ISSUE #1

## SALE SIGNS

On January 1, 2023, Revised Missouri State Statute, Chapter 442, RSMo Section 442.404 was modified such that it no longer allows Homeowners Associations to prohibit Sale signs. This law supersedes the Four Seasons Declaration of Restrictive Covenants' restriction of 50 years.

The law allows Homeowners Associations to adopt reasonable rules, which is referred to as "time, place, manner" restrictions. Reasonable time, place, manner restrictions include (a) duration the sign may be placed, (b) size, (c) location, and (d) that the sign be static – no lights, for example.

The Four Seasons Board of Directors at their meeting on July 17, 2023 approved a Resolution to establish Rules and Regulations to comply with Revised Missouri State Statute, Chapter 442, RSMo Section 442.404. The guidelines are as follows:

Members of the Association may erect or maintain sale signage upon their property so long as said signage conforms with the guidelines set forth hereto.

a) Said signage must conform to the established community standard of being no larger than Eighteen Inches (18") by Twelve Inches (12") in size.
b) Said signage must conform to the established community standard of a green background with white lettering.
c) The lower one-third of the overall size of the sign may contain information required to comply with the Missouri Real Estate Commission regarding brokerage, realtor and multi-list identification.
d) Said signage must conform to the established community standard prohibiting any "Static" components, i.e., Lighting, Streamers, balloons, flyers and flyer holders, etc.
e) Only one sign per property.
f) No sale signage may be posted on any utility pole or utility service device.
g) No signage shall be allowed on any "Common" area belonging to the Association.
h) All signage shall be removed immediately upon the closing of the sale for which said signage was erected. Upon knowledge of a sale and closure, the Property Owners Association shall have the right to remove said signage if said signage is not removed by the owner or agent of the property immediately following the closure of said sale.

The Association shall not remove a sale sign from the property of any owner or impose any fine or penalty upon the owner unless it has given such owner three (3) business days after the owner receives written notice from the Association, which notice shall specifically identify the rule and nature of the alleged violation. Failure to comply with any of the restrictions outlined above shall result in the removal of said signage and violation of Article 14 – "Land Use" of the Fifth Amended and Restated Declaration of Restrictive Covenants governing the Association and be subject to any such stated and applicable penalties.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE — BOARD & COUNSEL REVIEW

**Sec. N/A (p. 1): Solar restriction prohibits or has the effect of limiting the installation of rooftop solar panels or collectors in violation of Mo. Rev. Stat. § 442.404.3.**

**Statutory / Legal Reference: Mo. Rev. Stat. § 442.404.3**

Statutory Comparison: Under Mo. Rev. Stat. § 442.404.3(1) (enacted by SB 820 / HB 340, effective January 1, 2023), no deed restriction, covenant, or similar binding agreement running with the land shall limit or prohibit, or have the effect of limiting or prohibiting, the installation of solar panels or solar collectors on the rooftop of any property or structure. While a homeowners' association may adopt reasonable rules regarding the placement of solar panels or solar collectors under § 442.404.3(2), such rules may not prevent the reasonable use of a solar panel or collector, adversely affect its cost or efficiency, or prohibit rooftop installation on property not sharing a common roof.

CURRENT WORDING IN DOCUMENT:
SALE SIGNS On January 1, 2023, Revised Missouri State Statute, Chapter 442, RSMo Section 442.404 was modified such that it no longer allows Homeowners Associations to prohibit Sale signs. This law supersedes the Four Seasons Declaration of Restrictive Covenants' restriction of 50 years. The law allows Homeowners Associations to adopt reasonable rules, which is referred to as "time, place, manner" restrictions. Reasonable time, place, manner restrictions include (a) duration the sign may be placed, (b) size, (c) location, and (d) that

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
**Pursuant to Mo. Rev. Stat. § 442.404.3, no provision of the Governing Documents shall limit or prohibit, or have the effect of limiting or prohibiting, the installation of solar panels or solar collectors on the rooftop of any non-shared residential structure. The Association may enforce only reasonable placement rules that do not adversely affect the cost, functioning, or efficiency of the solar energy system.**