

**ROCK CREEK HOMES
ASSOCIATION, INC.**

Vernon's Annotated Missouri Statutes

Title XXIX. Ownership and Conveyance of Property [Chs. 441-448]

Chapter 442. Titles and Conveyance of Real Estate (Refs & Annos)

Generally

V.A.M.S. 442.404

442.404. Political signs, homeowners' associations not to prohibit--reasonable restrictions and removal permitted, when

Effective: January 1, 2023

Currentness

<Text of section eff. Jan. 1, 2023. See, also, text of section 442.404 eff. until Jan. 1, 2023.>

1. As used in this section, the following terms shall mean:

(1) **"Homeowners' association"**, a nonprofit corporation or unincorporated association of homeowners created under a declaration to own and operate portions of a planned community or other residential subdivision that has the power under the declaration to assess association members to pay the costs and expenses incurred in the performance of the association's obligations under the declaration or tenants-in-common with respect to the ownership of common ground or amenities of a planned community or other residential subdivision. This term shall not include a condominium unit owners' association as defined and provided for in subdivision (3) of section 448.1-103 or a residential cooperative;

(2) **"Political signs"**, any fixed, ground-mounted display in support of or in opposition to a person seeking elected office or a ballot measure excluding any materials that may be attached;

(3) **"Solar panel or solar collector"**, a device used to collect and convert solar energy into electricity or thermal energy, including but not limited to photovoltaic cells or panels, or solar thermal systems.

2. (1) No deed restrictions, covenants, or similar binding agreements running with the land shall prohibit or have the effect of prohibiting the display of political signs.

(2) A homeowners' association has the authority to adopt reasonable rules, subject to any applicable statutes or ordinances, regarding the time, size, place, number, and manner of display of political signs.

(3) A homeowners' association may remove a political sign without liability if such sign is placed within the common ground, threatens the public health or safety, violates an applicable statute or ordinance, is accompanied by sound or music, or if any other materials are attached to the political sign. Subject to the foregoing, a homeowners' association shall not remove a political sign from the property of a homeowner or impose any fine or penalty upon the homeowner unless it has given such homeowner three days after providing written notice to the homeowner, which notice shall specifically identify the rule and the nature of the violation.

3. (1) No deed restrictions, covenants, or similar binding agreements 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.

(2) A homeowners' association may adopt reasonable rules, subject to any applicable statutes or ordinances, regarding the placement of solar panels or solar collectors to the extent that those rules do not prevent the installation of the device, impair the functioning of the device, restrict the use of the device, or adversely affect the cost or efficiency of the device.

(3) The provisions of this subsection shall apply only with regard to rooftops that are owned, controlled, and maintained by the owner of the individual property or structure.

4. (1) No deed restrictions, covenants, or similar binding agreements running with the land shall prohibit or have the effect of prohibiting the display of sale signs on the property of a homeowner or property owner including, but not limited to, any yard on the property, or nearby street corners.

(2) A homeowners' association has the authority to adopt reasonable rules, subject to any applicable statutes or ordinances, regarding the time, size, place, number, and manner of display of sale signs.

(3) A homeowners' association may remove a sale sign without liability if such sign is placed within the common ground, threatens the public health or safety, violates an applicable statute or ordinance, is accompanied by sound or music, or if any other materials are attached to the sale sign. Subject to the foregoing, a homeowners' association shall not remove a sale sign from the property of a homeowner or property owner or impose any fine or penalty upon the homeowner or property owner unless it has given such homeowner or property owner three business days after the homeowner or property owner receives written notice from the homeowners' association, which notice shall specifically identify the rule and the nature of the alleged violation.

Credits

(L.2018, H.B. No. 1887, § A, eff. Aug. 28, 2018. Amended by L.2022, H.B. No. 1662, § A, eff. Jan. 1, 2023; L.2022, S.B. No. 745, § A, eff. Jan. 1, 2023; L.2022, S.B. No. 820, § A, eff. Jan. 1, 2023.)

V. A. M. S. 442.404, MO ST 442.404

Statutes are current through WID 37 of the 2022 Second Regular Session of the 101st General Assembly. Constitution is current through the November 3, 2020 General Election.

End of Document

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Solar Policy

I. Introduction.

Rock Creek Homes Association, Inc. endeavors to continue to look to new and emerging technologies that will positively impact the properties located inside its neighborhood, while at the same time maintaining consistency in installations and aesthetic impact of the technology upon the community.

Members should share this policy with prospective contractors when soliciting bids, as this policy will be used by the Architectural Control Committee (ACC) when reviewing installation applications. This policy is subject to change upon a vote by the Directors of the Association.

