

# Apple Canyon Lake Property Owners' Association

## Energy Policy Board approved 03 21 20

### FIRST AMENDMENT TO THE AMENDED DECLARATION TO CONFORM TO THE COMMON INTEREST COMMUNITY ASSOCIATION ACT

This instrument, consisting of five (5) pages, is recorded for the purpose of amending the Amended Declaration to conform to the Common Interest Community Association Act (hereinafter referred to as "Declaration"), which was recorded on September 21, 2017 as document number 395980 with the Recorder of Deeds, Jo Daviess County, Illinois.

This Amendment is adopted to permit the Association to come into compliance with Section 20 of the Homeowners' Energy Policy Statement Act (765 ILCS 165/1 et. seq.) The text of this Amendment, which is set forth below, shall become effective upon recordation in the Office of the Recorder of Deeds, Jo Daviess County, Illinois.

#### PREAMBLE

WHEREAS, the Declaration was recorded on September 21, 2017 as document number 395980 with the Recorder of Deeds, Jo Daviess County, Illinois;

WHEREAS, the Board of Directors for Apple Canyon Lake Property Owners' Association, in compliance with Section 20 of the Homeowners' Energy Policy Statement Act (765 ILCS 165/1 et. seq.) hereby adopts the Association's energy policy statement and includes the same within the terms, covenants and provisions of its Declaration;

WHEREAS, the Amendment has been approved by two-thirds of the members of the Board of Directors at a meeting called for that purpose.

NOW THEREFORE, the Declaration for Apple Canyon Lake Property Owners' Association is hereby amended in accordance with the text that follows:

#### AMENDMENT

1. ARTICLE III, "GENERAL RESTRICTIONS," shall, following adoption of this Amendment, include a new Section 15, "Energy Policy Statement" as follows:

15. Energy Policy Statement

**PURPOSE OF STATEMENT:** In compliance with Section 5 of the Homeowner's Energy Policy Statement Act (765 ILCS 165/1 et. seq.) the Board of Directors has adopted this Energy Policy Statement for the purpose of protecting the public health, safety, and welfare of the Members of the Association, while encouraging the development and use of solar energy systems in order to conserve and protect the value of land, buildings, and resources.

(a) Definitions: The terms used herein shall have the meanings and definitions prescribed to them in Section 10 of the Homeowner's Energy Policy Statement Act.

(b) Application for the installation of solar collectors, solar storage mechanisms and solar energy systems must be made to the Architectural and Environmental Control Committee as described herein and Article VII of the Declaration.

(c) The Architectural and Environmental Control Committee shall have the sole discretion in approving an Owner's specific modules or product used for its solar collectors, solar storage mechanisms and/or solar energy systems, which shall be submitted with the Owner's application.

(d) Owners shall not permit solar collectors, solar storage mechanisms or solar energy systems to fall into disrepair or to become safety hazards.

(e) Owners shall be responsible, at his or her own costs, for all maintenance and repair of solar collectors, solar storage mechanisms and solar energy systems. In the event the installation or use of any solar collectors, solar storage mechanisms or solar energy systems causes any damage or destruction to any Common Properties, Dwelling, Lot, Structure, or the Properties, the Owner installing the solar collectors, solar storage mechanisms or solar energy systems shall be liable and responsible for and shall pay for any and all costs, expenses, fees and damages and repair any and all damage or destruction created thereby, including, but not limited to, reasonable attorneys' fees and court costs incurred by the Association.

(f) Owners shall be responsible for repainting or replacement of solar collectors, solar storage mechanisms and solar energy systems.

(g) If the Association and/or Architectural and Environmental Control Committee determines, in its sole discretion, that the removal of any solar collectors, solar storage mechanisms or solar energy systems is necessary to allow the Association to fulfill its maintenance, repair and replacement obligations described in this Declaration, the Association shall provide reasonable notice to the Owner, as applicable. It is the obligation of the Owner to complete removal within the time provided by the Association. In the event the Owner fails to complete removal within the time provided, the Association may hire a licensed solar installer to remove any solar collectors, solar storage mechanisms and solar energy systems and assess all costs incurred back to the Owner's assessment/common expense account. The Association will not be

responsible for the safekeeping of any portion of a solar energy system it removes nor will the Association be responsible or liable for any damage caused to a solar energy system or any of its component parts. Upon removal, no solar energy system or any of its component parts may be re-installed without the prior written approval of the Architectural and Environmental Control Committee.

