

# **Rancho Cielo Homeowners Association**

## **RULES FOR INSTALLATION, USE, MAINTENANCE, AND REMOVAL OF SOLAR ENERGY SYSTEMS**

### ***I. Adoption***

These Rules for Installation, Use, Maintenance and Removal of Solar Energy Systems are adopted by the Board of Directors of the Rancho Cielo Homeowners Association on January 24, 2017.

### ***II. Statement of Purpose and Definitions***

Pursuant to Article IV, Section 4.1.5 of the Covenants, Conditions and Restrictions of the Rancho Cielo Homeowners Association (hereafter, "CC&Rs") and Article IX, Section 9.8 of the Bylaws of the Rancho Cielo Homeowners Association, the Board of Directors has adopted the following rules, restrictions and regulations (hereinafter "Rules") for the Association, which shall be binding upon the Association, Members/Owners of separate interests within the Association and their families, grantees, lessees, tenants, occupants, successors, heirs and assigns. The purpose of these Rules is to provide guidance to Owners who wish to install, use maintain, and/or remove Solar Energy Systems, as defined in Part III, Rule No. 1 below. The Rules are intended to conform to federal and state law and the CC&Rs. If a vendor provides you with information that is inconsistent with these Rules, please contact the Association Manager. It is the goal of the Association to allow members to enjoy the benefit of solar energy while continuing to embrace and maintain the aesthetic beauty and value of our community and to provide reasonable protection of persons and property relating to installation, use, maintenance and removal of such systems. These Rules supersede any and all previously adopted rules, regulations or restrictions pertaining to Solar Energy Systems. Effective as of the date indicated above, they are part of the governing documents for this Association and may be enforced in the same manner as any other governing document.

### ***II. Definitions***

1. As used in these Rules, a "Solar Energy System" means: (i) any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating, space cooling, electric generation or water heating; or (ii) any structural design feature of a building whose primary purpose is to provide for the collection, storage and distribution of solar energy for electricity generation, space heating or cooling or for water heating.
2. The terms "Board", "Common Area", "Lot", "Owner", and "Project" have the same definition as in the CC&Rs for the Association.

### ***IV. General Installation Requirements***

1. No portion of a Solar Energy System may be installed within the Common Area (including air space) without the written consent of the Board.
2. No portion of a Solar Energy System may be installed on the Lot of another Owner (including air space) without the written consent of the Board and the other Owner.
3. Solar Energy Systems shall be located in an area of the Lot shielded from view from outside the Project, the Common Area or from other Lots and residences within the Project to the maximum extent possible. The Board of Directors may require that a Solar Energy System be relocated from the location proposed by the Owner, so long as such placement does not result in an increase of the cost of the Solar Energy System by more than ten percent (10%), but in no case more than one thousand dollars (\$1,000), for a solar domestic water heating or solar swimming pool heating system or more than one thousand dollars (\$1,000) over the system cost as originally specified and proposed for a photovoltaic system or decrease the efficiency of any type of Solar Energy System by more than ten percent (10%).

4. A Solar Energy System's visible ancillary components such as conduits, plumbing and supports shall be painted or otherwise covered to match the exterior of adjacent structures, unless such painting or covering would void a manufacturer's warranty, result in an increase of the cost of the Solar Energy System by more than ten percent (10%), but in no case more than one thousand dollars (\$1,000), for a solar domestic water heating or solar swimming pool heating system or more than one thousand dollars (\$1,000) over the system cost as originally specified and proposed for a photovoltaic system, or decrease the efficiency of any type of Solar Energy System as originally specified and proposed by more than ten percent (10%).

5. All installations of Solar Energy Systems shall be completed so as not to materially harm or damage the Association's Common Areas, or any other individual residence or Lot; void any warranties held by the Association or other Owners and/or impair the integrity of a building or structure.

6. Solar Energy Systems shall be installed and used in a manner that limits solar reflectivity and / or glare from their solar collection surface(s) against any other Lot or residence or the Common Area to the maximum extent possible, so long as such installation or use does not result in an increase of the cost of the Solar Energy System by more than ten percent (10%), but in no case more than one thousand dollars (\$1,000), for a solar domestic water heating or solar swimming pool heating system or more than one thousand dollars (\$1,000) over the system cost as originally specified and proposed for a photovoltaic system or decrease the efficiency of any type of Solar Energy System as originally specified and proposed by more than ten percent (10%).

7. No portion of a Solar Energy System shall be stored, placed, or otherwise left on any portion of the Common Area. No portion of a Solar Energy System shall be stored, placed, or otherwise left on the front or side yard of any Owner's Lot for longer than 72 hours.