Please note: these guidelines are primarily for the installation of Solar Energy Systems, but also will apply to windows, siding, roof windows, skylights, and other similar roof mounted fixtures, features, and equipment. These Guidelines are a supplement, but not a replacement, to the existing covenants and will apply to all new construction, additions and remodels of any structure on any Lot. Specifically, but not exclusively, for any roof that does not contain an approved Solar Panel, Solar Collector or Solar Energy System, the current standard roof fabrication and color required by the Association shall continue to be mandatory. [Note: We can be more specific if that is currently in force in the Association.]

Members must be in good standing in order to make an application under this policy.

II. Definition(s)

Missouri Revised Statute 442.404 shall be followed by the Association and the ACC in approving a solar policy. The Association and ACC shall use any definition required by Missouri Statute and Code of State Regulations.

In addition to mandatory definitions, for the purposes of this policy, a Solar Energy System is defined as any solar panel, solar shingle, solar collector or other solar energy device or any structural design feature of a building whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating. The following common systems would be considered Solar Energy Systems:

- Photovoltaics (solar electric)
- Solar water heating for use within a building
- Solar water heating for space heating
- Solar pool heating

Other roof mounted fixtures, features and equipment associated with Solar Energy Systems shall also be considered a part of the system including, but not limited to, ducts, piping, conduits, wiring, water tanks, and collectors. An additional technology encouraged by the Association are solar shingles.

III. Policy and General Provisions Governing Installation of Solar Energy System

The Association does not and shall not endorse any specific vendor or product, but will identify previously-approved projects in good standing in the neighborhood.

The Association has a strong preference for the use of solar shingles. Applications proposing use of any covering, films or other coverings upon any solar panels are strongly discouraged.

Installation of solar panels, solar shingles or any Solar Energy System shall be intended to conform to existing roofline geometry. [Note: If there is a current community standard for roofing materials, such as, the “Weathered Wood” coloration as used in the Timberline Weathered Wood shingle (as of the inception date of this policy) then you would want to reference it here.]

The ACC is not responsible for verification of any equipment’s compliance with any and all applicable governing regulations, requirements and standards, or the ability of the equipment to perform the functions for which the equipment was designed.

Whether or not specifically stated in the ACC’s written approval, all approvals are based on the condition that the system complies with all applicable Federal, State and local laws governmental regulations, requirements and standards.

Members are individually responsible for determining if additional local, State or Federal permits for installation of a Solar Energy System are required. The Association shall not be responsible for verifying if any permits are required and if a Member has obtained them prior to or after installation.

The Association does not guaranty that any Solar Energy System will comply with any homeowner’s insurance company policy requirements or warranties that may or may not apply to a Member’s structure. Neither the ACC nor the HOA Board of Directors may be held liable to the Members from damage or for effects to any individual of a Member’s family. The Member Lot owner assumes and bears all risks regarding installation and use of any Solar Panel, or Solar Energy System.

The Association's approval for installation of any Solar Energy System is not a representation that the system chosen by a Member is safe to use or is compatible with a Member's structure and therefore Members assume and bears all risks regarding installation and use of such a system. Members also shall bear all costs for any applications, permits or other authorizations and/or communications with any State, Federal, local governments or any utility companies.

ACC shall review the application for approval of the installation or use of a Solar Energy System in the same manner as an application for approval of an architectural modification to the property.

ACC shall have the right to disapprove an application for a proposed Solar Energy System based on aesthetics pertaining to profile, size, mass, color, texture, material, and other aesthetic criteria considered by the ACC pursuant to Covenants, Conditions & Restrictions (CC&Rs) and the guidelines referenced herein.

ACC shall review an application for a proposed Solar Energy System based on all requirements pertaining to the built structures on each property, specifically as it relates to setbacks and heights.

Prior to making a determination to approve or disapprove the application, the ACC shall make an in-person site visit to the applicant's Lot to observe the location of the Residence on the Lot and the proposed installation location.

Members installing a Solar Energy System unapproved by the Association or ACC shall be subject to an enforcement action by the Association to change or uninstall the Solar Energy System at the Lot owner's expense, in addition to other remedies available at law, and the homeowner shall reimburse the Association for any and all expenses, including legal expenses and/or violation fines, required to enforce this policy.

IV. Design Guidelines

A. Reflectivity

1. No Solar Energy System may reflect light or heat into neighboring homes and yards, common areas, or public rights of way.

B. Mounting

1. Roof-mounted solar panels should only be installed in the rear of the home and are not likely to be approved in any other location given aesthetic considerations. The Association realizes that for any houses located on corner lots where the back of the house or roof is visible from a side street, that installation of such devices on the back side roof may still be visible from the street abutting the side of Member's lot,

and installation on the back roof side of the house under these circumstances will be considered for approval by the Association.

