

WATER WISE LANDSCAPING AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill modifies provisions regarding water wise landscaping.

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

10-9a-535, Utah Code Annotated 1953

17-27a-531, Utah Code Annotated 1953

57-8a-231, Utah Code Annotated 1953

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

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

32 (b) "Water wise landscaping" means any or all of the following:

33 (i) selection of plant materials suited to the microclimate and soil conditions that can
34 survive without irrigation once established;

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

37 (iii) use of other landscape design features that minimize the need of the landscape for
38 supplemental water from irrigation.

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

42 (3) (a) Subject to Subsection (3)(b), a municipality may enact an ordinance that
43 requires any or all of the following specific water wise landscaping design requirements:

44 (i) restricts or clarifies the use of mulches considered detrimental to municipal
45 operations;

46 (ii) imposes plant densities requirements; or

47 (iii) restricts plant materials.

48 (b) A municipality may not require:

49 (i) plant densities that exceed 40%; or

50 (ii) turf grasses that:

51 (A) exceed 35% of an irrigated area; or

52 (B) to be used in an area with a width less than eight feet.

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

54 **17-27a-531. Water wise landscaping.**

55 (1) As used in this section:

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

58 (b) "Water wise landscaping" means any or all of the following:

59 (i) selection of plant materials suited to the microclimate and soil conditions that can
60 survive without irrigation once established;

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

63 (iii) the use of other landscape design features that minimize the need of the landscape
64 for supplemental water from irrigation.

65 (2) A county may not enact or enforce an ordinance, resolution, or policy that prohibits,
66 or has the effect of prohibiting, a property owner from using water wise landscaping on the
67 property owner's property.

68 (3) (a) Subject to Subsection (3)(b), a county may enact an ordinance that requires any
69 or all of the following specific water wise landscaping design requirements:

70 (i) restricts or clarifies the use of mulches considered detrimental to county operations;

71 (ii) imposes plant densities requirements; or

72 (iii) restricts plant materials.

73 (b) A county may not require:

74 (i) plant densities that exceed 40%; or

75 (ii) turf grasses:

76 (A) that exceed 35% of an irrigated area; or

77 (B) to be used in an area with a width less than eight feet.

78 Section 3. Section **57-8a-231** is enacted to read:

79 **57-8a-231. Water wise landscaping.**

80 (1) As used in this section:

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

83 (b) "Water wise landscaping" means any or all of the following:

84 (i) selection of plant materials suited to the microclimate and soil conditions that can
85 survive without irrigation once established;

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

88 (iii) the use of other landscape design features that minimize the need of the landscape
89 for supplemental water from irrigation.

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

93 (3) (a) Subject to Subsection (3)(b), an association may enact a governing document
94 that requires any or all of the following specific water wise landscaping design requirements:

95 (i) restricts or clarifies the use of mulches considered detrimental to the association's
96 operations;

97 (ii) imposes plant densities requirements; or

98 (iii) restricts plant materials.

99 (b) An association may not require:

100 (i) plant densities that exceed 40%; or

101 (ii) turf grasses:

102 (A) that exceed 35% of an irrigated area; or

103 (B) to be used in an area with a width less than eight feet.