

- 29 grasses.
- 30 (b) "Mulch" means material such as rock, bark, wood chips, or other materials left loose
31 and applied to the soil.
- 32 (c) "Overhead spray irrigation" means above ground irrigation heads that spray water
33 through a nozzle.
- 34 (d) "Private landscaping plan" means the same as that term is defined in Section
35 10-20-807.
- 36 (e)(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
39 the exposed leaf area of a tree or trees.
- 40 (f) "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 (g) "Wildland-urban interface" means the same as that term is defined in the edition of
51 the International Wildland Urban Interface Code adopted under Section 15A-2-103.
- 52 (2) A municipality may not enact or enforce [~~an ordinance, resolution~~] a land use regulation,
53 or adopt or enforce a policy, that prohibits, or has the effect of prohibiting, a property
54 owner from incorporating water wise landscaping on the property owner's property.
- 55 (3)(a) Subject to Subsection (3)(b), Subsection (2) does not prohibit a municipality from
56 requiring a property owner to:
- 57 (i) comply with a site plan review, private landscaping plan review, or other review
58 process before installing water wise landscaping;
- 59 (ii) maintain plant material in a healthy condition; and
- 60 (iii) follow specific water wise landscaping design requirements adopted by the
61 municipality, including a requirement that:
- 62 (A) restricts or clarifies the use of mulches considered detrimental to municipal

- 63 operations;
- 64 (B) imposes minimum or maximum vegetative coverage standards; or
- 65 (C) restricts or prohibits the use of specific plant materials.
- 66 (b) A municipality may not require a property owner to install or keep in place lawn or
- 67 turf in an area with a width less than eight feet.
- 68 (4) A municipality may require a seller of a newly constructed residence to inform the first
- 69 buyer of the newly constructed residence of a municipal ordinance requiring water wise
- 70 landscaping.
- 71 (5) A municipality shall report to the Division of Water Resources the existence, enactment,
- 72 or modification of an ordinance, resolution, or policy that implements regional-based
- 73 water use efficiency standards established by the Division of Water Resources by rule
- 74 under Section 73-10-37.
- 75 (6) A municipality may not enact or enforce a land use regulation, or adopt or enforce a
- 76 policy, that prohibits, or has the effect of prohibiting, a property owner from removing
- 77 vegetation from a portion of the property owner's property:
- 78 (a) that is within a designated wildland-urban interface area; and
- 79 (b) where removal is required to comply with the defensible space requirements of the
- 80 edition of the International Wildland Urban Interface Code adopted under Section
- 81 15A-2-103.
- 82 ~~[(6)]~~ (7) A municipality may enforce a municipal landscaping ordinance in compliance with
- 83 this section.
- 84 Section 2. Section **17-79-615** is amended to read:
- 85 **17-79-615 . Water wise landscaping -- County landscaping regulations.**
- 86 (1) As used in this section:
- 87 (a) "Lawn or turf" means nonagricultural land planted in closely mowed, managed
- 88 grasses.
- 89 (b) "Mulch" means material such as rock, bark, wood chips, or other materials left loose
- 90 and applied to the soil.
- 91 (c) "Overhead spray irrigation" means above ground irrigation heads that spray water
- 92 through a nozzle.
- 93 (d) "Private landscaping plan" means the same as that term is defined in Section
- 94 17-79-707.
- 95 (e)(i) "Vegetative coverage" means the ground level surface area covered by the
- 96 exposed leaf area of a plant or group of plants at full maturity.

