

1 [Environment Code - Bottle Filling Stations]

2

3 **Ordinance amending the Environment Code, by adding Chapter 23, to require new**  
4 **buildings that have drinking fountains to provide bottle filling stations, and making**  
5 **environmental and other findings.**

6 NOTE: Additions are *single-underline italics Times New Roman*;  
7 deletions are ~~*strike-through italics Times New Roman*~~.  
8 Board amendment additions are double-underlined;  
9 Board amendment deletions are ~~strike through normal~~.

9

10 Be it ordained by the People of the City and County of San Francisco:

11 Section 1. Environmental Findings. The Planning Department has determined that the  
12 actions contemplated in this Ordinance comply with the California Environmental Quality Act  
13 (California Public Resources Code Section 21000 et seq.). Said determination is on file with  
14 the Clerk of the Board of Supervisors in File No. 120488 and is incorporated herein by  
15 reference.

16

17 Section 2. The San Francisco Environment Code is hereby amended by adding  
18 Chapter 23, Sections 2301 through 2306, to read as follows:

19 **CHAPTER 23**

20 **DRINK TAP ORDINANCE**

21 **SEC. 2301. FINDINGS.**

22 *The Board of Supervisors finds that:*

23 *(a) The City and County of San Francisco has a longstanding commitment to environmental*  
24 *sustainability through the prohibition of bottled water purchases by the San Francisco City and County*  
25 *Government, as instructed by Executive Directive 07-07.*

1           **(b) The Hetch Hetchy Regional Water System operated by the San Francisco Public Utilities**  
2 **Commission delivers pristine drinking water, which is stored in the Hetch Hetchy Reservoir, meets or**  
3 **exceeds all federal and state criteria for drinking water quality, and is tested over 100,000 times per**  
4 **year.**

5           **(c) Bottled water is bad for the environment. More than one billion water bottles end up in**  
6 **California's trash each year -- taking up valuable landfill space, leaking toxic chemicals such as**  
7 **phalates into the ground water, and taking 1,000 years to degrade. It takes an estimated 2,000 times**  
8 **more energy to produce bottled water than it does to produce an equivalent amount of tap water.**  
9 **Bottled water adds to greenhouse gas emissions because high amounts of oil are used to manufacture**  
10 **the plastic bottles, in addition to the emissions resulting from the transportation of the bottles to stores.**

11           **(d) Bottled water is expensive. Americans spent \$10.6 billion on bottled water in 2009 and**  
12 **paid up to 1,000 times the cost of tap water.**

13           **(e) Bottled water is potentially a health hazard. A growing number of scientific studies are**  
14 **pointing to the harmful effects of chemicals in the plastic that can leach into the water and be**  
15 **consumed. Further, most branded bottled water companies do not disclose their water sources,**  
16 **treatment methods or contaminants found in the water.**

17           **(f) The City and County of San Francisco is dedicated to being a good environmental steward**  
18 **by promoting water conservation efforts and educating residents about the environmental, economic,**  
19 **and health benefits of drinking tap water.**

20 **SEC. 2302. SHORT TITLE AND PURPOSE.**

21           **(a) This Chapter shall be entitled "the Drink Tap Ordinance."**

22           **(b) The purpose of this Chapter is to improve access to clean, free drinking water for residents**  
23 **and visitors of the City and County of San Francisco by providing bottle filling stations.**

24 **SEC. 2303. DEFINITIONS.**

25           **For the purposes of this Chapter, the following words shall have the following meanings:**

1 (a) "Drink Tap Station" means a bottle filling unit that:

2 (1) Supplies potable water;

3 (2) Delivers a minimum of 8.0 gallons per hour (gph) of ambient water;

4 (3) Is wall or floor mounted and is a separate unit or a combination unit including a  
5 drinking fountain; and,

6 (4) Complies with the California Title 24 accessibility standards of the Americans  
7 with Disabilities Act, is listed by an approved listing agency the Underwriters Laboratory, and is  
8 certified to be lead-free compliant, including NSF/ANSI. 61-Annex G, AB1953.