2. Wall mounted solar panels are not permitted.
3. Any form of Ground-Mounted Solar Energy System is not permitted.
4. Roof mounted solar panels should be laid out in a symmetrical rectangle or square pattern and should have the perimeter squared off with filler material to eliminate asymmetrical edges.
5. Solar panels should not project above the roof surface at any point more than seven (7) inches.
6. Conduit/piping should be tight against drain spouts when a drain spout is on the wall being used. Conduit/piping must go through eaves not around. Conduit/piping should penetrate the roof, to the extent possible, and be contained within the structure. Conduit/piping that cannot be concealed should be painted to blend with the color of the adjacent surface. Conduit/piping will have single routing from panels and run tight against the panels to the point where it penetrates the roof. Conduit/piping must not run across the roof faces or over ridges, valleys or hips but should go through the roof and be concealed below the roof.

C. Coloration

1. Solar Panels and related installation components shall be the same color as the roof. If the Member's current roof color does not match the solar panel, then the Solar Panel shall be covered or clad in a solar "skin" or a similar method to change the visual coloration of the panel to exactly match the Member's currently installed neighborhood roofing/shingle standard. Alternatively, the Member may make application with the ACC for its future approval of a similar solution to ensure the entirety of the Solar Panel or technology and its components are colored to match the current community standard.

2. Solar shingles and Solar Energy Systems shall be the same color as the roof. If the Member's current roof color does not match the solar shingle, then the entire roof shall be replaced at the same time as the installation of the Solar Panel.

3. Mounting brackets should be painted to match the Solar Energy System color of the roof as appropriate.

4. Plumbing vents should be painted black when in between panels and should have gaps filled.
5. All plumbing, electrical, and utility lines for the Solar Energy System shall be concealed from view.
6. Installation of wiring components through an attic is preferred.
7. Conduit/piping abutting panels should be painted black and conduit/piping not against panels should be painted to match roof color. Conduit/piping going up a wall should be installed tight together and painted to match adjacent surface.
8. Filler strips should be used between panels to fill any gaps and hide the roof.
9. Solar panels should have end caps where an end is visible.
10. Piping and electrical connections will be located directly under and/or within the perimeter of the panel and invisible from all street angles. Panels are to be mounted on the same plane as the roof slope. The installation profile should be as level as practical.

D. Mounting Angle

1. Raised or tilted solar panels will only be installed on the rear roof. Solar shingles, by design, shall be flush with the roof angle.

E. Above-Ridgeline Panel Placement

2. For aesthetic purposes, the highest point of a solar panel should be lower than the ridge of the rear roof where it is attached.

F. On-Going Maintenance

1. All painted surfaces will be kept in good repair.
2. All non-functioning Solar Energy Systems shall be repaired within Sixty (60) days of damage or removed.
3. Members shall properly maintain any Solar Energy System after proper installation to ensure that it does not dilapidate or create visual and/or aesthetic nuisance as determined by the Association and/or ACC. Should the installed Solar Energy System not be properly maintained resulting in visual and/or aesthetic nuisance, the Association may enforce any of its rights under the Covenants, rules or this policy to insure homeowner compliance that may include, but not be limited to, fines and/or litigation.

This enforcement may include but not limited to maintenance of the Solar Energy System in a good and aesthetically pleasing condition; or removal of said Solar Energy System while maintaining compliance with all other applicable CCRs, rules and policy.

G. Solar Energy System Application Requirements

1. Applications shall be made in writing or electronically to the email address designated by the Association.
2. Submit scaled, dimensioned roof plans showing the entire roof including hips, valleys and ridges.
3. Show proposed panel locations on the roof including the dimensions of panels and setbacks from edge of roof.
4. Show routing of piping/conduit/piping on roof.
5. Show where piping/conduit/piping penetrates eaves and roof.
6. Show all vents/obstacles on roof that will be in between the panels.
7. Submit photos of roof, where practical.
8. Provide drawing of wall where pipes/conduit/piping will go up wall to roof.
9. Submit photos of wall.
10. Include the manufacturer's brochure.
11. Sample of the proposed Solar Energy System and manufacturer's literature shall be submitted with the application to the satisfaction of ACC.
12. Calculations shall be provided with the initial application verifying the number and/or area of panels required for the proposed, requested installation.
13. Photographs shall be submitted showing the location of the proposed Solar Energy Systems and their visibility from neighboring structures and street(s).
14. During the application process, the plans and submittals for the Solar Energy System will be made available for nearby Lot Owner's review. These applications are available to Association Members in good standing.

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Members must be in good standing in order to make an application under this policy.

