permitting OTARD reception antennas (up to 1 meter in diameter without prior approval) and solar/EV/water-wise installations within statutory parameters.