9 (b) "Drinking fountain" means a fixture regulated by Chapter 4 of the California Plumbing  
10 Code (Title 24, Part 5, of the California Code of Regulations).

11 (c) "New construction" means a building that has never before been used or occupied for any  
12 purpose and does not include additions, alterations, or repairs.

13 **SEC. 2304. MANDATORY PROVISION OF CLEAN, FREE DRINKING WATER.**

14 (a) For new construction that provides one or more drinking fountains, the project sponsor  
15 shall provide a Drink Tap Station with each such fixture installation in lieu of a separate drinking  
16 fountain.

17 (b) This Chapter shall apply to buildings owned by the City, as well as to privately-owned  
18 buildings.

19 **SEC. 2305. IMPLEMENTATION.**

20 (a) The Public Utilities Commission, the Department of Building Inspection, and the  
21 Department of the Environment shall be responsible for the implementation of this Chapter, as further  
22 directed below.

23 (b) The Director of the Department of the Environment and the General Manager of the Public  
24 Utilities Commission shall be responsible for conducting outreach to building owners, developers,  
25 contractors, and others to make them aware of the requirements of this Chapter, and for providing

1 them with a list of vendors who sell Drink Tap Stations, which list shall be developed by the General  
2 Manager.

3 (c) The Director of the Department of Building Inspection shall be responsible for notifying  
4 developers, contractors, and others of the requirements of this Chapter when such persons request a  
5 building permit.

6 (d) The Director of the Department of Building Inspection shall be responsible for the  
7 enforcement of this Chapter. The Director shall not issue any permit or first certificate of occupancy  
8 for any new construction that is subject to the requirements of this Chapter unless and until the  
9 Director first certifies that the project complies with the requirements of this Chapter. For projects  
10 under the exclusive jurisdiction of another City department, the head of that department shall first  
11 certify that the project complies with the requirements of this Chapter before issuing any permit or first  
12 certificate of occupancy for any new construction or granting any equivalent project approval.

13 (e) The Director of the Department of Building Inspection shall also keep a log of all Drink Tap  
14 Stations installed during the first three years of this Chapter and provide to the Board of Supervisors  
15 an annual report on total installations under this Chapter for the same three years.

16 **SEC. 2306. OPERATIVE DATE.**

17 ~~All of the requirements set forth in this Chapter shall become operative on July 1, 2013.~~

18  
19 Section 3. Additional Provisions.

20 (a) Effective Date. This Ordinance shall become effective 30 days from the date of  
21 passage.

22 (b) Severability. If any section, subsection, sentence, clause, or phrase of this  
23 Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of  
24 competent jurisdiction, such decision shall not affect the validity of the remaining portions of  
25 the Ordinance. The Board of Supervisors hereby declares that it would have passed this

1 Ordinance and each and every section, subsection, sentence, clause, or phrase not declared  
2 invalid or unconstitutional without regard to whether any other portion of this Ordinance would  
3 be subsequently declared invalid or unconstitutional.

4 (c) Undertaking for the General Welfare. In undertaking the implementation of this  
5 Ordinance, the City is assuming an undertaking only to promote the general welfare. It is not  
6 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it  
7 is liable in money damages to any person who claims that such breach proximately caused  
8 injury.

9 (d) No Conflict with Federal or State Law. Nothing in this Ordinance shall be  
10 interpreted or applied so as to create any requirement, power or duty in conflict with any  
11 federal or state law.

12 (e) Effect of Amendments. In enacting this Ordinance, the Board intends to amend  
13 only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation,  
14 charts, diagrams, or any other constituent part of the Environment Code that are explicitly  
15 shown in this legislation as additions, deletions, Board amendment additions, and Board  
16 amendment deletions in accordance with the "Note" that appears under the official title of the  
17 legislation.

18  
19 APPROVED AS TO FORM:  
20 DENNIS J. HERRERA, City Attorney

21 By: \_\_\_\_\_  
22 JUDITH A. BOYAJIAN  
23 Deputy City Attorney

24 n:\legana\as2013\1200400\00849040.doc