

**FOUNTAIN GREENS HOMEOWNERS ASSOCIATION, INC.
RULES FOR INSTALLATION OF RENEWABLE ENERGY DEVICES AND ENERGY
EFFICIENCY MEASURES**

These rules are adopted by the Board of Directors of the Fountain Greens Homeowners Association, Inc. ("Association") on the day of _____, 2009, effective _____, 2009.

RECITALS

WHEREAS, the Board of Directors of the Association is responsible for governance and maintenance of the Fountain Greens community ("Community"); and

WHEREAS, the Association is authorized to adopt and enforce reasonable rules and regulations in the best interests of the Community, pursuant to state law; and

WHEREAS, Colorado Revised Statutes Section 38-30-168 provides that any covenant, restriction, or condition contained an instrument affecting an interest in real property that effectively prohibits or restricts the installation or use of a renewable energy generation device ("energy device") is void and unenforceable, except that aesthetic provisions that impose reasonable restrictions on the dimensions, placement or external appearance and that do not significantly increase the cost of the device, significantly decrease its performance or efficiency or are imposed for safety reasons are nevertheless enforceable; and

WHEREAS, Colorado Revised Statutes Section 38-33.3-106.7 provides that an association shall not effectively prohibit the installation or use of an energy efficiency measure ("energy measures"); and

WHEREAS, the Association desires to adopt reasonable restrictions governing the installation of energy devices and energy measures in a manner consistent with the provisions of Colorado law.

NOW, THEREFORE, the Association adopts the following restrictions and regulations for the installation of energy devices and energy measures in the Community by owners of Lots, hereinafter referred to as the "Rules," which shall be binding upon all owners and their grantees, tenants, occupants, successors, heirs, and assigns who currently or in the future may possess an interest in a Lot, and which shall supersede any previously adopted rules on the same subject matter.

I. Definitions

- A. Energy Device** shall have the same meaning as "renewable energy generation device" defined in C.R.S. 38-30-168, and means either a solar energy device as defined in C.R.S. 38-32.5-100.3 or a wind-electric generator that meets the interconnection standards established in rules promulgated by the Public Utilities Commission pursuant to C.R.S. 40-2-124.

B. Energy Efficiency Measure shall have the same meaning as defined in C.R.S. 38-33.3-106.7, and means a device or structure that reduces the amount of energy derived from fossil fuels that is consumed by a residence or business located on real property, and includes only the following types of devices or structures:

1. an awning, shutter, trellis, ramada, or other shade structure that is marketed for the purpose of reducing energy consumption;
2. a garage or attic fan and any associated vents or louvers;
3. an evaporative cooler;
4. an energy-efficient outdoor lighting device, including without limitation, a light fixture containing a coiled or straight fluorescent light bulb, and any solar recharging panel, motion detector, or other equipment connected to the lighting device; and
5. a retractable clothesline.

II. General Installation Rules

A. Architectural Committee Approval. Architectural Committee (“Committee”) approval is required prior to installing any energy device or energy measure. While the Association encourages the use of energy devices and energy measures that are based on renewable resources, it must balance that use with its responsibility to improve and enhance the attractiveness, desirability and safety of the Community. Therefore, consistent with controlling statutes, and the terms and conditions of the Association’s governing documents, Committee approval is required for all energy devices and energy measures. The following standards shall apply with respect to the installation, maintenance, and use of energy devices and measures.

B. Submission Details. In connection with obtaining the Committee’s approval of any energy device or energy measure, the Owner shall provide the Committee with the following information: (i) the location that the device/measure is to be installed on the property/structure, (ii) the type of device/measure to be installed, (iii) the dimensions of the device/measure, (iv) the proposed color of device/measure, and (v) a pictorial/brochure of the device/measure (if available). If the device to be installed is a wind-electric generator, the information submitted must also include how the device meets the interconnection standards established in rules promulgated by the Public Utilities Commission. Following the Owner’s submission of the required information, the Committee will either approve or deny the plan for installation of the device/measure as requested by the Owner, or, if feasible, make recommendations for changes consistent with these Rules.