8. All portions of a Solar Energy System shall be secured in a manner which does not jeopardize the safety or soundness of any structure and/or the safety of any person within the Project.

## ***V. Safety***

1. Solar Energy Systems shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities, consistent with Section 65850.5 of the Government Code, as amended from time to time, and shall be installed and secured in compliance with manufacturer's instructions and all city, state and federal ordinances, regulations and laws.

2. A Solar Energy Systems for domestic water heating or swimming pool heating water shall be certified by an accredited listing agency as defined in the Plumbing and Mechanical Codes.

3. Solar Energy Systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronic Engineers and accredited testing laboratories such as Underwriters Laboratories and, where applicable, the rules of the Public Utilities Commission regarding safety and reliability.

4. Solar Energy Systems shall not obstruct access to or from any Lot, walkway, ingress or egress into any area of the Project in order to ensure the safety of individuals and allow safe access to the Association's physical plant.

5. In approving the installation of any Solar Energy System, the Board is entitled to rely upon the representation of the Owner or his or her contractor that the system fully complies with the safety criteria set forth in this Part V. Should the Board later determine that the equipment is not in conformance with any such criteria, the Board may require the Owner to remove the Solar Energy System or modify it so that it is in compliance, at the Owner's sole expense.

## ***VI. Maintenance***

1. Owners who install or maintain Solar Energy Systems are solely responsible for all associated costs, including but not limited to: replacement, repair, maintenance, moving and/or removal of the Solar Energy System or any of its components; repair and/or replacement of any property damaged by the installation, maintenance and/or use of the Solar Energy System; payment of any medical expenses incurred by persons injured by the installation, maintenance and/or use of the Solar Energy System; and/or restoration of Solar Energy System sites to their original condition after removal.
2. Owners shall not permit their Solar Energy Systems to become a hazard or fall into disrepair. Owners shall be responsible for correction of any safety hazards and Solar Energy System repair and/or replacement. Owners are responsible for the repainting, recovering or replacement of the visible ancillary components of the Solar Energy System, such as conduits, plumbing and supports, if deterioration occurs.
3. If it is necessary to temporarily remove a Solar Energy System or some of its components so that the Association may perform required maintenance or repairs to the adjacent Common Area or those portions of a Lot which the Association is responsible under the Governing Documents for maintaining or repairing, the Lot Owner shall be responsible, at his or her sole expense, for removing the Solar Energy System or affected component and reinstalling it after the maintenance or repair is completed. If the Lot Owner fails to remove a Solar Energy System or a system component when requested to do so by the Association to permit necessary maintenance or repairs, the Association may remove the system or component and charge the cost of such removal to the Lot Owner. So long as reasonable care is used in removing and reinstalling the Solar Energy System or any component thereof, the Association shall not be responsible for any damage caused to the system or component by such removal or reinstallation.

## ***VII. Application Process***

1. No Solar Energy System, or any part thereof, may be installed anywhere within the Project until the Owner has applied for and received written approval to proceed with the installation from the Association's Board of Directors. Any Owner desiring to install a Solar Energy System shall complete an application form and submit it to the Association c/o the office of the Association manager. The Owner shall not proceed with installation of the Solar Energy System until the application has been approved by the Board. A standardized application form may be provided by the Board, and Owners may be required to use the form in applying for permission to install a Solar Energy System. Subject to Rule No. 2 below, in considering the application for approval of a Solar Energy System, the Board shall follow the same procedure as for other requested architectural changes under Article VII of the CC&Rs. Subject to Rule No. 3 below, the Board shall approve any application for installation of a proposed Solar Energy System if such a system conforms to the requirements of these Rules.
2. The Board shall consider and rule upon the application within forty-five (45) days of the date of its receipt. The Board may extend that period pursuant to reasonable requests for additional information. The approval or denial of the application shall be in writing.
3. The Board may require the use of a different Solar Energy System from the one which was the subject of an Owner's request if the alternative system is comparable in performance and cost to the system the Owner proposed to install.
4. In the event the Board of Directors consents to having all or a part of a Solar Energy System installed on Common Area or on a portion of Lot for which the Association is responsible, as part of the application process, the Association shall require an Owner to execute a written agreement indemnifying and holding the Association, its officers, directors, members and manager harmless from any claim or causes of action for damages caused in whole or in part by the installation of the Solar Energy System. Said agreement shall bind the current Owner and all future Owners of the Lot.

## ***VIII. Removal***

1. Removal of a Solar Energy System requires the restoration of the installation location to its original condition. In particular, any penetration patch(es) must be completely sealed with a paintable sealant. As with other types of installations within the Project, Owners shall be responsible for all costs relating to the restoration of the installation location.

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