

ORDINANCE NO. 2024-O-157

AN ORDINANCE OF THE CITY OF LAREDO, TEXAS, AMENDING CHAPTER 31 "UTILITIES" ARTICLE V. "WATER CONSERVATION AND DROUGHT CONTINGENCY PLANS" SECTION 217 "LANDSCAPE REQUIREMENTS" OF THE CITY OF LAREDO CODE OF ORDINANCES, BY ADDING LANGUAGE TO PROMOTE WATER CONSERVATION SUCH AS, AMONG OTHER THINGS, PROTECTING A PROPERTY OWNER'S RIGHT TO USE DROUGHT RESISTANT LANDSCAPING OR WATER-CONSERVING NATURAL OR ARTIFICIAL TURF AND FORBIDDING PROPERTY OWNER'S ASSOCIATIONS FROM INCLUDING OR ENFORCING PROVISIONS IN DEDICATORY INSTRUMENTS THAT PROHIBIT OR RESTRICT A PROPERTY OWNER FROM USING SUCH DROUGHT RESISTANT OR WATER CONSERVING LANDSCAPING AS MENTIONED ABOVE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Laredo (hereinafter sometimes referred to as "City") is currently facing a severe water crisis. Both the Falcon and Amistad reservoirs, which are crucial sources of the City of Laredo's water supply, have dropped to all-time low levels. This alarming decline in water levels requires immediate action to conserve the City's limited water resources. A 2022 study commissioned by the City of Laredo projects that without significant changes, our city will not have adequate water capacity to meet demand by 2044;

WHEREAS, the City can significantly reduce non-essential water usage by allowing individuals to xeriscape or install artificial grass instead of maintaining a natural lawn; and

WHEREAS, such measures will help conserve the City of Laredo's precious water resources during this critical drought.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO, TEXAS THAT:

Section 1. The City of Laredo Code of Ordinances Chapter 31. "Utilities" Article V. "Water Conservation and Drought Contingency Plans" is hereby amended as follows:

Sec. 31-217. - Landscape Requirements

(a) From and after the effective date of this division, all new construction will be recommended to offer a Xeriscape option. An approved low water plant list for Laredo which lists all plants, shrubs, vines, groundcovers, perennials, ornamental grasses, trees, and turf grasses suitable for Laredo is available through the water conservation program as Exhibit A on the City of Laredo Utilities Department website.

(b) Recommendation for existing public facilities: It is strongly recommended that all landscaping

on existing public schools, municipal, county, state, and federal buildings, including public libraries and public parks, be converted to Xeriscape within ten (10) years from the effective date of this division.

(c) A property owners' association may not include or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from:

(1) implementing measures promoting solid-waste composting of vegetation, including grass clippings, leaves, or brush, or leaving grass clippings uncollected on grass;

(2) installing rain barrels or a rainwater harvesting system;

(3) implementing efficient irrigation systems, including underground drip or other drip systems; or

(4) using drought-resistant landscaping or water-conserving natural or artificial turf.

(d) A provision that violates Subsection (c) is void.

(e) A property owners' association may restrict the type of turf used by a property owner in the planting of new turf to encourage or require water-conserving turf.

(f) This section does not:

(1) restrict a property owners' association from regulating the requirements, including size, type, shielding, and materials, for or the location of a composting device if the restriction does not prohibit the economic installation of the device on the property owner's property where there is reasonably sufficient area to install the device;

(2) require a property owners' association to permit a device described by Subdivision (1) to be installed in or on property:

(A) owned by the property owners' association;

(B) owned in common by the members of the property owners' association; or

(C) in an area other than the fenced yard or patio of a property owner;

(3) prohibit a property owners' association from regulating the installation of efficient irrigation systems, including establishing visibility limitations for aesthetic purposes;

(4) prohibit a property owners' association from regulating the installation or use of gravel, rocks, or cacti;

(5) restrict a property owners' association from regulating yard and landscape maintenance if the restrictions or requirements do not restrict or prohibit natural and/or artificial turf or landscaping design that promotes water conservation;

