

Model Ordinance Banning Sale of Drinking Water in Single-Serve Containers¹

**AN ORDINANCE of the [insert name of jurisdiction]
AMENDING [if ordinance is amended prior legislation, insert reference]**

Section 1. Findings and Purpose

“Disposable” water containers contribute hazards to human health, societal economies, wildlife, and the environment.

The [name of jurisdiction] has high quality tap water, and provides regular governmental reports on its quality. The recommended eight glasses of water a day, at U.S. tap rates equals about \$.49 per year; that same amount of bottled water is about \$1,400.

The purpose of this ordinance is to protect [name of jurisdiction]’s beauty, reduce litter, protect the health of present and future generations, and save the citizens of the [jurisdiction] money that is needlessly spent on packaged water from distant sources in one-use bottles.

Section 2. Regulated Conduct

It shall be unlawful to sell uncarbonated, unflavored drinking water in single-serve containers of 1 liter (34 ounces) or less in the [name of jurisdiction] on or after the effective date of this ordinance.

In the event of a declaration (by [relevant officer (ex. Emergency Management Director)], other duly-authorized [jurisdiction], [State], or United States official) of an emergency affecting the availability and/or quality of drinking water to [name of jurisdiction] residents, citizens and officials shall be exempt from this ordinance until seven days after such declaration has ended.

Section 3. Enforcement

[Relevant government department and division (ex. Police officers and Health Agents)] shall have the authority to enforce this ordinance. This ordinance may be enforced through any lawful means in law or in equity, including but not limited to, noncriminal disposition pursuant to [reference to pertinent code].

Each day of violation, after written notice, is a separate violation. If non-criminal disposition is elected, then any person that violates any provision of this ordinance shall be subject to the following penalties:

- First Offense: written warning
- Second Offense: \$25 penalty
- Third and subsequent offense: \$50 penalty

Section 4. Evaluation of Costs

If the [relevant official (ex. Town Manager)] determines that the cost of implementing and enforcing this ordinance has become unreasonable, then the [relevant official] shall so advise the [relevant legislative body (ex. Board of Selectmen)] and the [legislative body] shall conduct a Public Hearing to inform the

¹ Based on ordinances in Sudbury, Lincoln, and Great Barrington, MA regulating the sale and use of bottled water. PSI developed this potential model based on actual legislation. **The specific language used may not necessarily reflect the views of PSI, and no official endorsement should be inferred.**

citizens of such costs. Subsequent to the Public Hearing, the [legislative body] may continue this ordinance in force or may suspend it permanently or for such length of time as the [legislative body] may determine.

Section 5. Severability

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of this ordinance. Such decision shall not affect the validity of the remaining portions of this ordinance, which shall remain in full force and effect.

SECTION 6. Effective Date

This ordinance shall take effect on [Month date, year].