BILL TOPIC: Prohibit Landscaping Practices For Water Conserv

A BILL FOR AN ACT

CONCERNING THE CONSERVATION OF WATER IN THE STATE THROUGH THE PROHIBITION OF CERTAIN LANDSCAPING PRACTICES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov/.)

Water Resources and Agriculture Review Committee. On and after January 1, 2025, the bill prohibits local governments and unit owners' associations of common interest communities from allowing the installation, planting, or placement of nonfunctional turf, artificial turf, or an invasive plant species on any commercial, institutional, or industrial property. The bill also prohibits the department of personnel from

Capital letters or bold & italic numbers indicate new material to be added to existing law. Dashes through the words indicate deletions from existing law.
allowing the installation, planting, or placement of nonfunctional turf, artificial turf, or invasive plant species as part of a project for the construction or renovation of a state facility, which project commences on or after January 1, 2025.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, add article 99 to title 37 as follows:

ARTICLE 99
Prohibition of Nonfunctional Turf, Artificial Turf, and Invasive Plant Species

37-99-101. Legislative declaration. (1) The general assembly hereby finds that:

(a) As Colorado continues to grapple with the impacts of climate change, green urban spaces, such as urban tree canopies, are a vital adaptation tool for mitigating the impacts of climate change, especially for mitigating the urban heat island effect, which can increase energy costs, air pollution, and heat-related illnesses and deaths;

(b) However, water supply in the western United States is under increasing pressure due to climate change and increasing demand;

(c) Many communities in the state overuse nonnative grass for landscaping purposes, which requires large amounts of water to maintain;

(d) While there are appropriate and important uses for turf, including for civic, community, or recreational purposes such as use in parks, sports fields, and playgrounds, much of the
TURF IN THE STATE IS NONFUNCTIONAL, LOCATED IN AREAS THAT RECEIVE LITTLE, IF ANY, USE, AND COULD BE REPLACED WITH WATER-WISE LANDSCAPING WITHOUT ADVERSELY IMPACTING QUALITY OF LIFE OR LANDSCAPE FUNCTIONALITY;

(e) Prohibiting the installation, planting, or placement of nonfunctional turf in commercial, institutional, or industrial property in the state can help conserve the state’s water resources; and

(f) Additionally, artificial turf can cause negative environmental impacts, such as exacerbating heat island effects in urban areas and releasing harmful chemicals into the environment and watersheds.

(2) The general assembly therefore declares that preventing the installation, planting, or placement of nonfunctional turf, artificial turf, and invasive plant species in commercial, institutional, or industrial property is:

(a) A matter of statewide concern; and

(b) In the public interest.

37-99-102. Definitions. As used in this article 99, unless the context otherwise requires:

(1) "Artificial turf" means an installation of synthetic materials developed to resemble natural grass.

(2) "Commercial, institutional, or industrial" has the meaning set forth in section 37-60-135 (2)(b).

(3) "Department" means the department of personnel created in section 24-1-128 (1).

(4) "Invasive plant species" has the meaning set forth in
SECTION 37-60-135 (2)(e).

(5) "LOCAL ENTITY" MEANS A:

(a) HOME RULE OR STATUTORY CITY, COUNTY, CITY AND COUNTY, TERRITORIAL CHARTER CITY, OR TOWN;

(b) SPECIAL DISTRICT; AND

(c) UNIT OWNERS' ASSOCIATION.

(6) "MAINTAIN" OR "MAINTAINING" MEANS AN ACTION TO PRESERVE THE EXISTING STATE OF NONFUNCTIONAL TURF, ARTIFICIAL TURF, OR INVASIVE PLANT SPECIES THAT HAS ALREADY BEEN INSTALLED, PLANTED, OR PLACED.

(7) (a) "NONFUNCTIONAL TURF" MEANS TURF THAT IS:

(I) PREDOMINANTLY ORNAMENTAL; AND

(II) LOCATED IN AN AREA ON, OR ADJACENT TO, A STREET, SIDEWALK, DRIVEWAY, PARKING LOT, FRONTEAGE AREA, OR MEDIAN THAT IS NOT REGULARLY USED FOR CIVIC, COMMUNITY, OR RECREATIONAL PURPOSES.