(6) require a property owners' association to permit a rain barrel or rainwater harvesting system to be installed in or on property if:

(A) the property is:

(i) owned by the property owners' association;

(ii) owned in common by the members of the property owners' association;

or

(iii) located between the front of the property owner's home and an adjoining or adjacent street; or

(B) the barrel or system:

(i) is of a color other than a color consistent with the color scheme of the property owner's home; or

(ii) displays any language or other content that is not typically displayed by such a barrel or system as it is manufactured;

(7) restrict a property owners' association from regulating the size, type, and shielding of, and the materials used in the construction of, a rain barrel, rainwater harvesting device, or other appurtenance that is located on the side of a house or at any other location that is visible from a street, another lot, or a common area if:

(A) the restriction does not prohibit the economic installation of the device or appurtenance on the property owner's property; and

(B) there is a reasonably sufficient area on the property owner's property in which to install the device or appurtenance; or

(8) prohibit a property owners' association from requiring an owner to submit a detailed description or a plan for the installation of drought-resistant landscaping or water-conserving natural or artificial turf for review and approval by the property owners' association to ensure, to the extent practicable, maximum aesthetic compatibility with other landscaping in the subdivision.

(f-1) A property owners' association may not unreasonably deny or withhold approval of a proposed installation of drought-resistant landscaping or water-conserving natural or artificial turf under Subsection (f)(8) or unreasonably determine that the proposed installation is aesthetically incompatible with other landscaping in the subdivision.

Section 2. This ordinance shall be cumulative of all provisions of ordinances of the City of Laredo, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 3. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 4. This Ordinance shall become effective immediately upon passage.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON
THIS 5th DAY OF August 2024.



DR. VICTOR D. TREVIÑO
MAYOR

ATTEST:



MARIO I. MALDONADO, JR.
CITY SECRETARY

APPROVED AS TO FORM:

BY:



DOANH "ZONE" T. NGUYEN
CITY ATTORNEY



Legislation Details (With Text)

File #:	2024-O-157	Version:	1
Type:	Final Readings	Status:	Agenda Ready
File created:	8/5/2024	In control:	City Council
On agenda:	8/5/2024	Final action:	
Title:	An Ordinance amending Chapter 31 Article V ("Water Conservation and Drought Contingency Plans") Section 31-217 titled "Landscape Requirements" of the Laredo Code of Ordinances, by adding language to promote water conservation including adding language to protect a property owner's right to use drought resistant landscaping including natural or artificial turf in lieu of grass and prohibiting property owner's associations from enacting or enforcing provisions that would interfere with aforementioned right of the property owner and that instead declares any such provision by a property owner's association void.		
Sponsors:			
Code sections:			
Attachments:	1. Xeriscape HOA ORDINANCE..7.5.pdf		

Date	Ver.	Action By	Action	Result
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SUBJECT

An Ordinance amending Chapter 31 Article V ("Water Conservation and Drought Contingency Plans") Section 31-217 titled "Landscape Requirements" of the Laredo Code of Ordinances, by adding language to promote water conservation including adding language to protect a property owner's right to use drought resistant landscaping including natural or artificial turf in lieu of grass and prohibiting property owner's associations from enacting or enforcing provisions that would interfere with aforementioned right of the property owner and that instead declares any such provision by a property owner's association void.

PREVIOUS COUNCIL ACTION

A Motion passed on June 10, 2024 requesting this Introductory Ordinance.

BACKGROUND

This item was requested by CM Vanessa Perez (24-C-116) on June 10, 2024; A Motion passed on June 10, 2024 requesting this Introductory Ordinance.
Purpose of the item was and is to continue to improve the City's water conservation efforts.

COMMITTEE RECOMMENDATION

None.

STAFF RECOMMENDATION

Approve motion.

Fiscal Impact

Fiscal Year: 2024
Budgeted Y/N?: NA
Source of Funds: NA
Account #: NA
Change Order: Exceeds 25% Y/N: NA

FINANCIAL IMPACT:
NA