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CLIENT ALERT:

On June 3, 2003, the City of Fort Collins City Council modified the City Ordinances to provide that:

No person shall create, cause to be created, enforce or seek to enforce any provision contained in any restrictive covenant which has the effect of prohibiting or limiting the installation or use of xeriscape landscaping, solar/photo-voltaic collectors (if mounted flush upon any established roofline), clothes lines (if located in back yards), or odor-controlled compost bins, or which has the effect of requiring that a portion of any individual lot be planted in turf grass.

For a complete copy of the ordinance including definitions of xeriscape landscaping click [here](#). This ordinance is effective against all properties located within the Fort Collins city limits. What does this mean for your association?

- Covenants or rules prohibiting clotheslines in backyards cannot be enforced or adopted.
- Covenants or rules prohibiting solar panels (as long as flush with roofline) can not be enforced or adopted.
- Covenants or rules prohibiting odor-controlled compost bins cannot be enforced or adopted.
- Covenants or rules requiring turf (any percentage) cannot be enforced or adopted.
- In approving requests for landscaping improvements or modifications you may not limit the use of:
 - low water demanding plants and turf.
 - grouping of plants with similar water requirements.
 - limited or no “high-irrigation” turf and plantings.
 - mulches
 - efficient irrigation systems.

From example if the standard for architectural review is “conforms and harmonizes with surrounding properties”, even if all other yards are turf grass, the association cannot deny a request for a yard of buffalo grass, native plants and other xeriscape items.

The ordinance does allow associations to continue to prohibit or control:

- artificial turf
- artificial plants
- mulches or gravel beds or areas without landscape plant materials
- paving of areas not required for walkways, patios or patas or parking areas
- bare ground
- weed covered or infested surfaces

We recommend that associations who have covenants or rules affecting the above adopt and record a policy resolution regarding the association’s intent to comply with the ordinance. If you would like us to assist you with such a resolution, please feel free to contact us. In addition, because this ordinance has not been tested, we suggest you contact legal counsel before taking any action to enforce any provision where landscaping, clotheslines, solar panels or compost bins are involved