(b) "NONFUNCTIONAL TURF" DOES NOT INCLUDE TURF THAT IS LOCATED IN A PARK, SPORTS FIELD, OR PLAYGROUND.

(8) "SPECIAL DISTRICT" HAS THE MEANING SET FORTH IN SECTION 32-1-103 (20).

(9) "TURF" HAS THE MEANING SET FORTH IN SECTION 37-60-135 (2)(i).

(10) "UNIT OWNERS' ASSOCIATION" HAS THE MEANING SET FORTH IN SECTION 38-33.3-103 (3).

37-99-103. Prohibition of nonfunctional turf, artificial turf, and invasive plant species - local entities - construction or renovation of state facilities. (1) ON AND AFTER JANUARY 1, 2025, A LOCAL ENTITY
SHALL NOT INSTALL, PLANT, OR PLACE, OR ALLOW ANY PERSON TO INSTALL, PLANT, OR PLACE, ANY NONFUNCTIONAL TURF, ARTIFICIAL TURF, OR INVASIVE PLANT SPECIES ON ANY PORTION OF A COMMERCIAL, INSTITUTIONAL, OR INDUSTRIAL PROPERTY WITHIN THE LOCAL ENTITY'S JURISDICTION.

(2) THE DEPARTMENT SHALL NOT INSTALL, PLANT, OR PLACE, OR ALLOW ANY PERSON TO INSTALL, PLANT, OR PLACE, ANY NONFUNCTIONAL TURF, ARTIFICIAL TURF, OR INVASIVE PLANT SPECIES AS PART OF A PROJECT FOR THE CONSTRUCTION OR RENOVATION OF A STATE FACILITY, WHICH PROJECT COMMENCES ON OR AFTER JANUARY 1, 2025.

(3) NOTHING IN THIS SECTION PROHIBITS A LOCAL ENTITY OR THE DEPARTMENT FROM:

(a) MAINTAINING, OR ALLOWING ANY PERSON TO MAINTAIN, ANY NONFUNCTIONAL TURF, ARTIFICIAL TURF, OR INVASIVE PLANT SPECIES INSTALLED, PLANTED, OR PLACED BEFORE JANUARY 1, 2025; OR

(b) INSTALLING, OR ALLOWING ANY PERSON TO INSTALL, ARTIFICIAL TURF ON ATHLETIC FIELDS OF PLAY.

SECTION 2. In Colorado Revised Statutes, 38-33.3-106.5, add (3) as follows:

38-33.3-106.5. Prohibitions contrary to public policy - patriotic, political, or religious expression - public rights-of-way - fire prevention - renewable energy generation devices - affordable housing - drought prevention measures - child care - definitions. (3) NOTWITHSTANDING SUBSECTIONS (1)(i) AND (1)(i.5) OF THIS SECTION, AN ASSOCIATION SHALL NOT INSTALL, PLANT, OR PLACE, OR ALLOW ANY PERSON TO INSTALL, PLANT, OR PLACE, ANY NONFUNCTIONAL TURF, ARTIFICIAL TURF, OR INVASIVE PLANT SPECIES, AS THOSE TERMS ARE
DETECTED IN SECTION 37-99-102, IN A COMMON INTEREST COMMUNITY IN
A MANNER THAT VIOLATES SECTION 37-99-103.

SECTION 3. Act subject to petition - effective date -
applicability. (1) This act takes effect at 12:01 a.m. on the day following
the expiration of the ninety-day period after final adjournment of the
general assembly; except that, if a referendum petition is filed pursuant
to section 1 (3) of article V of the state constitution against this act or an
item, section, or part of this act within such period, then the act, item,
section, or part will not take effect unless approved by the people at the
general election to be held in November 2024 and, in such case, will take
effect on the date of the official declaration of the vote thereon by the
governor.

(2) This act does not apply to projects approved by the department
of personnel or a local entity before the effective date of this act.