

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-0850.01 Jennifer Berman x3286

HOUSE BILL 15-1259

HOUSE SPONSORSHIP

Esgar and Danielson, Garnett, Salazar, Tyler, Vigil, Winter

SENATE SPONSORSHIP

Merrifield,

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

Agriculture, Natural Resources, & Energy

A BILL FOR AN ACT

101 **CONCERNING THE USE OF RAIN BARRELS TO COLLECT PRECIPITATION**
102 **FROM A RESIDENTIAL ROOFTOP FOR NONPOTABLE OUTDOOR**
103 **USES.**

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://www.leg.state.co.us/bills summaries>.)

Section 1 of the bill allows the collection of precipitation from a residential rooftop if:

! A maximum of 2 rain barrels with a combined storage capacity of 100 gallons or less are used;

! Precipitation is collected from the rooftop of a building that

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
March 23, 2015

HOUSE
Amended 2nd Reading
March 20, 2015

is used primarily as a single-family residence or a multi-family residence with 4 or fewer units;

! The collected precipitation is used on the residential property on which the precipitation is collected; and

! The collected precipitation is applied to outdoor purposes such as lawn irrigation and gardening.

Section 1 of the bill also requires the state engineer, to the extent practicable within existing resources, to provide information on the permitted use of rain barrels on the state engineer's web site.

Section 2 requires the department of public health and environment, to the extent practicable within existing resources, to develop best practices for nonpotable usage of collected precipitation and vector control and to post any best practices developed on the department's web site.

Section 3 prevents a homeowners' association from prohibiting a unit owner from using rain barrels for precipitation collection.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 96.5 to
3 title 37 as follows:

4 **ARTICLE 96.5**

5 **Rooftop Precipitation Collection**

6 **37-96.5-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "RAIN BARREL" MEANS A STORAGE CONTAINER WITH A
9 SEALABLE LID LOCATED ABOVE GROUND OUTSIDE OF A RESIDENTIAL HOME
10 THAT IS USED FOR COLLECTING PRECIPITATION FROM A DOWNSPOUT OF A
11 ROOFTOP.

12 (2) "SINGLE-FAMILY RESIDENCE" MEANS A PRIVATE RESIDENCE
13 THAT IS A SEPARATE BUILDING OR AN INDIVIDUAL RESIDENCE THAT IS PART
14 OF A ROW OF RESIDENCES JOINED BY COMMON SIDEWALLS.

15 **37-96.5-102. Small-capacity rooftop precipitation collection**
16 **permitted.** (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,

1 INCLUDING ARTICLE 92 OF THIS ARTICLE, PRECIPITATION FROM A ROOFTOP
2 MAY BE COLLECTED IF:

3 (a) NO MORE THAN TWO RAIN BARRELS WITH A COMBINED
4 STORAGE CAPACITY OF ONE HUNDRED ~~TEN~~ GALLONS OR LESS ARE
5 UTILIZED;

6 (b) PRECIPITATION IS COLLECTED FROM THE ROOFTOP OF A
7 BUILDING THAT IS USED PRIMARILY AS A SINGLE-FAMILY RESIDENCE OR A
8 MULTI-FAMILY RESIDENCE WITH FOUR OR FEWER UNITS;

9 (c) THE COLLECTED PRECIPITATION IS USED FOR OUTDOOR
10 PURPOSES INCLUDING IRRIGATION OF LAWNS AND GARDENS; AND

11 (d) THE COLLECTED PRECIPITATION IS USED ON THE RESIDENTIAL
12 PROPERTY ON WHICH THE PRECIPITATION IS COLLECTED.

13 (2) A PERSON SHALL NOT USE PRECIPITATION COLLECTED UNDER
14 THIS ARTICLE FOR DRINKING WATER OR INDOOR HOUSEHOLD PURPOSES.

15 **37-96.5-103. Information on state engineer's web site.** (1) THE
16 STATE ENGINEER, TO THE EXTENT PRACTICABLE WITHIN EXISTING
17 RESOURCES, SHALL PROVIDE INFORMATION ON THE STATE ENGINEER'S WEB
18 SITE ON THE PERMITTED USE OF RAIN BARRELS TO COLLECT PRECIPITATION
19 FROM RESIDENTIAL ROOFTOPS INCLUDING A DESCRIPTION OF THE
20 LIMITATIONS SET FORTH IN SECTION 37-96.5-102.

