

ARTICLE 36. REGULATION OF SALE AND USE OF BOTTLED WATER BYLAW

To see if the Town will vote to amend the General Bylaws by adopting a bylaw entitled “The Regulation of Sale and Use of Bottled Water” as follows, or take any other action relative thereto:

“Section I. Findings and Purpose

Plastic “disposable” water bottles made of polyethylene terephthalate (PET) contribute hazards to human health, societal economies, wildlife, and the environment. Examples of these problems include:

- 1) Americans discard more than 30 million tons of plastic a year. Only 8 percent of that gets recycled. The rest ends up in landfills, is incinerated, or becomes the invasive species known as 'litter.' The amount of solid waste created by one-use plastic water bottles is staggering.
- 2) Chemicals leached by plastics are in the blood and tissue of nearly all of us. Exposure to them is linked to cancers, birth defects, impaired immunity, endocrine disruption and other ailments.
- 3) There are thousands of landfills in the United States. Buried beneath each one of them, plastic leachate full of toxic chemicals is seeping into groundwater and flowing downstream into lakes and rivers.
- 4) Manufacturers' additives in plastics, like flame retardants, BPAs and PVCs, can leach their own toxicants. These oily poisons repel water and stick to petroleum-based objects like plastic debris.
- 5) Entanglement, ingestion and habitat disruption all result from plastic ending up in the spaces where animals live. In our oceans alone, plastic debris outweighs zooplankton by a ratio of 36-to-1. Plastic cannot biodegrade; it breaks down into smaller and smaller pieces over time, but is still plastic.
- 6) In the face of a growing global water crisis, water bottling corporations are turning water into a profit-driven commodity when it needs to be regarded as a human right.

The town of Sudbury 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 Bylaw is to protect the town’s beauty, reduce litter, protect the health of present and future generations, and save the citizens of the Town money that is needlessly spent on packaged water from distant sources in one-use bottles.

SECTION II. Regulated Conduct

It shall be unlawful to sell non-reusable polyethylene terephthalate (PET) bottles of 1 litre (34 ounces) or less containing uncarbonated, unflavored drinking water in the Town of Sudbury on or after the effective date of this bylaw. Water may be provided for free in any form. Proposed effective date of this bylaw: June 1, 2017

In the event of a declaration (by Emergency Management Director, other duly-authorized Town, Commonwealth, or United States official) of an emergency affecting the availability and/or quality of drinking water to Sudbury residents, citizens and officials shall be exempt from this bylaw until seven days after such declaration has ended.

SECTION III. Enforcement

Police officers and Health Agents shall have the authority to enforce this bylaw. This bylaw may be enforced through any lawful means in law or in equity, including but not limited to, noncriminal disposition pursuant to G.L. c. 40 § 21D and Article VI of the General Bylaws.

Violations of this bylaw are punishable by a fine of up to \$300 per violation.

If non-criminal disposition is elected, then any person that violates any provision of this bylaw shall be subject to the following penalties:

First Offense: written warning

Second Offense: \$25 penalty

Third and subsequent offense: \$50 penalty

SECTION IV.

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 the Board may determine.

SECTION V.

If any provision of this bylaw shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of this bylaw, which shall remain in full force and effect.

Submitted by Petition.

(Majority vote required)

PETITIONERS' REPORT: This article proposes that non-reusable plastic water bottles of 1 liter or less may not be sold in town. People are encouraged to use their own refillable water bottles, filling them for free from any tap. Town water is every bit as pure as any bottled water, and doesn't have the problem of possibly leaching chemicals from the plastic. An exemption is provided for cases of water emergency in town.

BOARD OF SELECTMEN POSITION: The Board of Selectmen will report at Town Meeting.

FINANCE COMMITTEE REPORT: The Finance Committee will report at Town Meeting.

TOWN COUNSEL OPINIONS

It is the opinion of Town Counsel that, if the Bylaw amendments proposed in the following articles in the Warrant for the 2017 Annual Town Meeting are properly moved, seconded and adopted by a majority vote in favor of the motion, the proposed changes will become valid amendments to the Sudbury Bylaws:

Article 11 Amend Bylaws, adding new Art. XXXIII, Establishing Revolving Funds

Article 18 Amend Bylaws, Art. XVIII – Licenses and Permits Subject to Unpaid Taxes and Fees

Article 19 Amend Bylaws, Article XXVII.4 – In-Ground Irrigation Systems

Article 35 Amend Bylaws, add new Article – Plastic Bag Ban

Article 36 Amend Bylaws, add new Article – The Regulation of Sale and Use of Bottled Water