

**MAGNOLIA RIDGE
AT VIRGINIA CENTER PROPERTY OWNERS ASSOCIATION, INC.**

POLICY RESOLUTION NO. 4

GUIDELINES FOR SOLAR ENERGY COLLECTION DEVICES

WHEREAS, Article VII, Section 1 of the Declaration of Rights, Easements, Restrictions, Covenants, Affirmative Obligations and Conditions Applicable to All Property in Magnolia Ridge at Virginia Center (“Declaration”) grants the Architectural Review Board (“MRAB”) jurisdiction over all original construction, modifications, additions, improvements or alterations made on all property within Magnolia Ridge and the requirement to prepare and promulgate the design, development guidelines, application and review standards, and Magnolia Ridge Design and Environmental Standards, also known as the Magnolia Ridge Residential Design Standards (“Magnolia Ridge Standards”) on behalf of the Board of Directors (“Board”) of Magnolia Ridge at Virginia Center Property Owners Association, Inc. (“Association”).

WHEREAS, Article VII, Section 4 of the Declaration provides that no building, improvement, addition, alteration or other structure of any kind shall be erected, placed or altered until reviewed and approved by the MRAB.

WHEREAS, the Virginia Energy Plan, at Virginia Code Section 67-700, *et seq.*, provides that existing governing documents may regulate the installation or use of solar energy collection devices on their property, and that the Association may establish reasonable restrictions concerning the size, place, and manner of placement of such solar energy collection devices; and

WHEREAS, the Board of Directors believes it is in the best interest of the Association for the Board and MRAB to adopt reasonable regulations governing installation, maintenance, and use of solar energy collection devices on their property, consistent with Section 67-701 of the Virginia Code.

NOW, THEREFORE, the Board of Directors and Architectural Review Board adopts the following regulations for the Association, which shall be binding upon all Owners and their family members, tenants, occupants, successors, heirs, and assigns who currently or in the future may possess any sort of property interest in any Lot in the Association, and which shall supersede any current restrictions of record or previously adopted rules on the same subject matter.

I. DEFINITIONS

A. **Solar Energy Collection Device**: Any device manufactured and sold for the sole purpose of facilitating the collection and beneficial use of solar energy, including passive heating panels or building components and solar photovoltaic apparatus. (Section 67-700 of the Virginia Code).

II. APPLICATION FOR INSTALLATION

A. Application: Prior to the placement of any solar energy collection device ("Solar Device") upon any Lot the Owner must submit a written application to the MRAB for approval of their proposed Solar Device. All applications must meet the application requirements in Article VII, Section 4 of the Declaration and the Magnolia Ridge Standards, including two (2) copies of the site plan, showing location of new structure and existing house, with distances between each, distances to property lines, and tree(s) if any are to be removed, indicating the exact purpose, type and size of the Solar Device and exact location of its desired installation.

B. If an Owner submits an application to the Association for approval of the Solar Device, the Association will issue a ruling on the application within thirty (30) days of receipt of the application. If the Association does not issue a ruling within that time, the Owner-applicant shall deliver written notice to MRAB of its failure to act, and, if approval is not granted or denied within fifteen (15) days thereafter, the plans and specifications shall be deemed approved.

C. Owners must file their applications/notices to the MRAB in writing at the following address: Magnolia Ridge POA, Inc. c/o 10800 Midlothian Trpk, Ste. 305, Richmond, VA, 23235.

D. Either the Board, its designated committee (MRAB), or the Association's managing agent may act for the Association, depending upon the Board's discretion. Decisions related to approval or disapproval of applications is in the sole discretion of the Association, and there is no requirement that any application be granted even if it complies with the guidelines set forth in this Policy Resolution.

III. INSTALLATION ON LOT

A. Location:

1. No Owner may install a Solar Device in the Common Area or on any property owned by the Association.

2. Solar Devices will only be approved on Lots if there is minimal or no visibility of the Solar Device from the street and the Common Areas and the Solar Devices. In such cases where this placement location, size, and number of placement for a Solar Device is not adequate for the effective collection of solar energy, the Association shall, pursuant to Article VII, Section 3 of the Declaration, reserve the authority, in its sole discretion, to grant a variance from any of the requirements expressed herein, specifically including placement, size, and number of placement, but in granting such variance shall endeavor to promulgate the aesthetic appearance, harmony with surrounding improvements, and compliance with the Declaration and Magnolia Ridge Standards to the greatest degree possible and strive to ensure that all concerns over safety are satisfied.

