

**Representative Ryan D. Wilcox** proposes the following substitute bill:

**WATER WISE LANDSCAPING AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ryan D. Wilcox**

Senate Sponsor: Michael K. McKell

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**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



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.