

Effective 5/7/2025

Renumbered 11/6/2025

10-9a-536 Water wise landscaping -- Municipal landscaping regulations.

- (1) As used in this section:
 - (a) "Lawn or turf" means nonagricultural land planted in closely mowed, managed grasses.
 - (b) "Mulch" means material such as rock, bark, wood chips, or other materials left loose and applied to the soil.
 - (c) "Overhead spray irrigation" means above ground irrigation heads that spray water through a nozzle.
 - (d) "Private landscaping plan" means the same as that term is defined in Section 10-9a-604.5.
 - (e)
 - (i) "Vegetative coverage" means the ground level surface area covered by the exposed leaf area of a plant or group of plants at full maturity.
 - (ii) "Vegetative coverage" does not mean the ground level surface area covered by the exposed leaf area of a tree or trees.
 - (f) "Water wise landscaping" means any or all of the following:
 - (i) installation of plant materials suited to the microclimate and soil conditions that can:
 - (A) remain healthy with minimal irrigation once established; or
 - (B) be maintained without the use of overhead spray irrigation;
 - (ii) use of water for outdoor irrigation through proper and efficient irrigation design and water application; or
 - (iii) use of other landscape design features that:
 - (A) minimize the need of the landscape for supplemental water from irrigation; or
 - (B) reduce the landscape area dedicated to lawn or turf.
- (2) A municipality may not enact or enforce an ordinance, resolution, or policy that prohibits, or has the effect of prohibiting, a property owner from incorporating water wise landscaping on the property owner's property.
- (3)
 - (a) Subject to Subsection (3)(b), Subsection (2) does not prohibit a municipality from requiring a property owner to:
 - (i) comply with a site plan review, private landscaping plan review, or other review process before installing water wise landscaping;
 - (ii) maintain plant material in a healthy condition; and
 - (iii) follow specific water wise landscaping design requirements adopted by the municipality, including a requirement that:
 - (A) restricts or clarifies the use of mulches considered detrimental to municipal operations;
 - (B) imposes minimum or maximum vegetative coverage standards; or
 - (C) restricts or prohibits the use of specific plant materials.
 - (b) A municipality may not require a property owner to install or keep in place lawn or turf in an area with a width less than eight feet.
- (4) A municipality may require a seller of a newly constructed residence to inform the first buyer of the newly constructed residence of a municipal ordinance requiring water wise landscaping.
- (5) A municipality shall report to the Division of Water Resources the existence, enactment, or modification of an ordinance, resolution, or policy that implements regional-based water use efficiency standards established by the Division of Water Resources by rule under Section 73-10-37.
- (6) A municipality may enforce a municipal landscaping ordinance in compliance with this section.