

1 **WATER EFFICIENT LANDSCAPING REQUIREMENTS**

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Doug Owens

Senate Sponsor: Ronald M. Winterton

3 **LONG TITLE**

4 **General Description:**

5 This bill addresses use of overhead spray irrigation.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▸ defines terms;
- 9 ▸ restricts the use of overhead spray irrigation by certain governmental entities; and
- 10 ▸ makes technical changes.

11 **Money Appropriated in this Bill:**

12 None

13 **Other Special Clauses:**

14 None

15 **Utah Code Sections Affected:**

16 ENACTS:

17 **11-39-108**, as Utah Code Annotated 1953

18 **53G-7-224**, as Utah Code Annotated 1953

19 **72-7-111**, as Utah Code Annotated 1953

21 *Be it enacted by the Legislature of the state of Utah:*

22 Section 1. Section **11-39-108** is enacted to read:

23 **11-39-108 . Use of overhead spray irrigation.**

24 (1) As used in this section:

25 (a) "Active recreation area" means an area of local entity property that is:

26 (i) dedicated to active use; and

27 (ii) installed or maintained on an area with a slope of not more than 25%.

28 (b) "Active use" means regular use for playing, exercise, recreation, or regular outdoor

- 29 activities, such as:
- 30 (i) a sports field;
- 31 (ii) a social gathering area;
- 32 (iii) an amphitheater;
- 33 (iv) a park;
- 34 (v) the playing area, including roughs, driving ranges, and chipping and putting
- 35 greens, of a golf course; or
- 36 (vi) a cemetery.
- 37 (c) "Great Salt Lake basin" means the area within:
- 38 (i) the surveyed meander line of the Great Salt Lake;
- 39 (ii) the drainage areas of the Bear River or the Bear River's tributaries;
- 40 (iii) the drainage areas of Bear Lake or Bear Lake's tributaries;
- 41 (iv) the drainage areas of the Weber River or the Weber River's tributaries;
- 42 (v) the drainage areas of the Jordan River or the Jordan River's tributaries;
- 43 (vi) the drainage areas of Utah Lake or Utah Lake's tributaries;
- 44 (vii) other water drainages lying between the Bear River and the Jordan River that are
- 45 tributary to the Great Salt Lake and not included in the drainage areas described in
- 46 Subsections (1)(c)(ii) through (vi); and
- 47 (viii) the drainage area of Tooele Valley.
- 48 (d) "Landscaped area" means those portions of local entity property that are not, or will
- 49 not be, occupied by:
- 50 (i) a permanent structure; or
- 51 (ii) an impervious surface associated with vehicular or pedestrian access or use, such
- 52 as a driveway, sidewalk, or parking lot.
- 53 (e) "Local entity property" means real property owned by a local entity.
- 54 (f) "New construction" means a project for the construction of a public facility on local
- 55 entity property that includes a new or modified landscaped area of more than 7,500
- 56 square feet.
- 57 (g) "Overhead spray irrigation" means above ground irrigation heads that spray water
- 58 through a nozzle.
- 59 (h) "Parkstrip" means the area between the back of a curb or, if there is no curb, the edge
- 60 of pavement and the sidewalk.
- 61 (i) "Public facility" means a building, structure, infrastructure, improvement, park,
- 62 playground, or other facility of a local entity.

- 63 (j) "Reconstruction" means a project for renovation, alteration, improvement, or repair
64 of a public facility on local entity property that affects more than 25% of the
65 landscaped area existing before the reconstruction.
- 66 (2) (a) A local entity with local entity property within the Great Salt Lake basin that
67 undertakes new construction or reconstruction on the local entity property on or after
68 May 1, 2024, may not install, maintain, or use overhead spray irrigation in a
69 landscaped area of the local entity property unless the landscaped area is an active
70 recreation area.
- 71 (b) A local entity may not install, maintain, or use overhead spray irrigation to irrigate
72 the following within an active recreation area described in Subsection (2)(a):
73 (i) a park strip;
74 (ii) an area with a width of less than eight feet; or
75 (iii) in an area that is a planting bed.
- 76 (c) A local entity may not treat local entity property as an active recreation area if the
77 area is sized larger than reasonably required for the anticipated use the area is
78 intended to accommodate.

