

LEGISLATIVE DIGEST
(Substitute Legislation, dated 2/11/2014)

[Environment Code - Bottled Water]

Ordinance amending the Environment Code to restrict the sale or distribution on City property of drinking water in plastic bottles of 21 ounces or less, set City policy to increase the availability of drinking water in public areas, and bar the use of City funds to purchase bottled water, and making environmental findings.

Existing Law

The City has no laws specifically regulating the sale or distribution of bottled water at events held on City property.

Amendments to Current Law

The proposal is an ordinance that would amend the Environment Code to add a new Chapter 24, the "San Francisco Bottled Water Ordinance." "Bottled Water" would mean drinking water in a sealed rigid plastic bottle having a capacity of 21 fluid ounces or less.

Events on City Property

Starting October 1, 2014, no person would be allowed sell or distribute Bottled Water at an indoor event held on City property, or an outdoor event held City property, including a City street, where the City allowed the sponsor to use an on-site water supply. Starting October 1, 2016, no person would be allowed to sell or distribute Bottled Water at an outdoor event held on City property.

These restrictions would only apply to events where more than 100 people attended or participated. These restrictions would not apply to public athletic events held on City property, to events where the City grants the general public access to enter or use the property without a permit, or to events held on City property where the sponsor applied for or received the permit prior to July 1, 2014. And the restrictions would not apply to an event held by a not-for-profit sponsor before January 1, 2018.

A City officer or department responsible for an event or the property to be used for an event could waive these requirements in full or in part if the event sponsor demonstrated that strict application of the requirement would be not feasible, would create an undue hardship or practical difficulty, or that circumstances otherwise warranted granting of the waiver. The restrictions would not apply where the officer or department found that using Bottled Water was necessary in a particular situation to protect the public health safety and welfare, and that no reasonable alternative to Bottled Water would serve the same purpose.

Permits and Leases; Food Trucks

Starting October 1, 2104, all new permits or leases allowing any person to use City property for purposes that included the sale or distribution of beverages would have to specifically require that the permittee comply with the Chapter. This requirement would also apply to any such permit or lease renewed, extended, or materially amended after that date. Starting October 1, 2014, no City officer or department would be allowed to issue a bid proposal or solicitation, request for bid or proposal, or contract for vendors or concessions to be operated on City property that would require or permit the sale or distribution of Bottled Water on such property. These restrictions would not apply to concessions/vendors at San Francisco Airport facilities. These restrictions also would not apply to the Moscone Center until January 1, 2018, or completion of the first phase of the current expansion of the facility, whichever occurs sooner.

Starting October 1, 2016, all Mobile Food Facility (food truck) permits issued or renewed under Article 5.8 of the Public Works Code would have to specifically provide that the permittee shall not sell or distribute Bottled Water as part of the operation of the Facility.

Policy to Increase the Availability of Clean, Free Drinking Water in Public Areas

The proposal would make it City policy to increase the availability of clean, free drinking water in public areas. In particular, it would be City policy that any City department undertaking a capital improvement in a park, plaza, playground, or other public space ensure that the space includes bottle-filling stations or drinking fountains for public use, if reasonable and appropriate. And it would be City policy to encourage the inclusion of bottle-filling stations or drinking fountains for public use in Privately-Owned Public Open Spaces.

Use of City Funds to Purchase Bottled Water

The ordinance would prohibit City officers and departments from using City funds to purchase Bottled Water for their own general use. It would be City policy not to have drinking water systems in City offices or facilities that use plastic water bottles of any size where satisfactory alternatives exist and are feasible at the location under consideration. And it would further be City policy to conform drinking water systems in City offices or facilities to this goal where reasonable by the end of 2016.

Penalties

Any person who violated the Chapter could be punished by administrative fines imposed by the Director of the Department of the Environment in the amount of up to \$500 for a first violation, up to \$750 for a second violation within a year, and up to \$1,000 for a third and subsequent violations within a year.