

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0094.01 Jennifer Berman x3286

HOUSE BILL 16-1005

HOUSE SPONSORSHIP

Esgar and Danielson,

SENATE SPONSORSHIP

Merrifield,

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

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 110 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.

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 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 website.

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 website.

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 THAT IS:

10 (a) LOCATED ABOVEGROUND OUTSIDE OF A RESIDENTIAL HOME;

11 AND

12 (b) USED FOR COLLECTING PRECIPITATION FROM A DOWNSPOUT OF
13 A ROOFTOP.

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

1 **37-96.5-102. Small-capacity rooftop precipitation collection**

2 **permitted.** (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
3 INCLUDING ARTICLE 92 OF THIS TITLE, PRECIPITATION FROM A ROOFTOP
4 MAY BE COLLECTED IF:

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

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

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

13 (d) THE COLLECTED PRECIPITATION IS USED ON THE RESIDENTIAL
14 PROPERTY ON WHICH THE PRECIPITATION IS COLLECTED.

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

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

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

1 WEBSITE.

2 **SECTION 2.** In Colorado Revised Statutes, **add** 25-1.5-210 as
3 follows:

4 **25-1.5-210. Best practices for residential rooftop precipitation**
5 **collection.** (1) WITH RESPECT TO THE USE OF A RAIN BARREL, AS DEFINED
6 IN SECTION 37-96.5-101 (1), C.R.S., TO COLLECT PRECIPITATION FROM A
7 RESIDENTIAL ROOFTOP PURSUANT TO SECTION 37-96.5-102, C.R.S., THE
8 DEPARTMENT, TO THE EXTENT PRACTICABLE WITHIN EXISTING RESOURCES,
9 SHALL DEVELOP BEST PRACTICES FOR:

10 (a) NONPOTABLE USAGE OF THE COLLECTED PRECIPITATION; AND

11 (b) DISEASE AND PEST VECTOR CONTROL.

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

15 (a) POST THE BEST PRACTICES ON THE DEPARTMENT'S WEBSITE;
16 AND

17 (b) INFORM THE STATE ENGINEER OF THE BEST PRACTICES SO THAT
18 THE STATE ENGINEER CAN EITHER POST OR LINK TO THE DEPARTMENT'S
19 BEST PRACTICES ON THE STATE ENGINEER'S WEBSITE.

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

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

26 (1) Notwithstanding any provision in the declaration, bylaws, or rules
27 and regulations of the association to the contrary, an association shall not

1 prohibit any of the following:

2 (j) THE USE OF A RAIN BARREL, AS DEFINED IN SECTION
3 37-96.5-101 (1), C.R.S., TO COLLECT PRECIPITATION FROM A RESIDENTIAL
4 ROOFTOP IN ACCORDANCE WITH SECTION 37-96.5-102, C.R.S.

5 **SECTION 4. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly (August
8 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
9 referendum petition is filed pursuant to section 1 (3) of article V of the
10 state constitution against this act or an item, section, or part of this act
11 within such period, then the act, item, section, or part will not take effect
12 unless approved by the people at the general election to be held in
13 November 2016 and, in such case, will take effect on the date of the
14 official declaration of the vote thereon by the governor.