21 (2) IF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
22 INFORMS THE STATE ENGINEER THAT IT HAS DEVELOPED BEST PRACTICES
23 IN ACCORDANCE WITH SECTION 25-1.5-210, C.R.S., THE STATE ENGINEER
24 SHALL, TO THE EXTENT PRACTICABLE WITHIN EXISTING RESOURCES, POST
25 OR LINK TO THE DEPARTMENT'S BEST PRACTICES ON THE STATE ENGINEER'S
26 WEB SITE.

27 **SECTION 2.** In Colorado Revised Statutes, **add** 25-1.5-210 as

1 follows:

2 **25-1.5-210. Best practices for residential rooftop precipitation**

3 **collection.** (1) WITH RESPECT TO THE USE OF A RAIN BARREL, AS DEFINED
4 IN SECTION 37-96.5-101 (1), C.R.S., TO COLLECT PRECIPITATION FROM A
5 RESIDENTIAL ROOFTOP PURSUANT TO SECTION 37-96.5-102, C.R.S., THE
6 DEPARTMENT, TO THE EXTENT PRACTICABLE WITHIN EXISTING RESOURCES,
7 SHALL DEVELOP BEST PRACTICES FOR:

- 8 (a) NONPOTABLE USAGE OF THE COLLECTED PRECIPITATION; AND
9 (b) VECTOR CONTROL.

10 (2) IF THE DEPARTMENT DEVELOPS BEST PRACTICES IN
11 ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION, THE DEPARTMENT
12 SHALL:

- 13 (a) POST THE BEST PRACTICES ON THE DEPARTMENT'S WEB SITE;
14 AND
15 (b) INFORM THE STATE ENGINEER OF THE BEST PRACTICES SO THAT
16 THE STATE ENGINEER CAN EITHER POST OR LINK TO THE DEPARTMENT'S
17 BEST PRACTICES ON THE STATE ENGINEER'S WEB SITE.

18 **SECTION 3.** In Colorado Revised Statutes, 38-33.3-106.5, **add**
19 (1) (j) as follows:

20 **38-33.3-106.5. Prohibitions contrary to public policy -**
21 **patriotic and political expression - emergency vehicles - fire**
22 **prevention - renewable energy generation devices - affordable**
23 **housing - drought prevention measures - definitions.**

24 (1) Notwithstanding any provision in the declaration, bylaws, or rules
25 and regulations of the association to the contrary, an association shall not
26 prohibit any of the following:

- 27 (j) (1) THE USE OF A RAIN BARREL, AS DEFINED IN SECTION

1 37-96.5-101 (1), C.R.S., TO COLLECT PRECIPITATION FROM A RESIDENTIAL
2 ROOFTOP IN ACCORDANCE WITH SECTION 37-96.5-102, C.R.S. THIS
3 PARAGRAPH (j) DOES NOT CONFER UPON A RESIDENT OF A COMMON
4 INTEREST COMMUNITY THE RIGHT TO PLACE A RAIN BARREL ON PROPERTY
5 OR TO CONNECT A RAIN BARREL TO ANY PROPERTY THAT IS:

6 (A) LEASED, EXCEPT WITH PERMISSION OF THE LESSOR;

7 (B) A COMMON ELEMENT OR A LIMITED COMMON ELEMENT OF A
8 COMMON INTEREST COMMUNITY;

9 (C) MAINTAINED BY THE UNIT OWNERS' ASSOCIATION FOR A
10 COMMON INTEREST COMMUNITY; OR

11 (D) ATTACHED TO ONE OR MORE OTHER UNITS, EXCEPT WITH
12 PERMISSION OF THE OWNERS OF THE OTHER UNITS.

13 (II) A COMMON INTEREST COMMUNITY MAY IMPOSE REASONABLE
14 AESTHETIC REQUIREMENTS THAT GOVERN THE PLACEMENT OR EXTERNAL
15 APPEARANCE OF A RAIN BARREL.

16 **SECTION 4. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in
24 November 2016 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.