79 Section 2. Section **53G-7-224** is enacted to read:

80 **53G-7-224 . Use of overhead spray irrigation.**

- 81 (1) As used in this section:
- 82 (a) "Active recreation area" means an area of school property that is:
83 (i) dedicated to active use; and
84 (ii) installed or maintained on an area with a slope of not more than 25%.
- 85 (b) "Active use" means regular use for playing, exercise, recreation, or regular outdoor
86 activities, such as:
87 (i) a sports field;
88 (ii) a social gathering area; or
89 (iii) an amphitheater.
- 90 (c) "Great Salt Lake basin" means the area within:
91 (i) the surveyed meander line of the Great Salt Lake;
92 (ii) the drainage areas of the Bear River or the Bear River's tributaries;
93 (iii) the drainage areas of Bear Lake or Bear Lake's tributaries;
94 (iv) the drainage areas of the Weber River or the Weber River's tributaries;
95 (v) the drainage areas of the Jordan River or the Jordan River's tributaries;
96 (vi) the drainage areas of Utah Lake or Utah Lake's tributaries;

- 97 (vii) other water drainages lying between the Bear River and the Jordan River that are
98 tributary to the Great Salt Lake and not included in the drainage areas described in
99 Subsections (1)(c)(ii) through (vi); and
100 (viii) the drainage area of Tooele Valley.
- 101 (d) "Landscaped area" means those portions of school property that are not, or will not
102 be, occupied by:
- 103 (i) a permanent structure; or
104 (ii) an impervious surface associated with vehicular or pedestrian access or use, such
105 as a driveway, sidewalk, or parking lot.
- 106 (e) "LEA" means:
- 107 (i) a school district;
108 (ii) a charter school, other than an online-only charter school; or
109 (iii) the Utah Schools for the Deaf and the Blind.
- 110 (f) "New construction" means a project for the construction of a public facility on school
111 property that includes a new or modified landscaped area of more than 7,500 square
112 feet.
- 113 (g) "Overhead spray irrigation" means above ground irrigation heads that spray water
114 through a nozzle.
- 115 (h) "Parkstrip" means the area between the back of a curb or, if there is no curb, the edge
116 of pavement and the sidewalk.
- 117 (i) "Public facility" means a building, structure, infrastructure, improvement, sports
118 field, playground, or other facility of an LEA.
- 119 (j) "Reconstruction" means a project for the renovation, alteration, improvement, or
120 repair of a public facility on school property that affects more than 25% of the
121 landscaped area existing before the reconstruction.
- 122 (k) "School property" means real property owned by an LEA.
- 123 (2) (a) An LEA with school property within the Great Salt Lake basin that undertakes
124 new construction or reconstruction on the school property on or after May 1, 2024,
125 may not install, maintain, or use overhead spray irrigation in a landscaped area of the
126 school property unless the landscaped area is an active recreation area.
- 127 (b) An LEA may not install, maintain, or use overhead spray irrigation to irrigate the
128 following within an active recreation area described in Subsection (2)(a):
- 129 (i) a park strip;
130 (ii) an area with a width of less than eight feet; or

131 (iii) in an area that is a planting bed.
132 (c) An LEA may not treat school property as an active recreation area if the area is sized
133 larger than reasonably required for the anticipated use the area is intended to
134 accommodate.

135 (3) Nothing in this section:

136 (a) requires an LEA to submit a land use application to a municipality or county to
137 landscape school property; or

138 (b) authorizes a municipality or county to:

139 (i) impose landscaping requirements on school property; or

140 (ii) require an LEA to obtain approval for landscaping on school property.

141 Section 3. Section **72-7-111** is enacted to read:

142 **72-7-111 . Use of overhead spray irrigation.**

143 (1) As used in this section:

144 (a) "Great Salt Lake basin" means the area within:

145 (i) the surveyed meander line of the Great Salt Lake;

146 (ii) the drainage areas of the Bear River or the Bear River's tributaries;

147 (iii) the drainage areas of Bear Lake or Bear Lake's tributaries;

148 (iv) the drainage areas of the Weber River or the Weber River's tributaries;

149 (v) the drainage areas of the Jordan River or the Jordan River's tributaries;

150 (vi) the drainage areas of Utah Lake or Utah Lake's tributaries;

151 (vii) other water drainages lying between the Bear River and the Jordan River that are
152 tributary to the Great Salt Lake and not included in the drainage areas described in

153 Subsections (1)(a)(ii) through (vi); and

154 (viii) the drainage area of Tooele Valley.

155 (b) "Overhead spray irrigation" means above ground irrigation heads that spray water
156 through a nozzle.

157 (2) Except as provided in Subsection (3), on land within the Great Salt Lake basin a
158 highway authority may not install, maintain, or allow for the installation or maintenance
159 by others of landscaping in a highway construction project commenced on or after May
160 1, 2024, that uses overhead spray irrigation within the portion of the highway:

161 (a) located between the back of the curb on either side of the highway, including in a
162 median or roundabout; or

163 (b) if there is no curb, between the shoulders contiguous to the traveled way, including
164 in a median or roundabout.

165 (3) Subsection (2) does not prohibit the temporary use of overhead spray irrigation for the
166 period of time reasonably required to allow drought tolerant perennial plants to establish
167 a healthy root system.

168 Section 4. **Effective date.**

169 This bill takes effect on May 1, 2024.