- C. Aesthetics.** The Committee will consider the aesthetic standards stated in the Association's governing documents when determining whether to approve the Owner's request. The Association encourages the Owner to select equipment that is aesthetically acceptable in the Community and integrates with the residence and surrounding landscape to the maximum extent possible, keeping in mind the design and roofline of the residence on which the device or measure is to be installed. The color of the device or measure and any exposed pipes, panels and other apparatus must be approved by the Committee. Energy devices and measures shall have flashing colored or painted to closely match the adjacent roof color. Poles shall be painted a matte color to blend with surrounding landscape.
- D. Location.** To the maximum extent possible, an energy device or energy measure shall be installed so as to minimize its exposure when viewed from any other Lot, Common Property, street, or from the surrounding community unless to do so will have the effect of substantially interfering with the use of the device/measure or significantly increasing the cost of the device/measure.
- E. Safety.** Owners shall be responsible for ensuring that installations comply with all applicable building codes and other governmental regulations. All energy devices and measures must be secured so that they do not jeopardize the safety of residents or cause damage to adjacent properties.
- F. Removal.** Equipment removal requires restoration of the installation location to its original condition. Owners shall be responsible for all costs relating to removal and restoration.
- G. Variances.** The Committee will review other suggested locations/installations if the above are not feasible; provided, however, the Committee may require the applicant to provide the Committee with a written statement by a solar, wind, or other energy expert that the restrictions imposed by the Committee will have the effect of (i) substantially interfering with the collection of solar energy or significantly impacting the performance of the energy measure, and/or (ii) significantly increasing the cost of the device or measure. In such cases, the Committee will permit variances to these installation criteria to the minimum amount as is reasonably required to allow the device or measure to function properly and to minimize any increase in the cost of the device to the Owner.
- H. Effect of Approval.** Committee approval in no way should be construed as a representation, guarantee, or warranty, etc. by the Committee or the Association that collection of solar or wind energy shall be adequate for the Owner's needs or that energy devices will remain undisturbed by vegetation or improvements located on surrounding properties.

- I. Prohibited Improvements.** No energy device or energy measure may be located on property that is: (i) owned by another person; (ii) leased, except with permission of the landlord, (iii) collateral for a commercial loan, except with permission of the secured party; or (iv) Common Property of the Community.

III. Guidelines for Specific Energy Devices and Energy Efficiency Measures

A. Solar Energy Devices.

1. The preferred location of a solar energy device shall be on the back roof of the residence and below the peak of the roof. Alternatively, the device may be pole-mounted in the rear area of a private yard below the fence-line and, to the maximum extent possible, shall be screened from the view of others by landscaping materials. Solar energy devices installed on the roof shall be installed flush with the roof unless to do so will have the effect of prohibiting the collection of solar energy.
2. All solar panel glazing shall be solar bronze or black with no white or clear glazing allowed.
3. The total number of solar panels and other apparatus installed shall not cover more than 75% of any given roof section, unless to do so will have the effect of prohibiting the collection of solar energy.

- B. Wind-Electric Generators.** Wind-electric generation devices shall be located in an area that reduces interference with the use and enjoyment by residents of property situated near the device as a result of the sound associated with the device. The Committee may consider concerns expressed by neighboring property owners and information presented by the Owner requesting approval in determining impact on other property owners.

C. Solar Shades

1. Operable or motorized solar shades may only be placed on the rear or side elevation of the house.
2. Each window must have its own shade; all windows on the same elevation must be covered if any one window is covered.
3. Shades must allow visible light transmittance; opaque shades are not permitted. Shade colors must be submitted and are subject to review for compatibility with the home's base and trim colors.
4. Housing, track (or cable) and mechanism must be concealed behind trim to blend with the home. Window, trim style and shape must be maintained. Details must be submitted with application.

D. Shutters

1. Exterior operable or motorized rolling shutters may only be placed on the rear or side elevation of the house.
2. Each window must have its own shutter; one shutter may not be used to cover multiple windows.
3. Shutter slats should be no wider than 2".
4. Housing units should be no larger than 10" square and mounted in the soffit whenever possible.
5. Colors must match the existing house. Housing units on stucco or brick veneer must match exterior finish color. Samples of shutter color shall be submitted for Committee approval.
6. Housing, track (or cable) and mechanism must be concealed behind trim to blend with the home. Window, trim style and shape must be maintained. Details must be submitted with application.

E. Clotheslines. The Association encourages the use of removable clothes drying devices that are not affixed to the ground or a structure. Owners must store any clothes drying devices out of view from any other Lot, Common Property, street, or from the surrounding community when not in use.

IV. Covenants in Conflict with Statutes. To the extent that any provisions of the Association's recorded covenants restrict or prohibit energy devices and/or energy measures in violation of the controlling statutes, the Association shall have no authority to enforce such provisions and these Rules shall hereafter control.

These Rules for Installation of Renewable Energy Devices and Energy Efficiency Measures were adopted by the Board of Directors as set forth above.

President

ATTEST:

Secretary