

**Representative Doug Owens** proposes the following substitute bill:

**WATER EFFICIENT LANDSCAPING REQUIREMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Doug Owens**

Senate Sponsor: Ronald M. Winterton

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**LONG TITLE**

**General Description:**

This bill addresses use of overhead spray irrigation.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ restricts the use of overhead spray irrigation by certain governmental entities; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

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:*



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

27 **11-39-108. Use of overhead spray irrigation.**

28 (1) As used in this section:

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

30 (i) dedicated to active use; and

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

32 (b) "Active use" means regular use for playing, exercise, recreation, or regular outdoor

33 activities, such as:

34 (i) a sports field;

35 (ii) a social gathering area;

36 (iii) an amphitheater;

37 (iv) a park;

38 (v) the playing area, including roughs, driving ranges, and chipping and putting greens,

39 of a golf course; or

40 (vi) a cemetery.

41 (c) "Great Salt Lake basin" means the area within:

42 (i) the surveyed meander line of the Great Salt Lake;

43 (ii) the drainage areas of the Bear River or the Bear River's tributaries;

44 (iii) the drainage areas of Bear Lake or Bear Lake's tributaries;

45 (iv) the drainage areas of the Weber River or the Weber River's tributaries;

46 (v) the drainage areas of the Jordan River or the Jordan River's tributaries;

47 (vi) the drainage areas of Utah Lake or Utah Lake's tributaries;

48 (vii) other water drainages lying between the Bear River and the Jordan River that are

49 tributary to the Great Salt Lake and not included in the drainage areas described in Subsections

50 (1)(c)(ii) through (vi); and

51 (viii) the drainage area of Tooele Valley.

52 (d) "Landscaped area" means those portions of local entity property that are not, or will

53 not be, occupied by:

54 (i) a permanent structure; or

55 (ii) an impervious surface associated with vehicular or pedestrian access or use, such as

56 a driveway, sidewalk, or parking lot.

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

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

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

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

64 (i) "Public facility" means a building, structure, infrastructure, improvement, park,  
65 playground, or other facility of a local entity.

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

69 (2) (a) A local entity with local entity property within the Great Salt Lake basin that  
70 undertakes new construction or reconstruction on the local entity property on or after May 1,  
71 2024, may not install, maintain, or use overhead spray irrigation in a landscaped area of the  
72 local entity property unless the landscaped area is an active recreation area.

73 (b) A local entity may not install, maintain, or use overhead spray irrigation to irrigate  
74 the following within an active recreation area described in Subsection (2)(a):

75 (i) a park strip;

76 (ii) an area with a width of less than eight feet; or

77 (iii) in an area that is a planting bed.

78 (c) A local entity may not treat local entity property as an active recreation area if the  
79 area is sized larger than reasonably required for the anticipated use the area is intended to  
80 accommodate.

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

82 **53G-7-224. Use of overhead spray irrigation.**

83 (1) As used in this section:

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

85 (i) dedicated to active use; and

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

87 (b) "Active use" means regular use for playing, exercise, recreation, or regular outdoor

88 activities, such as:

89 (i) a sports field;

90 (ii) a social gathering area; or

91 (iii) an amphitheater.

92 (c) "Great Salt Lake basin" means the area within:

93 (i) the surveyed meander line of the Great Salt Lake;

94 (ii) the drainage areas of the Bear River or the Bear River's tributaries;

95 (iii) the drainage areas of Bear Lake or Bear Lake's tributaries;

96 (iv) the drainage areas of the Weber River or the Weber River's tributaries;

97 (v) the drainage areas of the Jordan River or the Jordan River's tributaries;

98 (vi) the drainage areas of Utah Lake or Utah Lake's tributaries;

99 (vii) other water drainages lying between the Bear River and the Jordan River that are  
100 tributary to the Great Salt Lake and not included in the drainage areas described in Subsections  
101 (1)(c)(ii) through (vi); and

102 (viii) the drainage area of Tooele Valley.

103 (d) "Landscaped area" means those portions of school property that are not, or will not  
104 be, occupied by:

105 (i) a permanent structure; or

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

108 (e) "LEA" means:

109 (i) a school district;

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

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

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

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

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

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

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

124 (k) "School property" means real property owned by an LEA.

125 (2) (a) An LEA with school property within the Great Salt Lake basin that undertakes  
126 new construction or reconstruction on the school property on or after May 1, 2024, may not  
127 install, maintain, or use overhead spray irrigation in a landscaped area of the school property  
128 unless the landscaped area is an active recreation area.

129 (b) An LEA may not install, maintain, or use overhead spray irrigation to irrigate the  
130 following within an active recreation area described in Subsection (2)(a):

131 (i) a park strip;

132 (ii) an area with a width of less than eight feet; or

133 (iii) in an area that is a planting bed.

134 (c) An LEA may not treat school property as an active recreation area if the area is  
135 sized larger than reasonably required for the anticipated use the area is intended to  
136 accommodate.

137 (3) Nothing in this section:

138 (a) requires an LEA to submit a land use application to a municipality or county to  
139 landscape school property; or

140 (b) authorizes a municipality or county to:

141 (i) impose landscaping requirements on school property; or

142 (ii) require an LEA to obtain approval for landscaping on school property.

143 Section 3. Section **72-7-111** is enacted to read:

144 **72-7-111. Use of overhead spray irrigation.**

145 (1) As used in this section:

146 (a) "Great Salt Lake basin" means the area within:

147 (i) the surveyed meander line of the Great Salt Lake;

148 (ii) the drainage areas of the Bear River or the Bear River's tributaries;

149 (iii) the drainage areas of Bear Lake or Bear Lake's tributaries;

150 (iv) the drainage areas of the Weber River or the Weber River's tributaries;  
151 (v) the drainage areas of the Jordan River or the Jordan River's tributaries;  
152 (vi) the drainage areas of Utah Lake or Utah Lake's tributaries;  
153 (vii) other water drainages lying between the Bear River and the Jordan River that are  
154 tributary to the Great Salt Lake and not included in the drainage areas described in Subsections  
155 (1)(a)(ii) through (vi); and  
156 (viii) the drainage area of Tooele Valley.

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

159 (2) Except as provided in Subsection (3), on land within the Great Salt Lake basin a  
160 highway authority may not install, maintain, or allow for the installation or maintenance by  
161 others of landscaping in a highway construction project commenced on or after May 1, 2024,  
162 that uses overhead spray irrigation within the portion of the highway:

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

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

167 (3) Subsection (2) does not prohibit the temporary use of overhead spray irrigation for  
168 the period of time reasonably required to allow drought tolerant perennial plants to establish a  
169 healthy root system.

170 Section 4. **Effective date.**

171 This bill takes effect on May 1, 2024.