

Solar Energy Devices (amended 10-1-25)

By Arizona Statute ARS 44-1761 - Definitions:

A Solar Energy Device is defined as a system or series of mechanisms designed primarily to provide heating, to provide cooling, to produce electrical power, to produce mechanical power, to provide solar day lighting or to provide any combination or the foregoing by means of collecting and transferring solar generated energy into such uses either by active or passive means. Such systems may also have the capability of storing such energy for future utilization. Passive systems shall clearly be designed as a solar energy device such as a Trombe wall and not merely a part of a normal structure such as a window.

Placement

By Arizona Statute ARS 33-439 - Restrictions on installation or use of solar energy devices invalid, exception:

- A. Any covenant, restriction or condition contained in any deed, contract, security agreement or other instrument affecting the transfer or sale of, or any interest in, real property which effectively prohibits the installation or use of a solar energy device as defined in section 44-1761 is void and unenforceable.
- B. A deed, contract, security agreement or other instrument affecting the transfer or sale of, or any interest in, real property entered into before April 17, 1980, shall not be subject to the provisions of this section.

The Westbrook Village Association requires the following relating to a solar energy device installation:

- If applicable, a solar energy device shall be integrated into the roof or property design with the preferred location being the backside of the property or a flat roof section.
- A solar energy device may not encroach upon Common Areas or the property of another Owner.
- Photos of the area locating where the solar energy device will be installed, contractor installation plans and information brochures must be submitted with the application to include: location of panel array; tilt and/or pitch degree of panels; location of inverter, control boxes, and battery storage devices; photo of a neutral-colored inverter box(es) and battery storage devices to be installed without company logos. Earth tone is defined as a color scheme that draws from a palette of browns, tans, grays, and some reds. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt and rock.
- The preferred location of the inverter box, control box, battery storage device, and any associated conduit should be installed inside the garage.
- An alternative option is to install the inverter, control boxes, and battery storage device on an exterior wall. The top of the inverter control boxes, and battery storage device must be placed behind and below a privacy wall fence line (below 6-foot height if no privacy walls).
- Any solar energy device associated wiring, conduit, tubing, brackets, and control boxes must be painted the same color as the surface to which they are attached. If it is not possible to directly paint the boxes, an accessible cover shall be installed over the part of the installation that does not match the surface color. That cover must be painted to match the color of the surface to which it is attached.
- Any landscape planting or structure to shield a solar energy device, battery storage device, or inverter and control boxes to obscure its view from the street, golf course and neighboring properties must have design plans submitted for review and approval by the Architectural Control Committee.
- The "Solar Energy Device Contractor Statement," located at the end of this document, must be signed by the homeowner and contractor, and submitted with the application.
- If appropriate, an "Application for Tree Removal in Westbrook Village Association Common Area to Accommodate Solar Panel Installation" form, located at the end of this document, must be submitted.
- The solar energy device installation must comply with all applicable city, county and state laws, regulations, and codes. All required permits must be applied for, with approval received, before any portion of the installation can begin.

Note: Homeowners are encouraged to evaluate the advantages of installing bird deterrent on the solar panels at time of installation. An Architectural Change Application is required.