

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SENATE BILL 1254

AN ACT

AMENDING TITLE 33, CHAPTER 16, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 33-1815 AND 33-1816; RELATING TO PLANNED COMMUNITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 33, chapter 16, article 1, Arizona Revised Statutes,
3 is amended by adding sections 33-1815 and 33-1816, to read:

4 33-1815. Association authority; commercial signage

5 NOTWITHSTANDING ANY PROVISION IN THE COMMUNITY DOCUMENTS, AFTER AN
6 ASSOCIATION HAS APPROVED A COMMERCIAL SIGN, INCLUDING ITS REGISTERED
7 TRADEMARK THAT IS LOCATED ON PROPERTIES ZONED FOR COMMERCIAL USE IN THE
8 PLANNED COMMUNITY, THE ASSOCIATION, INCLUDING ANY SUBSEQUENTLY ELECTED BOARD
9 OF DIRECTORS, MAY NOT REVOKE OR MODIFY ITS APPROVAL OF THAT SIGN IF THE OWNER
10 OR OPERATOR OF THE SIGN HAS RECEIVED APPROVAL FOR THE SIGN FROM THE LOCAL OR
11 COUNTY GOVERNING BODY WITH JURISDICTION OVER THE SIGN.

12 33-1816. Solar energy devices; reasonable restrictions

13 A. NOTWITHSTANDING ANY PROVISION IN THE COMMUNITY DOCUMENTS, AN
14 ASSOCIATION SHALL NOT PROHIBIT THE INSTALLATION OR USE OF A SOLAR ENERGY
15 DEVICE AS DEFINED IN SECTION 44-1761.

16 B. AN ASSOCIATION MAY ADOPT REASONABLE RULES REGARDING THE PLACEMENT
17 OF A SOLAR ENERGY DEVICE IF THOSE RULES DO NOT PREVENT THE INSTALLATION,
18 IMPAIR THE FUNCTIONING OF THE DEVICE OR RESTRICT ITS USE OR ADVERSELY AFFECT
19 THE COST OR EFFICIENCY OF THE DEVICE.

20 C. NOTWITHSTANDING ANY PROVISION OF THE COMMUNITY DOCUMENTS, THE COURT
21 SHALL AWARD REASONABLE ATTORNEY FEES AND COSTS TO ANY PARTY WHO SUBSTANTIALLY
22 PREVAILS IN AN ACTION AGAINST THE BOARD OF DIRECTORS OF THE ASSOCIATION FOR A
23 VIOLATION OF THIS SECTION.