

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

3

SENATE BILL 846
Commerce Committee Substitute Adopted 4/23/03
Third Edition Engrossed 4/28/03

Short Title: Solar Energy Systems.

(Public)

Sponsors:

Referred to:

April 3, 2003

A BILL TO BE ENTITLED

AN ACT ENCOURAGING THE USE OF SOLAR ENERGY SYSTEMS AND
PROHIBITING ORDINANCES, COVENANTS, AND OTHER RESTRICTIONS
THAT UNREASONABLY RESTRICT THE INSTALLATION OR USE OF SUCH
SYSTEMS.

The General Assembly of North Carolina enacts:

SECTION 1. The General Statutes are amended by adding a new Chapter to
read:

"Chapter 113C.

"Solar Energy.

"§ 113C-1. Solar energy systems.

(a) It is the policy of the State to promote and encourage the use of solar energy.

(b) The following definitions apply in this section:

(1) Significantly. – An amount exceeding thirty percent (30%) of the cost of a solar energy system or decreasing the efficiency of a system by an amount exceeding thirty percent (30%), as originally specified and proposed.

(2) Solar energy system. – A device for the collection, storage, conversion, and distribution of solar energy for space heating or cooling, water heating, or electricity generation.

(c) No governing body of a municipality or county shall adopt or enforce an ordinance that effectively prohibits or unreasonably restricts the installation or use of a solar energy system. Any covenant, restriction, or other condition contained in any deed, contract, security agreement, or other instrument affecting the transfer or sale of any real property or any interest therein that effectively prohibits or unreasonably restricts the installation or use of a solar energy system is void and unenforceable. For purposes of this section, an ordinance or covenant, restriction, or other condition effectively prohibits or unreasonably restricts the installation or use of a solar energy

1 system if it significantly increases the cost of a solar energy system or significantly
2 decreases the efficiency or expected performance of a solar energy system.

3 (d) Notwithstanding subsection (c) of this section, an ordinance adopted by a
4 municipality or county, and any covenant, restriction, or other condition contained in
5 any deed, contract, security agreement, or other instrument affecting the transfer or sale
6 of any real property or any interest therein, may require a solar energy system to
7 conform to the architectural standards of the neighborhood in which the real property is
8 located.

9 (e) Whenever approval is required for the installation or use of a solar energy
10 system, the application for approval shall be processed and approved by the approving
11 entity in the same manner as an application for approval of an architectural modification
12 to the property. Approval shall not be willfully avoided or delayed.

13 (f) Any person or entity, other than a governing body of a municipality or
14 county, that willfully violates this section shall be liable to the applicant for actual
15 damages resulting from the violation, and the court shall also order the person or entity
16 to pay the applicant a civil penalty in an amount not to exceed one thousand dollars
17 (\$1,000)."

18 **SECTION 2.** This act is effective October 1, 2003, and applies to ordinances
19 adopted on or after that date and to covenants, restrictions, and other conditions
20 contained in any deed, contract, security agreement, or other instrument affecting the
21 transfer or sale of any real property or any interest therein that go into effect on or after
22 that date.