

HB0282S01 compared with HB0282

~~text~~ shows text that was in HB0282 but was deleted in HB0282S01.

text shows text that was not in HB0282 but was inserted into HB0282S01.

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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

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

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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:

10-9a-535. Water wise landscaping.

(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) (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.

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

(i) ~~{selection}~~installation of plant materials suited to the microclimate and soil conditions that can~~{ survive without }~~:

(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

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prohibits, or has the effect of prohibiting, a property owner from ~~using~~ incorporating water wise landscaping on the property owner's property.

(3) (a) Subject to Subsection (3)(b), ~~if a municipality may enact an ordinance that requires any or all of the following~~ Subsection (2) does not prohibit a municipality from requiring a property owner to:

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

(ii) maintain plant material in a healthy condition;

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

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

~~(ii)~~ imposes plant densities requirements; or

~~(iii) restricts~~ 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 ~~f~~:

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

~~(ii)~~ turf grasses that:

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

~~(B)~~ to be used a property owner to install or keep in place lawn or turf in an area with a width less than eight feet.

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

17-27a-531. Water wise landscaping.

(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) (i) "Vegetative coverage" means the ground level surface area covered by the

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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.

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

(i) ~~selection~~ installation of plant materials suited to the microclimate and soil conditions that can ~~survive without~~:

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

(3) (a) Subject to Subsection (3)(b), ~~a county may enact an ordinance that requires any or all of the following~~ Subsection (2) does not prohibit a county from requiring a property owner to:

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

(ii) maintain plant material in a healthy condition;

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

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

~~(ii) imposes plant densities requirements; or~~

~~(iii) restricts~~ B) imposes minimum or maximum vegetative coverage standards; or

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

(b) A county may not require:

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

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~~(ii) turf grasses;~~
~~(A) that exceed 35% of an irrigated area; or~~
~~(B) to be used;~~ a property owner to install or keep in place lawn or turf in an area with a width less than eight feet.

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

57-8a-231. Water wise landscaping.

(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) (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.

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

(i) ~~selection~~ installation of plant materials suited to the microclimate and soil conditions that can ~~survive without~~;

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

(3) (a) Subject to Subsection (3)(b), ~~an association may enact a governing document~~

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~~that requires any or all of the following}~~ Subsection (2) does not prohibit an association from requiring a property owner to:

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

(ii) maintain plant material in a healthy condition;

(iii) follow specific water wise landscaping design requirements adopted by the association including a requirement that:

~~(fi)A~~ (A) restricts or clarifies the use of mulches considered detrimental to the association's operations;

~~(fi)B~~ (B) imposes ~~{plant densities requirements, or~~

~~(iii) restricts}~~ minimum or maximum vegetative coverage; or

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

(b) An association may not require~~}:~~

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

~~(ii) turf grasses:~~

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

~~(B) to be used}~~ a property owner to install or keep in place lawn or turf in an area with a width less than eight feet.