

Section 1: [Article IX, Section 9.3] Imposition of Fines by Management Upon 10 Days' Notice

The Town Manager or Design Review Committee may levy a monetary fine against any Owner for a violation of the Master Declaration or Design Guidelines if the Owner fails to cure the violation within ten (10) days after a notice of violation is sent by regular mail or email.

MARKUP #1 ->

ISSUE #1

Section 2: [Article V, Section 5.14] Solar Collectors and Political Yard Signs

No solar energy collectors shall be installed on any roof visible from a public street or common open space. No political signs, candidate signs, or ballot measure signs may be displayed on any Lot at any time.

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Article V, Section 5.14 (p. 1): Covenant prohibits the installation of rooftop solar panels or solar collectors in violation of Idaho Code § 55-3206.

Statutory / Legal Reference: Idaho Code § 55-3206

Statutory Comparison: Under Idaho Code § 55-3206, no homeowner's association may add, amend, or enforce any covenant, condition, or restriction in such a way that prohibits the installation of solar panels or solar collectors on the rooftop of any property or structure within the jurisdiction of the homeowner's association, though the association may adopt reasonable rules regarding placement so long as they do not compromise efficiency or increase cost.

CURRENT WORDING IN DOCUMENT:

[Article V, Section 5.14] Solar Collectors and Political Yard Signs - No solar energy collectors shall be installed on any roof visible from a public street or common open space. No political signs, candidate signs, or ballot measure signs may be displayed on any Lot at any time.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Idaho Code § 55-3206, the Association shall not enforce any covenant or rule that prohibits the installation of solar panels or solar collectors on the rooftop of any structure within the community, subject only to reasonable mounting and safety guidelines that do not impair system performance.