- 97 (ii) "Vegetative coverage" does not mean the ground level surface area covered by
98 the exposed leaf area of a tree or trees.
- 99 (f) "Water wise landscaping" means any or all of the following:
- 100 (i) installation of plant materials suited to the microclimate and soil conditions that
101 can:
- 102 (A) remain healthy with minimal irrigation once established; or
103 (B) be maintained without the use of overhead spray irrigation;
- 104 (ii) use of water for outdoor irrigation through proper and efficient irrigation design
105 and water application; or
- 106 (iii) the use of other landscape design features that:
- 107 (A) minimize the need of the landscape for supplemental water from irrigation; or
108 (B) reduce the landscape area dedicated to lawn or turf.
- 109 (g) "Wildland-urban interface" means the same as that term is defined in the edition of
110 the International Wildland Urban Interface Code adopted under Section 15A-2-103.
- 111 (2) A county may not enact or enforce [~~an ordinance, resolution~~] a land use regulation, or
112 adopt or enforce a policy, that prohibits, or has the effect of prohibiting, a property
113 owner from incorporating water wise landscaping on the property owner's property.
- 114 (3)(a) Subject to Subsection (3)(b), Subsection (2) does not prohibit a county from
115 requiring a property owner to:
- 116 (i) comply with a site plan review, private landscaping plan review, or other review
117 process before installing water wise landscaping;
- 118 (ii) maintain plant material in a healthy condition; and
- 119 (iii) follow specific water wise landscaping design requirements adopted by the
120 county, including a requirement that:
- 121 (A) restricts or clarifies the use of mulches considered detrimental to county
122 operations;
- 123 (B) imposes minimum or maximum vegetative coverage standards; or
124 (C) restricts or prohibits the use of specific plant materials.
- 125 (b) A county may not require a property owner to install or keep in place lawn or turf in
126 an area with a width less than eight feet.
- 127 (4) A county may require a seller of a newly constructed residence within the
128 unincorporated area of the county to inform the first buyer of the newly constructed
129 residence of a county ordinance requiring water wise landscaping.
- 130 (5) A county shall report to the Division of Water Resources the existence, enactment, or

131 modification of an ordinance, resolution, or policy that implements regional-based water
 132 use efficiency standards established by the Division of Water Resources by rule under
 133 Section 73-10-37.

134 (6) A county may not enact or enforce a land use regulation, or adopt or enforce a policy,
 135 that prohibits, or has the effect of prohibiting, a property owner from removing
 136 vegetation from a portion of the property owner's property:

137 (a) that is within a designated wildland-urban interface area; and

138 (b) where removal is required to comply with the defensible space requirements of the
 139 edition of the International Wildland Urban Interface Code adopted under Section
 140 15A-2-103.

141 [~~6~~] (7) A county may enforce a county landscaping ordinance in compliance with this
 142 section.

143 Section 3. Section **57-8a-218** is amended to read:

144 **57-8a-218 . Equal treatment by rules required -- Limits on association rules and**
 145 **design criteria.**

146 (1)(a) Except as provided in Subsection (1)(b), a rule shall treat similarly situated lot
 147 owners similarly.

148 (b) A rule may:

149 (i) vary according to the level and type of service that the association provides to lot
 150 owners;

151 (ii) differ between residential and nonresidential uses; and

152 (iii) for a lot that an owner leases for a term of less than 30 days, impose a reasonable
 153 limit on the number of individuals who may use the common areas and facilities
 154 as guests of the lot tenant or lot owner.

155 (2)(a) Except as provided in Subsection (2)(b), if a lot owner owns a rental lot and is in
 156 compliance with the association's governing documents and any rule that the
 157 association adopts under Subsection (4), a rule may not treat the lot owner differently
 158 because the lot owner owns a rental lot.

159 (b) A rule may:

160 (i) limit or prohibit a rental lot owner from using the common areas for purposes
 161 other than attending an association meeting or managing the rental lot;

162 (ii) if the rental lot owner retains the right to use the association's common areas,
 163 even occasionally:

