

SOMERSET CROSSING HOMEOWNERS ASSOCIATION, INC.
POLICY RESOLUTION NO. 14-02

**RULES RELATING TO THE INSTALLATION AND MAINTENANCE
OF SOLAR PANELS**

WHEREAS, pursuant to Article IV, Section 1 of the Bylaws of Somerset Crossing Homeowners Association, Inc. (“Association”), the Association’s Board of Directors (“Board”) may exercise all the powers of the Association, except those that are conferred upon the Members by the Governing Documents or by the laws of Virginia; and

WHEREAS, Article III, Section 5 of the Declaration of the Somerset Crossing Homeowners Association (“Declaration”) states that the Board shall have the power to adopt make such rules and regulations consistent with the terms of the Declaration and the Association’s Articles of Incorporation and Bylaws as it deems advisable in accordance with the Virginia Property Owners Association Act (“Act”); and

WHEREAS, Article V, Section 3 of the Association’s Declaration provides that “Except for Structures as may be constructed by the Developer or Structures constructed by a Builder which have first been approved by the Developer, no Structure of any kind whatsoever shall be commenced, erected, placed, moved onto or permitted on any Lot, nor shall an existing Structure upon any Lot be removed or altered in any way which materially changes the exterior appearance thereof (including change of exterior color) until plans and specifications therefor shall have been submitted to and approved in writing by the Covenants Committee;” and

WHEREAS, the Association is responsible for the regulation and enforcement of architectural controls within the Association; and

WHEREAS, the Board of Directors has chosen to adopt reasonable regulations governing the installation and maintenance of solar panels in accordance with Virginia law, which also protect the structural integrity and aesthetic appearance of the Association.

NOW, THEREFORE, the Board of Directors adopts the following rules governing the installation and maintenance of solar panels:

I. APPLICATION FOR APPROVAL

Before any solar panel may be installed, an Application must be properly filed with, and approved by, the Association’s Covenants Committee or Board.

II. INSTALLATION RULES

a. Size and Color

- i. Each panel’s dimensions shall not exceed 70” x 40” x 3” and must be seated in a metal frame.
- ii. Solar panels and framing must be painted to match/blend with the color of the roof or a dark color.

- iii. All piping, wiring and control devices must be concealed.
- iv. Owners should ensure that there is minimal visual impact to adjacent properties and public view in order to protect and enhance the architectural integrity and aesthetics of the community.

b. Roof-Mounted Solar Panel Location

- i. Roof-mounted solar panels may not cover more than thirty percent (30%) of the total roof's surface area.
- ii. Roof-mounted solar panels must be mounted flat on the rear slope of the roof, parallel with the roof ridge and edges.
- iii. Roof-mounted solar panels cannot extend past the roof line.
- iv. Roof-mounted solar panels must be mounted so that the total height from the roof top to the top of the reflector shall not exceed 3".
- v. Solar panels must be inconspicuous from the street, public areas, neighboring properties.

c. Ground-Mounted Solar Panel Location

- i. Ground-Mounted solar panels may be installed on a Lot if the solar panels are located in the rear of the Lot.
- ii. The exact location of the ground-mounted solar panels on the Lot shall be considered by an approved by the Association after review of the proposed location on the plat and inspection of the Lot.
- iii. Ground-Mounted solar panels must be screened with bushes or shrubs to ensure that the solar panels are inconspicuous from the street, public areas, neighboring properties.
- iv. Ground-Mounted solar panels must be fully located on the Lot and cannot encroach upon the Lot line.
- v. Ground-Mounted solar panels shall not be installed on Common Areas.

d. Installation

- i. Solar panels must be properly installed and secured so they do not jeopardize the safety of any passerby and comply with all applicable Virginia building codes and manufacturer's instructions.
- ii. Owners are required to exercise their best efforts to install the solar panels in such a way and location where the panels will work with the least adverse impact upon the lot's aesthetic appearance and in the least obtrusive manner possible.

- iii. The Association reserves the power to require Owners camouflage any portion of the solar panels so that it matches or is reasonably compatible with the color of the structure to which it is attached. If such a requirement would void the warranty from the manufacturer, the Owner must submit a copy of the warranty to the Association in order to be absolved of the requirement.
 - iv. All solar panels shall be installed in a manner that minimizes the amount of glare that is reflected off the panels. In the event that the amount of glare is deemed to be excessive by the Association after installation, the Association reserves the right to require the installation of screening or other devices to minimize glare.
- e. Maintenance
- i. Owners who install or maintain solar panels are responsible for all costs associated with:
 - 1. Placing (or replacing), repairing, maintaining, and moving or removing the solar panels;
 - 2. Repairing damage to any property caused by the Owner's failure to properly install, maintain or use the solar panels;
 - 3. Reimbursing the Association for costs incurred to correct damage caused by the Owner's failure to properly install, maintain or use the solar panels.
 - ii. Owners shall have a continuing duty to prevent their solar panels from falling into disrepair or becoming a safety hazard. Owners shall be responsible for the solar panel maintenance, repair and replacement, and the correction of any safety hazard.
 - iii. If a solar panel becomes detached, the Owner must remove or repair such detachment within 72 hours of the detachment. If the detachment threatens anyone's safety, the Association may remove the solar panel at the expense of the Owner.
 - iv. Owners shall be responsible for the repainting or replacement of the solar panels if the appearance of the exterior surface of their solar panels deteriorate or are damaged in any way.
 - v. In the event that the solar panels are permanently removed, the Owner must restore the roof or lawn to its original condition.

III. ENFORCEMENT

- a. The Association reserves the power to grant a variance from any of the Rules expressed herein, but shall endeavor to protect the community from architectural blight to the greatest degree possible and shall strive to ensure that all concerns over safety are satisfied.

- b. If these rules are violated, the Association reserves all of its legal remedies, including, but not limited to, the enactment of special charges, subject to the due process procedures set forth in Virginia Code Section 55-513.B.
- c. If any solar panel installation poses a serious, immediate safety hazard or threat to property, the Association reserves the power to remove the solar panels without notice to the Owner; however, whenever feasible, the Association shall provide advance written notice to the Owner of the Board's concerns for safety and its request of the Owner to remove, relocate, or re-secure the solar panels.

IV. SEVERABILITY

If a Court of law rules any provision herein to be invalid, the remainder of these rules shall remain in full force and effect.

The effective date of this Resolution shall be November 11, 2014.

SOMERSET CROSSING HOMEOWNERS
ASSOCIATION, INC.

By: _____


President

**SOMERSET CROSSING HOMEOWNERS ASSOCIATION
POLICY RESOLUTION NO. 14- 02**

SOLAR PANEL RULES

Duly adopted at a meeting of the Board of Directors held November 11, 2014.

Motion by: Jen Parwin Seconded by: James Johnson

VOTE:	YES	NO	ABSTAIN	ABSENT
<u>G. R. Dyffli</u> President	✓	_____	_____	_____
<u>Jisa Celinski</u> Vice President	✓	_____	_____	_____
<u>[Signature]</u> Treasurer	✓	_____	_____	_____
<u>[Signature]</u> Secretary	✓	_____	_____	_____
_____ Director	_____	_____	_____	_____

ATTEST:

[Signature] 11/20/14
Secretary Date

Resolution effective: Nov. 11, 2014.

CERTIFICATION OF MAILING

I hereby certify that a copy of the foregoing Policy Resolution No. 14-02 was mailed to all members of record. My certification of these acts is as of this 21 day of November, 2014.



Monica Ruiz, Community Manager