

1 **WATER WISE LANDSCAPING AMENDMENTS**

2 2022 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Ryan D. Wilcox**

5 Senate Sponsor: Michael K. McKell

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions regarding water wise landscaping.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ prohibits certain public or private entities from prohibiting water wise landscaping;
- 14 and
- 15 ▶ authorizes certain landscaping requirements.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 ENACTS:

22 **10-9a-535**, Utah Code Annotated 1953

23 **17-27a-531**, Utah Code Annotated 1953

24 **57-8a-231**, Utah Code Annotated 1953

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

27 Section 1. Section **10-9a-535** is enacted to read:

28 **10-9a-535. Water wise landscaping.**

29 (1) As used in this section:

30 (a) "Lawn or turf" means nonagricultural land planted in closely mowed, managed
31 grasses.

32 (b) "Mulch" means material such as rock, bark, wood chips, or other materials left
33 loose and applied to the soil.

34 (c) "Overhead spray irrigation" means above ground irrigation heads that spray water
35 through a nozzle.

36 (d) (i) "Vegetative coverage" means the ground level surface area covered by the
37 exposed leaf area of a plant or group of plants at full maturity.

38 (ii) "Vegetative coverage" does not mean the ground level surface area covered by the
39 exposed leaf area of a tree or trees.

40 (e) "Water wise landscaping" means any or all of the following:

41 (i) installation of plant materials suited to the microclimate and soil conditions that
42 can:

43 (A) remain healthy with minimal irrigation once established; or

44 (B) be maintained without the use of overhead spray irrigation;

45 (ii) use of water for outdoor irrigation through proper and efficient irrigation design
46 and water application; or

47 (iii) use of other landscape design features that:

48 (A) minimize the need of the landscape for supplemental water from irrigation; or

49 (B) reduce the landscape area dedicated to lawn or turf.

50 (2) A municipality may not enact or enforce an ordinance, resolution, or policy that
51 prohibits, or has the effect of prohibiting, a property owner from incorporating water wise
52 landscaping on the property owner's property.

53 (3) (a) Subject to Subsection (3)(b), Subsection (2) does not prohibit a municipality
54 from requiring a property owner to:

55 (i) comply with a site plan review or other review process before installing water wise

56 landscaping;

57 (ii) maintain plant material in a healthy condition;

58 (iii) follow specific water wise landscaping design requirements adopted by the
59 municipality, including a requirement that:

60 (A) restricts or clarifies the use of mulches considered detrimental to municipal
61 operations;

62 (B) imposes minimum or maximum vegetative coverage standards; or

63 (C) restricts or prohibits the use of specific plant materials.

64 (b) A municipality may not require a property owner to install or keep in place lawn or
65 turf in an area with a width less than eight feet.

66 Section 2. Section **17-27a-531** is enacted to read:

67 **17-27a-531. Water wise landscaping.**

68 (1) As used in this section:

69 (a) "Lawn or turf" means nonagricultural land planted in closely mowed, managed
70 grasses.

71 (b) "Mulch" means material such as rock, bark, wood chips, or other materials left
72 loose and applied to the soil.

73 (c) "Overhead spray irrigation" means above ground irrigation heads that spray water
74 through a nozzle.

75 (d) (i) "Vegetative coverage" means the ground level surface area covered by the
76 exposed leaf area of a plant or group of plants at full maturity.

77 (ii) "Vegetative coverage" does not mean the ground level surface area covered by the
78 exposed leaf area of a tree or trees.

79 (e) "Water wise landscaping" means any or all of the following:

80 (i) installation of plant materials suited to the microclimate and soil conditions that
81 can:

82 (A) remain healthy with minimal irrigation once established; or

83 (B) be maintained without the use of overhead spray irrigation;
84 (ii) use of water for outdoor irrigation through proper and efficient irrigation design
85 and water application; or
86 (iii) the use of other landscape design features that:
87 (A) minimize the need of the landscape for supplemental water from irrigation; or
88 (B) reduce the landscape area dedicated to lawn or turf.
89 (2) A county may not enact or enforce an ordinance, resolution, or policy that prohibits,
90 or has the effect of prohibiting, a property owner from incorporating water wise landscaping on
91 the property owner's property.
92 (3) (a) Subject to Subsection (3)(b), Subsection (2) does not prohibit a county from
93 requiring a property owner to:
94 (i) comply with a site plan review or other review process before installing water wise
95 landscaping;
96 (ii) maintain plant material in a healthy condition;
97 (iii) follow specific water wise landscaping design requirements adopted by the county,
98 including a requirement that:
99 (A) restricts or clarifies the use of mulches considered detrimental to county
100 operations;
101 (B) imposes minimum or maximum vegetative coverage standards; or
102 (C) restricts or prohibits the use of specific plant materials.
103 (b) A county may not require a property owner to install or keep in place lawn or turf in
104 an area with a width less than eight feet.
105 Section 3. Section **57-8a-231** is enacted to read:
106 **57-8a-231. Water wise landscaping.**
107 (1) As used in this section:
108 (a) "Lawn or turf" means nonagricultural land planted in closely mowed, managed
109 grasses.

110 (b) "Mulch" means material such as rock, bark, wood chips, or other materials left
111 loose and applied to the soil.

112 (c) "Overhead spray irrigation" means above ground irrigation heads that spray water
113 through a nozzle.

114 (d) (i) "Vegetative coverage" means the ground level surface area covered by the
115 exposed leaf area of a plant or group of plants at full maturity.

116 (ii) "Vegetative coverage" does not mean the ground level surface area covered by the
117 exposed leaf area of a tree or trees.

118 (e) "Water wise landscaping" means any or all of the following:

119 (i) installation of plant materials suited to the microclimate and soil conditions that
120 can:

121 (A) remain healthy with minimal irrigation once established; or

122 (B) be maintained without the use of overhead spray irrigation;

123 (ii) use of water for outdoor irrigation through proper and efficient irrigation design
124 and water application; or

125 (iii) the use of other landscape design features that:

126 (A) minimize the need of the landscape for supplemental water from irrigation; or

127 (B) reduce the landscape area dedicated to lawn or turf.

128 (2) An association may not enact or enforce a governing document that prohibits, or
129 has the effect of prohibiting, a lot owner of a detached dwelling from incorporating water wise
130 landscaping on the property owner's property.

131 (3) (a) Subject to Subsection (3)(b), Subsection (2) does not prohibit an association
132 from requiring a property owner to:

133 (i) comply with a site plan review or other review process before installing water wise
134 landscaping;

135 (ii) maintain plant material in a healthy condition;

136 (iii) follow specific water wise landscaping design requirements adopted by the

137 association including a requirement that:

138 (A) restricts or clarifies the use of mulches considered detrimental to the association's

139 operations;

140 (B) imposes minimum or maximum vegetative coverage; or

141 (C) restricts or prohibits the use of specific plant materials.

142 (b) An association may not require a property owner to install or keep in place lawn or

143 turf in an area with a width less than eight feet.