

# DRAFT

## SUMMARY

Prohibits declaration or bylaws of planned community or condominium from requiring owners to water or irrigate lawns, gardens or other landscaped areas.

### A BILL FOR AN ACT

Relating to residential irrigation.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. Section 2 of this 2016 Act is added to and made a part of ORS 94.550 to 94.783.**

**SECTION 2. (1) Notwithstanding any contrary provisions of the declaration or bylaws of a planned community:**

**(a) An owner may limit or abstain from watering or irrigating a lawn, garden or other landscaped area owned by the owner for the purpose of conserving water.**

**(b) A provision in the declaration or bylaws of a planned community that requires an owner to water or irrigate a lawn, garden or other landscaped area is void and unenforceable as a violation of the public policy to protect the public health, safety and welfare of the people of Oregon.**

**(2) An owner subject to an instrument that contains a provision described in subsection (1)(b) of this section may file a petition to remove the provision in the manner provided in ORS 93.272.**

**SECTION 3. Section 4 of this 2016 Act is added to and made a part of ORS chapter 100.**

1     **SECTION 4. (1) Notwithstanding any contrary provisions of the**  
2     **declaration or bylaws of a condominium:**

3         **(a) A unit owner may limit or abstain from watering or irrigating**  
4     **a lawn, garden or other landscaped area within any limited common**  
5     **elements reserved for the use of the unit owner for the purpose of**  
6     **conserving water.**

7         **(b) A provision in the declaration or bylaws of a condominium that**  
8     **requires a unit owner to water or irrigate a lawn, garden or other**  
9     **landscaped area is void and unenforceable as a violation of the public**  
10    **policy to protect the public health, safety and welfare of the people**  
11    **of Oregon.**

12         **(2) A unit owner subject to an instrument that contains a provision**  
13    **described in subsection (1)(b) of this section may file a petition to re-**  
14    **move the provision in the manner provided in ORS 93.272.**