

**First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 15-0850.01 Jennifer Berman x3286

**HOUSE BILL 15-1259**

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**HOUSE SPONSORSHIP**

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

**SENATE SPONSORSHIP**

**Merrifield**,

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**House Committees**

Agriculture, Livestock, & Natural Resources

**Senate Committees**

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**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.**

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**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/billsummaries>.)*

**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.*

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.

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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  
14 PART 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 GALLONS OR LESS ARE UTILIZED;

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

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

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

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

14 **37-96.5-103. Information on state engineer's web site.** (1) THE  
15 STATE ENGINEER, TO THE EXTENT PRACTICABLE WITHIN EXISTING  
16 RESOURCES, SHALL PROVIDE INFORMATION ON THE STATE ENGINEER'S WEB  
17 SITE ON THE PERMITTED USE OF RAIN BARRELS TO COLLECT PRECIPITATION  
18 FROM RESIDENTIAL ROOFTOPS INCLUDING A DESCRIPTION OF THE  
19 LIMITATIONS SET FORTH IN SECTION 37-96.5-102.

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

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

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

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

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

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

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

19           **38-33.3-106.5. Prohibitions contrary to public policy -**  
20 **patriotic and political expression - emergency vehicles - fire**  
21 **prevention - renewable energy generation devices - affordable**  
22 **housing - drought prevention measures - definitions.**

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

- 26           (j) THE USE OF A RAIN BARREL, AS DEFINED IN SECTION
- 27           37-96.5-101 (1), C.R.S., TO COLLECT PRECIPITATION FROM A RESIDENTIAL

1 ROOFTOP IN ACCORDANCE WITH SECTION 37-96.5-102, C.R.S.

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