

Representative Doug Owens proposes the following substitute bill:

WATER EFFICIENT LANDSCAPING AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Doug Owens

Senate Sponsor: Wayne A. Harper

LONG TITLE

General Description:

This bill addresses use of lawn or turf.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ restricts the use of lawn or turf by certain governmental entities; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63A-5b-1108, as enacted by Laws of Utah 2022, Chapter 50

ENACTS:

11-39-108, Utah Code Annotated 1953

53G-7-224, Utah Code Annotated 1953

72-7-111, Utah Code Annotated 1953



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

Section 1. Section **11-39-108** is enacted to read:

11-39-108. Use of lawn or turf.

(1) As used in this section:

(a) "Active recreation area" means an area of local entity property that is:

(i) comprised of lawn or turf dedicated to active use; and

(ii) installed or maintained on an area with a slope of not more than 25%.

(b) "Active use" means regular use for playing, exercise, recreation, or regular outdoor activities that are ordinarily associated with lawn or turf, such as:

(i) a sports field;

(ii) a social gathering area;

(iii) an amphitheater;

(iv) a public or private park; or

(v) the playing area, including rough, driving ranges, and chipping and putting greens, of a golf course.

(c) "Landscaped area" means those portions of local entity property that are, or will not be, occupied by:

(i) a permanent structure; or

(ii) an impervious surface associated with vehicular or pedestrian access or use, such as a driveway, sidewalk, or parking lot.

(d) "Lawn or turf" means nonagricultural land planted in closely mowed, managed grasses.

(e) "Local entity property" means real property owned or occupied by a local entity.

(f) "New construction" means a project for the construction of a public facility on local entity property that includes a new or modified landscaped area of more than 7,500 square feet.

(g) "Overhead spray irrigation" means above ground irrigation heads that spray water through a nozzle.

(h) "Parkstrip" means the area between the back of a curb or, if there is no curb, the edge of pavement and the sidewalk.

(i) "Public facility" means a building, structure, infrastructure, improvement, park,

57 playground, or other facility of a local entity.

58 (j) "Reconstruction" means a project for renovation, alteration, improvement, or repair
59 of a public facility on local entity property that affects more than 25% of the landscaped area
60 existing before the reconstruction.

61 (k) "Special use area" means an area of local entity property that requires the use of
62 lawn or turf due to unique circumstances associated with the land, including cemeteries or
63 detention or retention basins that serve a dual purpose of active recreation areas and storm
64 water management.

65 (2) Local entity property on which a local entity undertakes new construction or
66 reconstruction on or after May 3, 2023:

67 (a) may not have lawn or turf installed or maintained:

68 (i) on more than 20% of the landscaped area, after deducting active recreation areas or
69 special use areas;

70 (ii) in a parkstrip;

71 (iii) within the interior of a parking lot; or

72 (iv) in an area where the lawn or turf would have a width of less than eight feet;

73 (b) may not have a sprinkler zone that provides overhead spray irrigation for lawn or
74 turf shared with an area that does not have lawn or turf;

75 (c) shall have the use of overhead spray irrigation restricted to the portions of the
76 landscaped area that has lawn or turf; and

77 (d) may not have an active recreation area with a size that is larger than the reasonably
78 anticipated need for the type of use the area is intended to accommodate.

79 Section 2. Section **53G-7-224** is enacted to read:

80 **53G-7-224. Use of lawn or turf.**

81 (1) As used in this section:

82 (a) "Active recreation area" means an area of school property that is:

83 (i) comprised of lawn or turf dedicated to active use; and

84 (ii) installed or maintained on an area with a slope of not more than 25%.

85 (b) "Active use" means regular use for playing, exercise, recreation, or regular outdoor
86 activities that are ordinarily associated with lawn or turf, such as:

87 (i) a sports field;

88 (ii) a social gathering area;

89 (iii) an amphitheater; or

90 (iv) a public or private park.

91 (c) "Landscaped area" means those portions of school property that will not be

92 occupied by:

93 (i) a permanent structure; or

94 (ii) an impervious surface associated with vehicular or pedestrian access or use, such as
95 a driveway, sidewalk, or parking lot.

96 (d) "Lawn or turf" means nonagricultural land planted in closely mowed, managed
97 grasses.

98 (e) "LEA" means:

99 (i) a school district;

100 (ii) a charter school, other than an online-only charter school; or

101 (iii) the Utah Schools for the Deaf and the Blind.

102 (f) "New construction" means a project for the construction of a public facility on
103 school property that includes a new or modified landscaped area of more than 7,500 square
104 feet.

105 (g) "Overhead spray irrigation" means above ground irrigation heads that spray water
106 through a nozzle.

107 (h) "Parkstrip" means the area between the back of a curb or, if there is no curb, the
108 edge of pavement and the sidewalk.

109 (i) "Public facility" means a building, structure, infrastructure, improvement, sports
110 field, playground, or other facility of an LEA.

111 (j) "Reconstruction" means a project for the renovation, alteration, improvement, or
112 repair of a public facility on school property that affects more than 25% of the landscaped area
113 existing before the reconstruction.

114 (k) "School property" means real property owned or occupied by an LEA.

115 (l) "Special use area" means an area of school property that requires the use of lawn or
116 turf due to unique circumstances associated with the land, including detention or retention
117 basins that serve a dual purpose of active recreation areas and storm water management.