164 (A) charge a rental lot owner a fee to use the common areas; or

- 165 (B) for a lot that an owner leases for a term of less than 30 days, impose a
166 reasonable limit on the number of individuals who may use the common areas
167 and facilities as guests of the lot tenant or lot owner; or
- 168 (iii) include a provision in the association's governing documents that:
- 169 (A) requires each tenant of a rental lot to abide by the terms of the governing
170 documents; and
- 171 (B) holds the tenant and the rental lot owner jointly and severally liable for a
172 violation of a provision of the governing documents.
- 173 (3)(a) Except as provided in Subsection (3)(b), a rule may not abridge the rights of a lot
174 owner to display a religious or holiday sign, symbol, or decoration on:
- 175 (i) a lot;
- 176 (ii) the exterior of the dwelling, unless the association has an ownership interest in, or
177 a maintenance, repair, or replacement obligation for, the exterior; or
- 178 (iii) the front yard of the dwelling, unless the association has an ownership interest in,
179 or a maintenance, repair, or replacement obligation for, the yard.
- 180 (b) The association may adopt a reasonable time, place, and manner restriction with
181 respect to a display that is:
- 182 (i) outside a dwelling on:
- 183 (A) a lot;
- 184 (B) the exterior of the dwelling; or
- 185 (C) the front yard of the dwelling; and
- 186 (ii) visible from outside the lot.
- 187 (4)(a) A rule may not prohibit a lot owner from displaying a political sign or flag on:
- 188 (i) a lot;
- 189 (ii) the exterior of the dwelling, regardless of whether the association has an
190 ownership interest in the exterior; or
- 191 (iii) the front yard of the dwelling, regardless of whether the association has an
192 ownership interest in the yard.
- 193 (b) Except as provided in Subsection (4)(c), a rule may not regulate the content of a
194 political sign or flag.
- 195 (c) A rule may restrict a political sign or flag that contains obscene, profane, or
196 commercial content.
- 197 (d) A rule may reasonably regulate the time, place, and manner of posting a political
198 sign or flag.

- 199 (e) An association design provision may not establish design criteria for a political sign
200 or flag.
- 201 (5)(a) A rule may not prohibit a lot owner from displaying a for-sale sign on:
202 (i) a lot;
203 (ii) the exterior of the dwelling, regardless of whether the association has an
204 ownership interest in the exterior; or
205 (iii) the front yard of the dwelling, regardless of whether the association has an
206 ownership interest in the yard.
- 207 (b) A rule may reasonably regulate the time, place, and manner of posting a for-sale sign.
- 208 (6)(a) Except as provided in Subsection (6)(b), a rule may not interfere with the freedom
209 of a lot owner to determine the composition of the lot owner's household.
- 210 (b) An association may:
211 (i) require that all occupants of a dwelling be members of a single housekeeping unit;
212 or
213 (ii) limit the total number of occupants permitted in each residential dwelling on the
214 basis of the residential dwelling's:
215 (A) size and facilities; and
216 (B) fair use of the common areas.
- 217 (7)(a) Except as provided in Subsection (7)(b), a rule may not interfere with a reasonable
218 activity of a lot owner within the confines of a dwelling or lot, including backyard
219 landscaping or amenities, to the extent that the activity is in compliance with local
220 laws and ordinances, including nuisance laws and ordinances.
- 221 (b) A rule may prohibit an activity within the confines of a dwelling or lot, including
222 backyard landscaping or amenities, if the activity:
223 (i) is not normally associated with a project restricted to residential use; or
224 (ii)(A) creates monetary costs for the association or other lot owners;
225 (B) creates a danger to the health or safety of occupants of other lots;
226 (C) generates excessive noise or traffic;
227 (D) creates unsightly conditions visible to an individual standing outside the
228 dwelling;
229 (E) creates an unreasonable source of annoyance to persons outside the lot; or
230 (F) if there are attached dwellings, creates the potential for smoke to enter another
231 lot owner's dwelling, the common areas, or limited common areas.
- 232 (c) If permitted by law, an association may adopt rules described in Subsection (7)(b)