(h) Solar collectors, solar storage mechanisms and solar energy systems shall meet applicable standards and requirements imposed by state and local permitting authorities and shall be certified by the Solar Rating Certification Corporation (SRCC) or other nationally recognized certification agency. No homemade or non-commercially produced collectors, mechanisms or systems may be installed.

(i) Solar collectors shall only be installed on the roofs of Dwellings and should be, upon installation, completely contained within the vertical plane of the exterior wall line of the Dwelling unless approved as a variance in writing by the AECC. With respect to attached Townhouses and/or Condominiums, under no circumstances shall any solar collectors, solar storage mechanisms or solar energy systems extend beyond the bounds of a Dwelling's roof nor beyond the vertical extension of the Dwelling's Party Wall or Unit boundaries.

(j) Solar collectors, solar storage mechanisms and solar energy systems, should be installed on existing plane of roof material, should match the slope of the existing plane of the roof and be flush-mounted with the existing plane of the roof unless approved as a variance in writing by the AECC.

(k) Solar collectors, solar storage mechanisms and solar energy systems installed on roofs must be firmly affixed to roof surface.

(l) All plumbing lines should be concealed on the exterior of the Dwelling and the method of installation shown and detailed in the Owner's application described in Paragraph (b) herein. Lines should be painted colors consistent with the Dwelling and other materials adjacent to the system.

(m) A sample or illustrated brochure of the proposed solar collectors, solar storage mechanisms and solar energy systems should be submitted to the Architectural and Environmental Control Committee as part of an Owner's application under Paragraph (b) herein and should clearly depict the system and define the materials used. Construction drawings for the specific installation should be provided. Drawings should clearly show all elevations, roof planes, proposed assembly and attachment to the roof structure, proposed installation location on the Dwelling and the location of any storage tanks.

(n) All applications concerning solar collectors, solar storage mechanisms and solar energy systems made pursuant to Paragraph (b) herein should include calculations indicating the number and area of

panels required.

(o) Owners submitting applications shall provide an attestation that notice of the proposed installation of solar collectors, solar storage mechanisms and solar energy systems was given to all neighboring Lots and Dwellings sharing Party Walls and bounds with the applicant Owner.

(p) Any material used in the solar collectors, solar storage mechanisms and solar energy systems, if flammable, should be self-extinguishing.

(q) Ground-mounted, free-standing solar collectors, solar storage mechanisms and solar energy systems are prohibited anywhere on the Property unless approved as a variance in writing by the AECC.

(r) When applicable, the Architecture and Environmental Control Committee may determine the specific location where a solar energy system may be installed on the roof within an orientation to the south or within 45 degrees east or west of due south provided that the determination does not impair the effective operation of the solar energy system.

(s) A solar energy system shall only be installed by a professional contractor, licensed or accredited by the North American Board of Certified Energy Practitioners (NABCEP), Interstate Renewable Energy Council (IREC) or other similar nationally recognized accrediting/licensing authority.

(t) Installation of a solar energy system shall not cause or result in an unreasonable disturbance to or otherwise interfere with the use and enjoyment of neighboring Lots and Dwellings (i.e. the installation of a solar energy system shall not result in unreasonable glare reflecting therefrom nor shall it unreasonably limit or disrupt surrounding Lots' or Dwellings' sight lines).

(u) The Association does hereby permit the installation, placement or construction of rainwater collection systems, subject to any Rules and Regulations adopted by the Board of Directors for the Association. Rainwater collection systems, when possible, shall be concealed from public view and shall not create an unreasonable disturbance or nuisance to neighboring Lots and Dwellings.

(v) The Association does hereby prohibit the installation, placement or construction of wind energy collection systems anywhere on the Property.

(w) The Association does hereby permit the installation, placement or construction of composting systems, subject to any Rules and

Regulations adopted by the Board of Directors for the Association. Composting systems, when possible, shall be concealed from public view and shall not create an unreasonable disturbance or nuisance to neighboring Lots and Dwellings.

2. The terms used herein, if not otherwise defined, shall have the same meaning described to them in the Declaration and Bylaws.
3. The language of this Amendment shall govern any conflicts between this document and the Declaration and its amendments.
4. Except as to the extent expressly set forth herein above, and as amended, the Declaration, Bylaws and Rules and Regulations shall continue in full force and effect without change.

**END OF TEXT OF AMENDMENT**