118 (2) School property on which an LEA undertakes new construction or reconstruction

119 on or after May 3, 2023:

120 (a) may not have lawn or turf installed or maintained:

121 (i) on more than 20% of the landscaped area, after deducting active recreation areas or
122 special use areas;

123 (ii) in a parkstrip;

124 (iii) within the interior of a parking lot;

125 (iv) in an area where the lawn or turf would have a width of less than eight feet; and

126 (v) within a road or area of vehicular access, including in a median or roundabout;

127 (b) may not have a sprinkler zone that provides overhead spray irrigation for lawn or
128 turf shared with an area that does not have lawn or turf;

129 (c) shall have the use of overhead spray irrigation restricted to the portions of the
130 landscaped area that has lawn or turf; and

131 (d) may not have an active recreation area with a size that is larger than the reasonably
132 anticipated need for the type of use the area is intended to accommodate.

133 Section 3. Section **63A-5b-1108** is amended to read:

134 **63A-5b-1108. Water conservation and state government facilities.**

135 (1) As used in this section:

136 (a) "Division" means the Division of Water Resources.

137 (b) "Grounds" means the real property, whether fenced or unfenced, of the parcel of
138 land on which is located a state government facility, ~~[including a]~~ but not including areas
139 occupied by a building, public or private driveway, street, sidewalk or walkway, parking lot, or
140 parking garage on the property.

141 (c) (i) Except as provided in Subsection (1)(c)(ii), "lawn or turf" means nonagricultural
142 land planted in closely mowed, managed grasses.

143 (ii) "Lawn or turf" does not include a golf course, park, athletic field, or sod farm.

144 (d) "Parkstrip" means the area between the back of a curb or, if there is no curb, the
145 edge of pavement and the sidewalk.

146 ~~[(d)]~~ (e) "Reconstructed" means that a building is subject to construction that affects
147 the exterior of the building or the building's grounds.

148 ~~[(e)]~~ (f) (i) "State agency" means a department, division, office, entity, agency, or other
149 unit of state government.

150 (ii) "State agency" includes an institution of higher education.

151 ~~[(f)]~~ (g) (i) "State government facility" means a building, structure, or other
152 improvement that is constructed on property owned by the state, the state's departments,
153 commissions, institutions, or other state agency.

154 (ii) "State government facility" does not include:

155 (A) an unoccupied structure that is a component of the state highway system;

156 (B) a privately owned structure that is located on property owned by the state, the
157 state's department, commission, institution, or other state agency; or

158 (C) a structure that is located on land administered by the trust lands administration
159 under a lease, permit, or contract with the trust lands administration.

160 (2) (a) Unless exempted under Subsection (2)(b), a state agency that owns or occupies
161 a state government facility that is built or reconstructed on or after ~~[May 4, 2022]~~ May 3, 2023,
162 may not ~~[have]~~ install or maintain lawn or turf:

163 (i) on more than 20% of the grounds of the state government facility ~~[be lawn or turf];~~

164 (ii) in a parkstrip;

165 (iii) within the interior of a parking lot on the grounds of the state government facility;

166 or

167 (iv) in an area of the grounds of the state government facility where the lawn or turf
168 would have a width of less than eight feet.

169 (b) The division may exempt a state government facility from the restrictions of
170 Subsection (2)(a) if the division determines that the purposes of a state agency that occupies the
171 state government facility requires additional lawn or turf.

172 (3) (a) A state agency shall reduce the state agency's outdoor water use as compared to
173 the state agency's outdoor water use for fiscal year 2020:

174 (i) in an amount equal to or greater than 5% by the end of fiscal year 2023; and

175 (ii) in an amount equal to or greater than 25% by the end of fiscal year 2026.

176 (b) A state agency shall submit the following information to the division:

177 (i) by no later than October 1, 2022:

178 (A) the state agency's water use for fiscal year 2020; and

179 (B) the state agency's water use for fiscal year 2022;

180 (ii) by no later than October 1, 2023, the state agency's water use for fiscal year 2023;

181 and

182 (iii) by no later than October 1, 2026, the state agency's water use for fiscal year 2026.

183 (c) The division shall:

184 (i) post the information provided to the division under this Subsection (3) on a public
185 website; and

186 (ii) by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative
187 Rulemaking Act, establish a uniform measure for purposes of this section of a state agency's
188 water use.

189 (4) Except when allowed by the division, a state agency may not water landscapes at a
190 state government facility between the hours of 10 a.m. and 6 p.m.

191 (5) A state agency shall do the following at a state government facility:

192 (a) follow weekly lawn watering guides if issued by the division;

193 (b) manually shut off systems during rain and wind events if the landscape irrigation
194 system does not have rain and wind shutoff functions;

195 (c) implement a leak-detection and repair program for outdoor use;

196 (d) coordinate with the division to implement water efficient methods, technologies,
197 and practices; and

198 (e) at least annually:

199 (i) evaluate opportunities to update irrigation technology with devices that:

200 (A) meet national recognized standards for efficiency;

201 (B) include rain and wind shutoff functions; and

202 (C) include soil moisture sensors;

203 (ii) evaluate opportunities to:

204 (A) subject to Subsection (2), limit lawn or turf on the grounds of a state government
205 facility and replace lawn or turf with water-wise plants; and

206 (B) update facility-management technology to include metering for water-consuming
207 processes related to irrigation and mechanical systems; and

208 (iii) audit and repair a landscape irrigation system so that the landscape irrigation
209 system is operating at maximum acceptable efficiency.

210 Section 4. Section **72-7-111** is enacted to read:

211 **72-7-111. Use of lawn or turf.**

212 (1) As used in this section, "lawn or turf" means nonagricultural land planted in closely
213 mowed, managed grasses.

214 (2) A highway authority may not install, maintain, or allow for the installation or
215 maintenance by others of lawn or turf requiring the use of artificial irrigation in a highway
216 construction project commenced on or after May 3, 2023, within the portion of the highway:

217 (a) located between the back of the curb on either side of the highway, including in a
218 median or roundabout; or

219 (b) if there is no curb, between the shoulders contiguous to the traveled way, including
220 in a median or roundabout.