

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1187*

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

Sponsors: Representatives Fisher, Harrison (Primary Sponsors); Faison, Insko, and Luebke.

Referred to: Energy and Energy Efficiency, if favorable, Judiciary I.

March 29, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT CITY ORDINANCES, COUNTY ORDINANCES, AND DEED RESTRICTIONS, COVENANTS, AND OTHER SIMILAR AGREEMENTS CANNOT PROHIBIT OR HAVE THE EFFECT OF PROHIBITING THE INSTALLATION OF ENERGY DEVICES THAT ARE BASED ON THE USE OF RENEWABLE RESOURCES.

The General Assembly of North Carolina enacts:

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

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

(a) No city shall by ordinance 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. No person shall be denied permission by a city to install any 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 2. Article 6 of Chapter 153A of the General Statutes is amended by adding a new section to read:

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

(a) No county shall by ordinance 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. No person shall be denied permission by a county to install any energy device based on the use of renewable resources.