- 233 that affect the use of or behavior inside the dwelling.
- 234 (8)(a) A rule may not, to the detriment of a lot owner and over the lot owner's written
235 objection to the board, alter the allocation of financial burdens among the various lots.
- 236 (b) An association may:
- 237 (i) change the common areas available to a lot owner;
- 238 (ii) adopt generally applicable rules for the use of common areas; or
- 239 (iii) deny use privileges to a lot owner who:
- 240 (A) is delinquent in paying assessments;
- 241 (B) abuses the common areas; or
- 242 (C) violates the governing documents.
- 243 (c) This Subsection (8) does not permit a rule that:
- 244 (i) alters the method of levying assessments; or
- 245 (ii) increases the amount of assessments as provided in the declaration.
- 246 (9) A rule may not:
- 247 (a) prohibit the transfer of a lot; or
- 248 (b) require the consent of the association or board to transfer a lot.
- 249 (10)(a) A rule may not require a lot owner to dispose of personal property that was in or
250 on a lot before the adoption of the rule or design criteria if the personal property was
251 in compliance with all rules and other governing documents previously in force.
- 252 (b) The exemption in Subsection (10)(a):
- 253 (i) applies during the period of the lot owner's ownership of the lot; and
- 254 (ii) does not apply to a subsequent lot owner who takes title to the lot after adoption
255 of the rule described in Subsection (10)(a).
- 256 (11) A rule or action by the association or action by the board may not unreasonably
257 impede a declarant's ability to satisfy existing development financing for community
258 improvements and right to develop:
- 259 (a) the project; or
- 260 (b) other properties in the vicinity of the project.
- 261 (12) A rule or association or board action may not interfere with:
- 262 (a) the use or operation of an amenity that the association does not own or control; or
- 263 (b) the exercise of a right associated with an easement.
- 264 (13) A rule may not divest a lot owner of the right to proceed in accordance with a
265 completed application for design review, or to proceed in accordance with another
266 approval process, under the terms of the governing documents in existence at the time

- 267 the completed application was submitted by the owner for review.
- 268 (14) Unless otherwise provided in the declaration, an association may by rule:
- 269 (a) regulate the use, maintenance, repair, replacement, and modification of common
- 270 areas;
- 271 (b) impose and receive any payment, fee, or charge for:
- 272 (i) the use, rental, or operation of the common areas, except limited common areas;
- 273 and
- 274 (ii) a service provided to a lot owner;
- 275 (c) impose a charge for a late payment of an assessment; or
- 276 (d) provide for the indemnification of the association's officers and board consistent with
- 277 Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act.
- 278 (15)(a) For any area for which one or more lot owners, but not the association, are
- 279 responsible for landscape maintenance of any landscaping within the lot owner's lot
- 280 or the common areas, the association shall adopt rules supporting water wise
- 281 landscaping as defined in Section 57-8a-231 including:
- 282 (i) low water use requirements on lawns during drought conditions;
- 283 (ii) design criterion for water wise landscaping; and
- 284 (iii) limiting permissible plant material to specific water wise plant material.
- 285 (b) A rule may not:
- 286 (i) prohibit or restrict the conversion of a grass park strip to water wise landscaping
- 287 as defined in Section 57-8a-231;~~[-or]~~
- 288 (ii) prohibit low water use on lawns during drought conditions~~[-]~~ ; or
- 289 (iii) prohibit, or have the effect of prohibiting, a lot owner from removing vegetation
- 290 from the lot owner's lot that is within a designated wildland-urban interface area,
- 291 as defined in Section 65A-1-1.
- 292 (16)(a) Except as provided in Subsection (16)(b), a rule may not prohibit the owner of a
- 293 residential lot from constructing an internal accessory dwelling unit, as defined in
- 294 Section 10-21-101 or 17-80-101, within the owner's residential lot.
- 295 (b) Subsection (16)(a) does not apply if the construction would violate:
- 296 (i) a local land use ordinance;
- 297 (ii) a building code;
- 298 (iii) a health code; or
- 299 (iv) a fire code.
- 300 (17)(a) Except as provided in Subsection (17)(b), a rule may not prohibit the owner of a

