

**Resolution
of
The Knolls at Plum Creek Condominium Association, Inc.
Regarding
Electric Vehicle Charging Station Rules, Policies and Procedures**

SUBJECT

AND PURPOSES: Electric Vehicle Charging Station Rules, Policies and Procedures to protect the health, safety and welfare of the residents of the properties subject to the Condominium Declaration of the Knolls at Plum Creek Condominiums and to preserve, protect and enhance the values of the properties subject to the Declaration.

AUTHORITY: The Declaration, Articles of Incorporation and Bylaws of the Association and Colorado law.

**ADOPTED
DATE:**

_____, 2014

**EFFECTIVE
DATE:**

_____, 2014

RESOLUTION: The Association gives notice of its adoption of a Resolution establishing rules, policies and procedures regarding the installation, construction, maintenance and use of electric vehicle charging stations.

**PRESIDENT'S AND
SECRETARY'S**

CERTIFICATION: The undersigned, respectively being the President and Secretary of The Knolls at Plum Creek Condominium Association, Inc., a Colorado nonprofit corporation, certify that the following rules, policies and procedures were approved and adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors of the Association on _____, 2014, and in witness thereof, the undersigned have subscribed their names.

THE KNOLLS AT PLUM CREEK CONDOMINIUM ASSOCIATION,
INC. a Colorado nonprofit corporation,

By: _____
President

By: _____
Secretary

Electric Vehicle Charging Station Rules, Policies and Procedures

A. Introduction and Basis for Rules on Installation, Maintenance, and Use of Electric Vehicle Charging Stations

1. In 2013, the Colorado legislature passed Senate Bill 13-126 (“SB13-126”), concerning the removal of unreasonable restrictions on the installation of electric vehicle charging stations.
2. The primary purpose of SB13-126 is to ensure that common interest communities provide residents and Owners with a meaningful opportunity to take advantage of the availability of electric vehicles and to permit the installation of electric vehicle charging stations as an amenity for residents and guests.
3. Since the governing documents provide little guidance concerning the installation, maintenance, and use of charging stations and vests the responsibility for the administration and enforcement of community standards in the Board of Directors of the Association, the Board promulgates these Rules, Regulations, Policies and Procedures.

B. Rules on Installation, Maintenance, and Use of Electric Vehicle Charging Stations.

1. **“Electric Vehicle Charging System” Defined.** For the purposes of these rules, *Electric Vehicle Charging System* (“Charging Systems”) means a Level 1 or Level 2 charging system as defined by C.R.S. § 38-33.3-106.8(7).
2. **Installation and Location of Charging Systems.**
 - a. Owners who wish to charge electric vehicles on property in the community may be required to install a Charging System.
 - b. The Association permits Owners to install Charging Systems on any Limited Common Element assigned or designated for the benefit of an individual Owner, including a parking space, carport, or garage, subject to the conditions, restrictions and limitations outlined in these Rules.
3. **Association Consent.** Owners may not install a Charging System without the consent of the Association. The Association will consent to an Owner’s installation of a Charging System on a Limited Common Element parking space, carport, or garage if:
 - a. The Charging System otherwise complies with the Declaration, Bylaws, and Rules and Regulations of the Association;
 - b. The Owner agrees in writing to have the Charging System installed by a licensed electrical contractor, with a building permit;
 - c. The Owner installs a separate electrical meter or sub-meter;

- d. As an alternative to a meter, the Owner agrees to pay the projected allocated costs attributable to the Charging System as estimated by the Association;
- e. The Owner submits a signed copy of the form of agreement attached to this policy; and
- f. The Owner submits such additional material as may be reasonably requested by the Association.

4. Charges and Fees of the Association.

- a. The Association will not charge an Owner any fee for the installation of a Charging System, except that the Association may assess Owners for reimbursement of the actual costs of electricity used by the Charging System.
- b. Alternatively, the Association may charge a reasonable fee for access or require metering or sub-metering.
- c. If the Charging System is part of a network for which a network fee is charged, the Association may charge an Owner for the amount of the network fee.
- d. These costs will be deemed assessments of the Owner.

5. Owners Preferred to Have Separate Metering. Owners desiring to install Charging Systems may do so with installation of a separate electricity meter. Arrangements can be made with utility providers for the installation of meters to monitor energy usage and collect data for billing purposes. For a referral to the appropriate vendor, Owners may contact the Association's manager.

