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Tina Harris, Clerk & Recorder, Larimer County, CO

TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 16, SERIES 2026

AN ORDINANCE AMENDING MUNICIPAL CODE REGARDING ON-SITE WASTEWATER TREATMENT SYSTEMS AND GRAYWATER TREATMENT WORKS

WHEREAS, the Town of Timnath (the "Town") is a home rule municipality operating under the Timnath Home Rule Charter (the "Charter") adopted on November 7, 2006, as amended from time to time, and the Town's Municipal Code (the "Code"). Pursuant to the Charter, the Code and the authority given home rule municipalities, the Town may adopt and amend ordinances; and

WHEREAS, the Town has completed its project to replace on-site waste disposal systems in Old Town with connections to public wastewater mains, and the Town Council wishes to update the Town Code to reflect its policy preference against new site wastewater treatment systems, without receipt of a hardship variance; and

WHEREAS, the Town Council received input regarding the proposed restriction upon on-site water disposal systems from nearby local governments and sanitation districts to best update the Town Code for clarity and to be in compliance with state law; and

WHEREAS, the Town Council wishes to amend the Town Code to prohibit new on-site wastewater systems and require connection to public sewer system; and

WHEREAS, in addition, the Town Council wishes to amend its Code as to graywater treatment works; and

WHEREAS, pursuant to HB 24-1362, a person may install and use graywater treatment works, in accordance with state statutes and regulations, unless prohibited by the state or municipality; and

WHEREAS, pursuant to Section 25-8-205.4 (2)(a), C.R.S., the Town Council "may adopt a resolution or an ordinance pursuant to section … 31-15-601 (1)(m): (i) prohibiting the installation of graywater treatment works and the use of all graywater in the … municipality; or (ii) prohibiting one or more categories of graywater use that the commission establishes in rules adopted pursuant to section 25-8-205 (1)(g); and

WHEREAS, graywater can often carry human pathogens with various risk levels and pathways that have the potential to be dangerous to public health and pose a risk of cross-contamination of water sources if not properly installed and maintained; and

WHEREAS, after consultation with the water service providers within the Town, Town staff recommends that the Town prohibit the installation of graywater treatment works and use of graywater within the Town; and

WHEREAS, Town Council has determined that it is in the current best interest of its citizens and their public health, safety, and general welfare to prohibit on-site collection, treatment, and use of graywater; and

WHEREAS, the Town Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the preservation of public health, welfare, peace, safety and property and that this Ordinance is necessary for the protection of public convenience and welfare.

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF TIMNATH, COLORADO, ORDAINS:

ARTICLE 1 – CODE AMENDMENTS. The Town Council hereby adopts the amendment to Article 2 of Chapter 7 of the Code as set forth in EXHIBIT A, attached hereto and incorporated herein.

ARTICLE 2 – NOTICE

The Town Community Development Director is hereby directed to notify the Division of Administration within the Colorado Department of Public Health and Environment of the Town's Council's prohibition on use of all graywater within the Town, pursuant to Sec. 25-8-205.4(1)(b), C.R.S.

ARTICLE 3 – SEVERABILITY
If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

ARTICLE 4 – EFFECTIVE DATE
This Ordinance shall take effect upon adoption at second reading, as provided by Section 3.5.5 of the Charter.

INTRODUCED, MOVED, ADOPTED BY THE TIMNATH TOWN COUNCIL ON FIRST READING, AND ORDERED PUBLISHED BY TITLE OCTOBER 13, 2026, AND SET FOR PUBLIC HEARING AND SECOND READING AT 6:00 P.M. ON OCTOBER 27, 2026 AT THE TIMNATH ADMINISTRATION BUILDING, 4750 SIGNAL TREE DRIVE, TIMNATH COLORADO.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON OCTOBER 27, 2026.

TOWN OF TIMNATH, COLORADO

Robert Axmacher, Mayor

ATTEST:

Kaitlyn Bernhoft, CMC
Town Clerk

TOWN OF TIMNATH SEAL COLORADO

Exhibit A

Chapter 7, Article 2 of the Timnath Municipal Code is hereby amended to add new Sections 7-2-220 and 7-2-230, to read as follows:

Sec. 7-2-220. Use of Public Sewers Required, Prohibition of treatment for New On-Site Wastewater Systems.