- 301 residential lot from making modifications, consistent with industry standards, for
302 radon mitigation.
- 303 (b) Subsection (17)(a) does not apply if the modifications would violate:
- 304 (i) a local land use ordinance;
- 305 (ii) a building code;
- 306 (iii) a health code; or
- 307 (iv) a fire code.
- 308 (c) A rule governing the placement or external appearance of modifications for radon
309 mitigation does not apply to a lot owner's modifications if the rule would:
- 310 (i) unreasonably interfere with the modifications' functionality; or
- 311 (ii) add more than 40% of the modifications' original cost to the cost of installing the
312 modifications.
- 313 (d) A rule may require that a lot owner making modifications related to radon mitigation:
- 314 (i) demonstrate or provide proof of radon contamination; and
- 315 (ii) provide proof that the modifications and any related construction will be
316 performed by a licensed person.
- 317 (18) A rule may restrict a sex offender from accessing a protected area that is maintained,
318 operated, or owned by the association, subject to the exceptions described in Subsection
319 53-29-306(3).
- 320 (19)(a) As used in this Subsection (19), "vegetable garden" means a plot of ground or
321 elevated soil bed where vegetables, herbs, fruits, flowers, pollinator plants, leafy
322 greens, or other edible plants are cultivated.
- 323 (b) A rule may not prohibit a vegetable garden on the rear yard of a lot on which the
324 association does not have an ownership interest or a maintenance responsibility.
- 325 (c) A rule may:
- 326 (i) impose reasonable regulations that do not significantly increase the cost of
327 cultivating a vegetable garden or significantly decrease the efficiency of
328 cultivating a vegetable garden, including reasonable regulations on plant height,
329 water use, fertilizer use, and weed maintenance; and
- 330 (ii) prohibit the cultivation of invasive or unlawful species.
- 331 (20)(a) Except as provided in Subsection (20)(b), a rule may not restrict an individual
332 from parking an operable vehicle in a driveway where the vehicle has a legal right to
333 park, unless the vehicle is:
- 334 (i) a commercial vehicle, as defined in Section 72-9-102;

- 335 (ii) a motor home, as defined in Section 13-20-2; or
336 (iii) a recreational vehicle trailer, as defined in Section 13-20-2.
- 337 (b) A rule may require that an individual park in a garage appurtenant to a dwelling
338 before parking elsewhere.
- 339 (21)(a) Except as provided in Subsection (21)(b), a rule may not restrict an individual
340 from operating a vehicle that is not a commercial vehicle, as defined in Section
341 72-9-102, in conformance with state traffic laws.
- 342 (b) A rule may enforce a reduced speed limit on a private roadway.
- 343 (22) A rule may not:
- 344 (a) prohibit a lot owner from installing a personal security camera immediately adjacent
345 to the entryway, window, or other outside entry point of the owner's dwelling unit;
- 346 (b) impose a requirement or restriction on:
- 347 (i) a dwelling's interior, except as reasonably necessary for the safety of adjacent lots
348 and the occupants of those lots; or
- 349 (ii) the use of a public street, as defined in Section 10-20-102;
- 350 (c) restrict an individual from:
- 351 (i) installing, displaying, or storing an item that the individual has a legal right to
352 store if the item is not visible to an individual standing outside the lot;
- 353 (ii) installing or keeping a properly maintained basketball standard on the individual's
354 driveway or property if the driveway or property where the basketball standard is
355 located is:
- 356 (A) privately owned and maintained; and
357 (B) abutting a public street; or
- 358 (iii) hiring a contractor or worker solely because the contractor or worker:
- 359 (A) is not on the association's preferred vendor list; or
360 (B) does not have a professional or occupational license, unless the license is
361 required by law; or
- 362 (d) be inconsistent with a provision of the association's declaration, bylaws, or articles of
363 incorporation.
- 364 (23) A rule shall be reasonable.
- 365 (24) A declaration, or an amendment to a declaration, may vary any of the requirements of
366 Subsections (1), (2), (6), and (8) through (14), except Subsection (1)(b)(ii).
- 367 (25) This section applies to an association regardless of when the association is created.
- 368 **Section 4. Effective Date.**

369 This bill takes effect on May 6, 2026.