6. Safety Requirements.

- a. All installations must meet or exceed applicable building code safety standards, be installed with a building permit, and must meet or exceed other applicable safety standards for the protection of people and property.
- b. The Association may require that installation and use of a Charging System satisfy other bona fide safety requirements as reasonably determined by the Board.

7. Registration. The Association requires that the Charging System be registered with the Association within 30 days after installation.

8. Owner Responsibility for Installation Costs. Owners are responsible for the costs of installation, including the costs of restoring any Common Elements or other property maintained by the Association damaged during or as a result of installation.

9. Owner Liability for Damages. Owners are responsible for all costs of damage, maintenance or repairs to the Owner's Charging System and to Limited Common Elements, Common Elements, adjacent Units/Lots, garages, carports, or parking spaces that arise or result from the installation, maintenance, repair, removal or replacement of the Charging System.

10. Insurance Required to be Maintained.

- a. Owners will maintain an insurance policy that insures against any liability for damages and will name the Association as an additional insured under the policy.
- b. Within 14 days after an Owner receives the Association's consent, the Owner will provide the Association with a certificate of insurance naming the Association as an additional insured on the Owner's insurance policy for any claim related to the installation, maintenance, or use of the Charging System.
- c. If the Charging System or any portion of the Charging System is located on the Common Elements (i.e., outside of a garage or assigned carport or parking space) or other property insured by the Association, the Owner will be responsible for the actual cost of any increased insurance premium attributable to the Charging System.
- d. If installation of a Charging System results in an increased insurance premium to the Association, the Association may provide the Owner with an invoice for the increased amount. Reimbursement for any increased insurance premium(s) must be paid by the Owner within 14 days after the Owner receives the invoice from the Association.

11. Maintenance of Charging Systems by Owners. Owners are responsible for the costs of repair, maintenance, removal, and replacement of their Charging System. Additionally, Owners are responsible for the costs of removing the Charging System if reasonably necessary or convenient for the repair, maintenance, or replacement of the Common Elements or Limited Common Elements of the community, as determined by the Board. The Board will give reasonable notice to the affected Owners upon a determination that removal of the system is required for maintenance.

12. No Waiver. Failure by the Association, the Board or any person to enforce any provision of these Rules and Regulations will in no event be deemed a waiver of the right to do so thereafter.

13. Severability. The provisions of these Rules and Regulations will be deemed to be independent and severable, and the invalidity of any one or more of the provisions herein, or any portion thereof, by judgment or decree of any court of competent jurisdiction, will in no way affect the validity or enforceability of the remaining provisions, which provisions will remain in full force and effect.

The Knolls at Plum Creek Condominium Association, Inc.

**AGREEMENT FOR INSTALLATION, MAINTENANCE, AND USE OF ELECTRIC
VEHICLE CHARGING STATION**

Member Name: _____ Date: _____

Address: _____

Telephone #: _____

Installation location: _____

Pursuant to state law and the Association's Electric Vehicle Charging Station Policies and Procedures, I hereby request to have a Charging System installed. I understand that upon receipt of this request, the Association will review the request and determine whether to approve the request.

1. I acknowledge and accept the Association's Electric Vehicle Charging Station Rules, Policies and Procedures ("Rules").
2. I agree to engage the services of a duly licensed and registered electrical contractor, familiar with the installation and code requirements of an electric vehicle charging system, for the installation of the system.
3. I consent to pay the costs and expenses associated with the installation of the Charging System, including but not limited to the costs to restore any Common Elements disturbed in the process of installation and/or the costs of any necessary upgrades the existing electrical wiring system.
4. I agree to pay the actual costs of electricity used and/or other reasonable access fees or network fees associated with installation of the Charging System. In the event such fees are not paid, I will be responsible for any and all damages and costs incurred by the Association, including attorney fees, incurred by the Association in collecting these fees, and I will be subject to all enforcement and collection procedures available to the Association through its governing documents and Colorado law.
5. I agree to provide the Association copies of the mandatory certificate(s) of insurance within 14 days after receiving the Association's consent for installation, naming the Association as an additional insured, as required by the Rules.
6. In the event that the installation, maintenance, repair, removal, or replacement of the Charging System results in any damage to the system, the Limited Common Elements, or the general Common Elements, I will be responsible for any and all damages incurred by the Association.

Member Signature: _____ Date: _____