



City Council Communication

AGENDA DATE: December 1, 2025 **LEGISTAR ITEM #:** Res 2025-170

PRESENTER: Elizabeth “Libby” Tart **DEPARTMENT:** Energy, Equity, and Environment

☐ Ordinance	☒ Resolution	☐ Public Hearing
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REQUEST

Approve a resolution to opt out of a graywater program, in compliance with House Bill 24-1362 on or before January 1, 2026.

BACKGROUND

Pursuant to House Bill 24-1362, unless a local government adopts an ordinance or resolution prohibiting it, individuals may install graywater treatment works and use graywater systems in accordance with state law. If a city chooses to opt out, House Bill 24-1362 requires a prohibition via an ordinance or resolution declaring that intention on or before January 1, 2026.

The operation of graywater programs must be done in cooperation with all relevant local partners. The City’s partners are South Adams Count Water & Sanitation District (“SACWSD”) and the Adams County Department of Public Health and Environment (“ACDPHE”). If the resolution is adopted, the City will notify SACWSD and ACDPHE.

Many cities, counties and towns such as Boulder, Colorado Springs, Frisco, Fremont County, and Routt County have chosen to “opt-out” of HB24-1362 at this time, citing concerns about the development of a formal graywater program, amendments to building and land development codes, ensuring compliance with the state and local plumbing standards, and administrative costs. City staff has these same concerns as well as concerns about how best to implement a system that works with SACWSD’s decree. Therefore, staff recommends approving a resolution to prohibit the use of graywater in the City, to allow staff more time to work with our partners on developing a process that works for all partners and on developing any necessary regulatory steps.

CITY COUNCIL COMMUNICATION CONTINUED

JUSTIFICATION

☐ Council Goal	☐ Strategic Plan ☐ Work Plan ☒ Legal
Citation	CRS 25-8-204.4 requires a municipality to adopt a resolution or an ordinance pursuant to Section 30-11-107 (1) (kk) or 31-15-601 (1)(m). The resolution would prohibit the installation of graywater treatment works and the use of all graywater in the City.

AVAILABLE ACTIONS

• Available Action #1: Approve the resolution as stated – to opt out of Commerce City pursuing all graywater use programs at this time. • Available Action #2: Approve the resolution as stated but offer a friendly amendment to evaluate various graywater use programs that comply with SACWSD’s decree.

STAFF RECOMMENDATION

Staff recommends approval of Available Action #1.