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In addition to mandatory definitions, for the purposes of this policy, a Solar Energy System is defined as any solar panel, solar shingle, solar collector or other solar energy device or any structural design feature of a building whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating. The following common systems would be considered Solar Energy Systems:

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Installation of solar panels, solar shingles or any Solar Energy System shall be intended to conform to existing roofline geometry. The Association standard for roofing, the Timberline Weathered Wood product shall remain the standard with or without the use of

any Association-approved solar energy system.

The DRC is not responsible for verification of any solar energy equipment's compliance with any and all applicable governing regulations, requirements and standards, or the ability of the equipment to perform the functions for which the equipment was designed.

Whether or not specifically stated in the DRC's written approval, all approvals are based on the condition that the system complies with all applicable Federal, State and local laws governmental regulations, requirements and standards.

Members are individually responsible for determining if additional local, State or Federal permits for installation of a Solar Energy System are required. The Association shall not be responsible for verifying if any permits are required and if a Member has obtained them prior to or after installation.

The Association does not guaranty that any Solar Energy System will comply with any homeowner's insurance company policy requirements or warranties that may or may not apply to a Member's structure. Neither the DRC nor the HOA Board of Directors may be held liable to the Members from damage or for effects to any individual of a Member's family. The Member Lot owner assumes and bears all risks regarding installation and use of any Solar Panel, or Solar Energy System.

The Association's approval for installation of any Solar Energy System is not a representation that the system chosen by a Member is safe to use or is compatible with a Member's structure and therefore Members assume and bears all risks regarding installation and use of such a system. Members also shall bear all costs for any applications, permits or other authorizations and/or communications with any State, Federal, local governments or any utility companies.

DRC shall review the application for approval of the installation or use of a Solar Energy System in the same manner as an application for approval of an architectural modification to the property.

DRC shall have the right to disapprove an application for a proposed Solar Energy System based on aesthetics pertaining to profile, size, mass, color, texture, material, and other aesthetic criteria considered by the DRC pursuant to Covenants, Conditions & Restrictions (CC&Rs) and the guidelines referenced herein.

DRC shall review an application for a proposed Solar Energy System based on all requirements pertaining to the built structures on each property, specifically as it relates to setbacks and heights.

Prior to making a determination to approve or disapprove the application, the DRC shall make an in-person site visit to the applicant's Lot to observe the location of the Residence on the Lot and the proposed installation location.

Members installing a Solar Energy System unapproved by the Association or DRC shall be subject to an enforcement action by the Association to change or uninstall the Solar Energy System at the Lot owner's expense, in addition to other remedies available at law, and the homeowner shall reimburse the Association for any and all expenses, including legal expenses and/or violation fines, required to enforce this policy.

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A. Reflectivity

1. No Solar Energy System may reflect light or heat into neighboring homes and yards, common areas, or public rights of way.

B. Mounting

1. Roof-mounted solar panels should only be installed in the rear of the home and

are not likely to be approved in any other location given aesthetic considerations. Specifically, any roof-mounted solar panel or like kind technology shall only be installed upon the rear-facing roof. No installations on any frontage-facing roof surface shall be permitted. The Association realizes that for any houses located on corner lots where the back of the house or roof is visible from a side street, that installation of such devices on the back side roof may still be visible from the street abutting the side of Member's lot, and installation on the back roof side of the house under these circumstances will be considered for approval by the Association. Any Owner who's lot is on a corner location where there may be a difference of opinion as to what constitutes the "real facing" roof surface shall follow the location approved by the DRC.

2. Wall mounted solar panels are not permitted.
3. Any form of Ground-Mounted Solar Energy System is not permitted.
4. Roof mounted solar panels should be laid out in a symmetrical rectangle or square pattern and should have the perimeter squared off with filler material to eliminate asymmetrical edges.
5. Solar panels should not project above the roof surface at any point more than seven (7) inches.
6. Conduit/piping should be tight against drain spouts when a drain spout is on the wall being used. Conduit/piping must go through eaves not around. Conduit/piping should penetrate the roof, to the extent possible, and be contained within the structure. Conduit/piping that cannot be concealed should be painted to blend with the color of the adjacent surface. Conduit/piping will have single routing from panels and run tight against the panels to the point where it penetrates the roof. Conduit/piping must not run across the roof faces or over ridges, valleys or hips but should go through the roof and be concealed below the roof.

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3. Mounting brackets should be painted to match the Solar Energy System color of the roof as appropriate.
4. Plumbing vents should be painted black when in between panels and should have gaps filled.
5. All plumbing, electrical, and utility lines for the Solar Energy System shall be concealed from view.
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2. Submit scaled, dimensioned roof plans showing the entire roof including hips, valleys and ridges.
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