

1 H.365

2 Introduced by Representatives Spengler of Colchester, Martin of Springfield

3 and McCullough of Williston

4 Referred to Committee on

5 Date:

6 Subject: Conservation; municipal regulatory powers; municipal bylaws;

7 conveyances of real estate; solar collectors; clotheslines; renewable

8 energy

9 Statement of purpose: This bill proposes to provide that no municipality, by
10 bylaw, ordinance, resolution, or other enactment, shall prohibit or have the
11 effect of prohibiting the installation of solar collectors, clotheslines, or other
12 energy devices based on renewable resources. It also proposes that no deed
13 restrictions, covenants, or similar binding agreements running with the land
14 shall prohibit or have the effect of prohibiting solar collectors, clotheslines, or
15 other energy devices based on renewable resources from being installed on
16 buildings erected on the lots or parcels covered by the deed restrictions,
17 covenants, or binding agreements.

18 An act relating to limiting the power of municipalities or deeds to prohibit
19 the installation of solar collectors, clotheslines, or other energy devices
20 based on renewable resources

21 It is hereby enacted by the General Assembly of the State of Vermont:

1 Sec. 1. 24 V.S.A. § 2291a is added to read:

2 § 2291a. RENEWABLE ENERGY DEVICES

3 Notwithstanding any provision of law to the contrary, no municipality, by
4 ordinance, resolution, or other enactment, shall prohibit or have the effect of
5 prohibiting the installation of solar collectors, clotheslines, or other energy
6 devices based on renewable resources. This section shall not apply to patio
7 railings in condominiums, cooperatives, or apartments.

8 Sec. 2. 24 V.S.A. § 4413(g) is added to read:

9 (g) Notwithstanding any provision of law to the contrary, a bylaw adopted
10 under this chapter shall not prohibit or have the effect of prohibiting the
11 installation of solar collectors, clotheslines, or other energy devices based on
12 renewable resources.

13 Sec. 3. 27 V.S.A. § 544 is added to read:

14 § 544. ENERGY DEVICES BASED ON RENEWABLE RESOURCES

15 (a) No deed restrictions, covenants, or similar binding agreements running
16 with the land shall prohibit or have the effect of prohibiting solar collectors,
17 clotheslines, or other energy devices based on renewable resources from being
18 installed on buildings erected on the lots or parcels covered by the deed
19 restrictions, covenants, or binding agreements. A property owner may not be
20 denied permission to install solar collectors or other energy devices based on
21 renewable resources by any entity granted the power or right in any deed

1 restriction, covenant, or similar binding agreement to approve, forbid, control,
2 or direct alteration of property with respect to residential dwellings. For
3 purposes of this subsection, that entity may determine the specific location
4 where solar collectors may be installed on the roof within an orientation to the
5 south or within 45° east or west of due south, provided that this determination
6 does not impair the effective operation of the solar collectors.

7 (b) In any litigation arising under the provisions of this section, the
8 prevailing party shall be entitled to costs and reasonable attorney's fees.

9 (c) The legislative intent in enacting this section is to protect the public
10 health, safety, and welfare by encouraging the development and use of
11 renewable resources in order to conserve and protect the value of land,
12 buildings, and resources by preventing measures which will have the ultimate
13 effect, whether or not intended, of driving the costs of owning and operating
14 commercial or residential property beyond the capacity of private owners to
15 maintain. This section shall not apply to patio railings in condominiums,
16 cooperatives, or apartments.