3. Except as otherwise provided herein, Owners are prohibited from installing a Solar Device which in any way, shape or form encroaches upon any Common Area or any other Lot.

B. Installation and Safety:

1. Solar Devices shall not be larger or installed at an elevation higher than is absolutely necessary for their intended purpose.
2. Solar Devices shall be installed and secured in a manner so that visibility from the streets is minimized and so that they blend into the surroundings as much as possible.
3. Solar Devices shall be installed and secured in a manner that complies with all applicable Virginia building codes and manufacturer's instructions. Prior to installation, Owners shall provide the Association with a copy of the applicable governmental permit if it is required for safety reasons.
4. Solar Devices shall not be placed anywhere near a power line (above ground or buried). Owners shall have the responsibility to ensure that the wind velocity or other forces could not cause the Solar Device to collide with power lines.

C. Maintenance:

1. Owners who install or maintain Solar Devices are responsible for all associated costs, including, but not limited to, the costs to:
 - a. Place (or replace), repair, maintain, and move or remove Solar Devices;
 - b. Repair damage to any property caused by a Owner's failure to properly install, maintain, or use the Solar Device.
 - c. Pay medical expenses incurred by persons injured by Solar Device installation, maintenance, or use;
 - d. Reimburse residents or the Association for costs incurred to correct damage caused by the Owner's failure to properly install, maintain or use the Solar Device;
 - e. Restore Solar Device installation sites to their original condition after removal of the Solar Device. If the Solar Device has not been for its intended purpose for one year or more it shall be removed, and the Lot shall be returned to its original condition.
2. Owners shall have a continuing duty to prevent their Solar Devices from falling into a state of disrepair. Owners shall be responsible for Solar Device maintenance, repair and replacement, and the correction of any safety hazard.
3. If Solar Devices become detached, the Owners shall remove or repair such detachment within 72 hours of the detachment. If the detachment threatens anyone's safety, the Association may remove the Solar Device at the expense of the Owner.

IV. SOLAR DEVICE CAMOUFLAGING

A. The Association reserves the authority to require Owners to paint any portion of the Solar Device 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 before the Association will consider absolving the Owners of this requirement.

B. The Association reserves the authority to require Owners to install or provide screening around the Solar Device if the Solar Device is visible from the street, the Common Area or other Lots. Any such screening must be installed within one week of installation.

C. Owners must install exterior wiring for the Solar Device in the least visible manner.

V. SOLAR DEVICE REMOVAL

When an Owner removes a Solar Device, he/she is required to restore the location of the installation to its original condition. Owners shall be responsible for all costs relating to restoration of this location.

VI. INSURANCE

The Association shall not accept any responsibility to insure any Solar Device installed by an Owner. The Solar Device shall be considered the personal property of the Owner who installed the Solar Device.

VII. ENFORCEMENT

A. If these rules are violated, the Association reserves all of its legal remedies, including, but not limited to, the enactment of rules violation assessments, subject to the due process procedures set forth in Virginia Code Section 55-513.

B. If any Solar Device installation poses a serious, immediate safety hazard or threat to property, the Association reserves the authority to remove the Solar Device 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 Device.

VIII. 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.

This resolution shall become effective on November 1, 2018.

**MAGNOLIA RIDGE
AT VIRGINIA CENTER PROPERTY OWNERS ASSOCIATION, INC.**

Resolution Type Policy No. 4

Pertaining to: Solar Device Installation and Maintenance

Duly adopted at the Meeting of the Board of Directors of Magnolia Ridge at Virginia Center Property Owners Association, Inc. held on October 30, 2018.

Motion by: Christy Sehl Seconded by: Bernard Cordeau

VOTE:
YES NO ABSTAIN ABSENT

<u>Christy Sehl</u> , Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Bernard Cordeau</u> , Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Dick Toskes</u> , Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Matthew Perrymen</u> , Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Nicole Lee</u> , Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:

Barnaby Petcher, Managing Agent
Secretary

10/30/18
Date

FILE DATA:

Book of Minutes 2018

Book Resolutions:

	Book No.	Page No.
Policy	_____	_____
Administrative	_____	_____
Special	_____	_____
General	_____	_____

Resolution effective: 11/1, 2018.