

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS55216-LD-58 (02/14)

Short Title: Energy Devices That Use Renewable Resources. (Public)

Sponsors: Senator Cowell.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT CITY ORDINANCES, COUNTY ORDINANCES,
3 AND DEED RESTRICTIONS, COVENANTS, AND OTHER SIMILAR
4 AGREEMENTS CANNOT PROHIBIT OR HAVE THE EFFECT OF
5 PROHIBITING THE INSTALLATION OF ENERGY DEVICES THAT ARE
6 BASED ON THE USE OF RENEWABLE RESOURCES.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. Article 8 of Chapter 160A of the General Statutes is amended
9 by adding a new section to read:

10 **§ 160A-201. Limitations on regulating energy devices based on the use of**
11 **renewable resources.**

12 (a) No city shall by ordinance prohibit, or have the effect of prohibiting, the
13 installation of a solar collector, clothesline, or any other energy device based on the use
14 of renewable resources. No person shall be denied permission by a city to install any
15 energy device based on the use of renewable resources.

16 (b) In any civil action arising under this section, the court may award costs and
17 reasonable attorneys' fees to the prevailing party.

18 (c) This section does not apply to an ordinance regarding patio railings in a
19 condominium, cooperative, or apartment."

20 SECTION 2. Article 6 of Chapter 153A of the General Statutes is amended
21 by adding a new section to read:

22 **§ 153A-144. Limitations on regulating energy devices based on the use of**
23 **renewable resources.**

24 (a) No county shall by ordinance prohibit, or have the effect of prohibiting, the
25 installation of a solar collector, clothesline, or any other energy device based on the use
26 of renewable resources. No person shall be denied permission by a county to install any
27 energy device based on the use of renewable resources.

(b) In any civil action arising under this section, the court may award costs and reasonable attorneys' fees to the prevailing party.

(c) This section does not apply to an ordinance regarding patio railings in a condominium, cooperative, or apartment."

SECTION 3. Chapter 22B of the General Statutes is amended by adding a new Article to read:

"Article 3.

"Deed Restrictions, Covenants, and Other Agreements Prohibiting Renewable Energy Devices.

"§ 22B-20. Deed restrictions and other agreements prohibiting energy devices that are based on the use of renewable resources.

(a) The intent of the General Assembly is to protect the public health, safety, and welfare by encouraging the development and use of renewable resources and by prohibiting deed restrictions, covenants, and other similar agreements that could have the ultimate effect of driving the costs of owning and maintaining commercial and residential property beyond the financial means of most individual private owners.

(b) Any deed restriction, covenant, or similar binding agreement that runs with the land that would prohibit, or have the effect of prohibiting, the installation of a solar collector, clothesline, or any other energy device based on the use of renewable resources on the land subject to the deed restriction, covenant, or agreement is void and unenforceable. With respect to any residential dwelling not exceeding three stories in height, a property owner shall not be denied permission by any entity granted the power or right in any deed restriction, covenant, or similar binding agreement to approve, forbid, control, or direct alteration of property to install any energy device based on the use of renewable resources; however, such entity may determine the specific location where a solar collector may be installed on the roof within an orientation to the south or within 45 degrees east or west of due south provided that such determination does not impair the effective operation of the solar collector.

(c) In any civil action arising under this section, the court may award costs and reasonable attorneys' fees to the prevailing party.

(d) This section does not apply to a deed restriction, covenant, or similar agreement that runs with the land regarding patio railings in a condominium, cooperative, or apartment."

SECTION 4. This act is effective when it becomes law.