

TOWN OF CONCORD, MASSACHUSETTS

SALE OF DRINKING WATER IN SINGLE-SERVE PET BOTTLES BYLAW

Section 1. Sale of Drinking Water in Single-Serving PET Bottles

It shall be unlawful to sell non-sparkling, unflavored drinking water in single-serving polyethylene terephthalate (PET) bottles of 1 liter (34 ounces) or less in the Town of Concord on or after January 1, 2013.

Section 2. Exemption for Emergencies

Sales occurring subsequent to a declaration of an emergency adversely affecting the availability and/or quality of drinking water to Concord residents by the Emergency Management Director or other duly-authorized Town, Commonwealth or United States official shall be exempt from this Bylaw until seven days after such declaration has ended.

Section 3. Enforcement Process

Enforcement of this Bylaw shall be the responsibility of the Town Manager or his/her designee. The Town Manager shall determine the inspection process to be followed, incorporating the process into other town duties as appropriate. Any establishment conducting sales in violation of this Bylaw shall be subject to a non-criminal disposition fine as specified in Appendix A of the Regulations for the Enforcement of Town Bylaws under M.G.L. Chapter 40, §21D and the Bylaw for Non-Criminal Disposition of Violations adopted under Article 47 of the 1984 Town Meeting, as amended. Any such fines shall be paid to the Town of Concord.

Section 4. Suspension of the Bylaw

If the Town Manager determines that the cost of implementing and enforcing this Bylaw has become unreasonable, then the Town Manager shall so advise the Board of Selectmen and the Board of Selectmen shall conduct a Public Hearing to inform the citizens of such costs. Subsequent to the Public Hearing, the Board of Selectmen may continue this Bylaw in force or may suspend it permanently or for such length of time as they may determine.

And to amend Appendix A of the Non-Criminal Disposition Bylaw by adding the following:

| Bylaw | Fine Schedule | Fine Allowed | Enforcement Agency |
|----------------------------------------------------|-------------------------------------------------------------------------------------------------|-------------------------------|-------------------------|
| Drinking Water in Single-Serving PET Bottles Bylaw | 1 st offense 2 nd offense 3 rd & each subsequent offense | Warning \$25.00 \$50.00 | Town Manager's Designee |

Passed by Counted Majority Vote
(403 voting in favor; 364 opposed)
Annual Town Meeting, April 25, 2012
Approved by Attorney General –September 5, 2012