

**ORDINANCE 2024-222**

**AN ORDINANCE OF THE CITY OF ALEDO, TEXAS, AMENDING ARTICLE 3, “DEVELOPMENT STANDARDS,” SUBSECTION 4., “LANDSCAPING, SCREENING AND FENCING STANDARDS,” OF CHAPTER 66, “UNIFORM DEVELOPMENT CODE,” OF THE ALEDO MUNICIPAL CODE, TO ADOPT REGULATIONS FOR THE MAINTENANCE OF LANDSCAPING, BUFFERS, AND SCREENING; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS** the City of Aledo, Texas is home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS** pursuant to Chapter 211 of the Local Government Code, the City previously adopted a “Uniform Development Code” governing and regulating the subdivision and zoning of property located within the City for the purpose of promoting the public health, safety, morals, and general welfare, all in accordance with a comprehensive plan; and

**WHEREAS** the Planning and Zoning Commission conducted a public hearing on amendments proposed herein on November 14, 2024, and the City Council conducted a public hearing on December 5, 2024; and

**WHEREAS** all requirements of law dealing with notice, publication, and all procedural requirements have been complied with in accordance with the Unified Development Code and Chapter 211 of the Local Government Code; and

**WHEREAS** the City Council deems it necessary to amend the City's Uniform Development Code with respect to the regulation of maintenance of required landscaping located within the City; and

**WHEREAS** the City Council further deems that such amendments are in the best interests of the City and will promote the health, safety, and general welfare of the citizens of the City of Aledo and the general public.

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

**SECTION 1.**

Article 3, “Development Standards”, Subsection 4, “Landscaping, Screening and Fencing Standards”, of Chapter 66, “Uniform Development Code”, of the Aledo Municipal Code is hereby amended by adding subsection 4.5 to immediately follow subsection 4.4, as follows:

**4.5 Landscape, Buffer, and Screening Maintenance**

The property owner or Homeowners Association, if applicable, shall be responsible for the maintenance of all landscaped areas, including buffering and screening. All required landscaping shall be maintained in good condition to present a healthy and orderly appearance and shall be kept free

from refuse and debris. This includes, but is not limited to, the replacement of plants damaged by drought, freeze, insects, disease, vehicular traffic, and vandalism. Once any required vegetation reaches the specified height, routine maintenance may include the periodic removal of excess vegetation along the sides and top of the buffer or screen, using accepted horticultural practices. In no instance shall the required buffer or screen be reduced in height below the specified height described in this subsection 4, "Landscaping, Screening, and Fencing Standards."

- a. The owner or Homeowners Association shall be notified in writing by the City of any required buffer not being maintained. Upon notification by the City of failure to maintain the buffering in a neat and orderly condition, the owner or Homeowners Association shall correct any defects in maintenance within ten (10) days of notification by the City. Failure to maintain the buffering in a neat and orderly appearance, free of refuse and debris as described above within the allotted time period shall be grounds to subject the owner to a civil penalty or penalties in accordance with Article 1, General Provisions, Section 9, Administrator, with a fee as per Section 18. Penalty for Violations.
- b. Replacement of Vegetation. All dead plants must be replaced as expeditiously as possible, but in no case longer than one (1) year or the next planting season, whichever occurs first, as determined by the City. A property owner may also be allowed to voluntarily replace an existing buffer that is located adjacent to a public right-of-way with new plantings upon approval of a replanting plan by the City. No more than twenty-five (25) percent of existing site buffering shall be allowed to be removed and replaced within any twelve (12)-month period. Failure to replace dead or damaged vegetation as described above within the allotted time period shall be grounds to subject the owner or Homeowners Association to a civil penalty or penalties in accordance with Article 1, General Provisions, Section 9, Administrator, with a fee as per Section 18. Penalty for Violations.
- c. Any irrigation system associated with required landscaping, buffer, or screening shall be maintained in working order. All maintenance shall be the responsibility of the property owner and/or homeowner's association if applicable. The City is not responsible for any irrigation system or components that have been placed in the City's right of way or other City-owned property without permission."

**SECTION 2.  
CUMULATIVE CLAUSE**

This ordinance shall be cumulative of all provisions of ordinances and of the Aledo Municipal Code, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

**SECTION 3.  
PENALTY CLAUSE**

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined as provided in Section 1-10 of the City Code of Ordinances for each offense. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

**SECTION 4.  
SAVINGS CLAUSE**

All rights and remedies of the City of Aledo are expressly saved as to any and all violations of the provisions of the City of Aledo Unified Development Code that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance, but may be prosecuted until final disposition by the courts.

**SECTION 5.  
SEVERABILITY CLAUSE**

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 6.  
PUBLICATION CLAUSE**

The City Secretary of the City of Aledo is hereby directed to publish at least once in the official newspaper of the City of Aledo, the caption, penalty, and effective date clause of this Ordinance in accordance with Section 3.15 of the City Charter.

**SECTION 7.  
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage, and it is so ordained.

**PASSED AND APPROVED** this 5<sup>th</sup> day of December, 2024.

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Nick Stanley, Mayor

ATTEST:

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Staci L. King, City Secretary

APPROVED AS TO FORM AND LEGALITY:

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Alicia K. Krey, City Attorney