(a) Prohibition of treatment for new on-site wastewater systems.
On or after January 1, 2027, no person shall construct, install, or cause to be constructed or installed, and the Town shall not issue building permits for new structures intended for use for human occupancy, which are to be served by, any septic tank, cesspool, or other on-site wastewater treatment or disposal system within the Town, as such terms are defined in Sec. 25-10-103, C.R.S., except as follows:

(1) Where the Board of Adjustments has granted a variance pursuant to Section 9.3.2 of the Charter.

(2) As provided in Subsection (b) below.

(b) Existing approved systems.
Subsection (1) shall not apply to an on-site wastewater treatment system that received final written approval from the Town of Timnath, Larimer or Weld County Health Departments, and the State of Colorado, if required, on or before December 31, 2026 or (for property annexed after December 31, 2026) prior to annexation of the subject property into the Town, provided such system was lawfully constructed in accordance with all applicable permits, laws and regulations in effect at the time of approval, and continues to be operated and maintained in compliance with applicable permits, laws and regulations. Such excepted on-site wastewater treatment disposal systems on annexed lands will be permitted by the Town to be used and maintained only until such time as: (1) the existing on-site wastewater treatment disposal system needs to be replaced or expanded; or (2) (a) public sewer lines are within four hundred (400) feet of the property containing said systems and (b) a public wastewater service provider is willing and able to

provide service to such property, upon proper connection and payment of all applicable fees by the property owner.

In the event that an excepted existing on-site wastewater treatment system fails or needs to be replaced or expanded and there are no public sewer lines within 400 feet of the property, the Community Development Director, or their designee, may administratively approve a variance if connection would impose a substantial hardship on the owner.

(c) Connection to public sewer required.
The owner of any structure used for human occupancy, employment, or other purposes, other than ancillary structures with no water or wastewater facilities, located within the Town and abutting or adjacent to any street, alley, or right-of-way in which a public sanitary sewer line owned and/or operated by a governmental entity is located, shall, at the owner's expense, install suitable plumbing facilities and connect such facilities directly to the public sewer line in accordance with the requirements of the applicable sanitary sewer service provider and the Town-adopted building code, and decommission any septic tank, cesspool or on-site wastewater treatment or disposal system in accordance with the requirements of the County in which the property is located. Such connection shall be made within one hundred eighty (180) days after written notice is issued by the Town, provided that the public sewer is located within four hundred (400) feet of the closest property line and the public wastewater service provider is willing and able to provide service to the property.

(d) Enforcement, violation, and penalties.

(1) A violation of this section shall be deemed a Town Code violation and shall be subject to penalties set forth in Chapter 1 , Article 4 of this Code.

(2) Suspension of water service. The Town may notify the water provider and the public health department of any violations. The water provider may suspend water service to any person who fails to comply with the provisions of this section.

Section 7-2-230 Graywater collection, treatment, and use prohibited.

(a) Definitions. The following words, terms, and phrases, when used in this section, shall have the meaning ascribed to them in this subsection (a):

(1) Graywater means that portion of wastewater that, before being treated or combined with other wastewater, is collected from fixtures within residential, commercial, or industrial buildings or institutional facilities for the purpose of being put to subsequent beneficial uses.

(2) Graywater treatment works means any arrangement of devices and structures used to (i) collect graywater, and (ii) treat, neutralize, or stabilize graywater to the level necessary for subsequent beneficial uses.

(b) Prohibition. The collection, treatment, and use of graywater are prohibited. The construction, installation, and operation of graywater treatment works are prohibited. This prohibition shall not be applied to a water district serving as a public water service provider within the Town, which is operating in compliance with applicable laws and regulations.

(c) Enforcement, violation, and penalties.

(1) A violation of this section shall be deemed a Town Code violation and shall be subject to penalties set forth in Chapter 1 , Article 4 of this Code.

(2) Suspension of water service. The Town may notify the water provider and the public health department of any violations. The water provider may suspend water service to any person who fails to comply with the provisions of this section.