

ISSUE #1

MARKUP #1 ->

Section 1: [Section 14] Solar Collectors and Roof Projections

No solar panels, solar collectors, wind turbines, or other energy collection devices shall be permitted on any roof surface or Lot in Auburn Hills Plat One, Plat Two, or Plat Three.

Section 2: [Section 16] Signs and Billboards

No signs, advertisements, billboards, or solicitation structures of any kind, including political or election signs, may be erected or maintained on any Lot except one real estate 'For Sale' sign not exceeding six (6) square feet.

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Section 14 (p. 1): Categorical ban on rooftop solar panels and solar collectors is void under Missouri law.

Statutory / Legal Reference: Mo. Rev. Stat. § 442.404

Statutory Comparison: RSMo § 442.404.3 renders any restrictive covenant or HOA rule unenforceable to the extent it prohibits or has the effect of prohibiting the installation of rooftop solar panels or solar collectors on residential property.

CURRENT WORDING IN DOCUMENT:

[Section 14] Solar Collectors and Roof Projections - No solar panels, solar collectors, wind turbines, or other energy collection devices shall be permitted on any roof surface or Lot in Auburn Hills Plat One, Plat Two, or Plat Three.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section Section 14 ([Section 14] Solar Collectors and Roof Projections - No solar panels, solar collectors, wind turbines, or other energy collection devices shall be permitted on any roof surface or Lot in Auburn Hills Plat One, Plat Two, or Plat Three.) to conform with Mo. Rev. Stat. § 442.404 and the manual attorney audit recommendations for Auburn Hills Homeowners Association, Inc..