

**GENERAL BY-LAW ARTICLE 45**  
**COMMERCIAL SALE OR DISTRIBUTION OF WATER IN SINGLE-USE BOTTLES**

**Section 1. Purpose and Intent**

The purpose of this by-law is to reduce the common use of single-use plastic water bottles and to promote the use of reusable bottles by consumers, thereby reducing local land and marine pollution, reducing waste, protecting the town's unique natural beauty and irreplaceable natural resources, and improving the quality of life for the residents of the Town of Hingham.

**Section 2. Definitions**

Single-use plastic bottle means a beverage container made from any type of plastic resin.

Reusable bottle means a beverage container that is either (1) made from a plastic alternative such as stainless steel or glass, or (2) made of plastic other than polyethylene or polyvinyl chloride that is durable, non-toxic, and generally considered a food grade material.

Non-carbonated water means water which, by nature and after possible treatment and packaging, taking into consideration usual technical tolerance, does not contain free carbon dioxide in amounts larger than are necessary to keep the hydrogen carbonate salts present in the water dissolved.

**Section 3. Sale Restrictions**

Effective on January 1, 2024, it shall be unlawful to sell non-carbonated, unflavored drinking water in single use plastic bottles of less than one gallon in the Town of Hingham.

**Section 4. Exemptions**

Sales or distribution of non-carbonated, unflavored drinking water in single-use plastic bottles occurring subsequent to a declaration of an emergency (by the Emergency Management Director or other duly authorized Town, county, commonwealth or federal official) affecting the availability and/or quality of drinking water for residents of the Town of Hingham shall be exempt from this by-law until seven calendar days after the declaration has ended.

**Section 5. Enforcement; violations and penalties; inspection of businesses.**

- A. Enforcement of this by-law shall be the responsibility of the Town Administrator or their designee. The Town Administrator shall determine the inspection process to be followed, incorporating the process into other Town administration duties as appropriate.
- B. Any establishment or person conducting sales in violation of this by-law shall be subject to a noncriminal disposition fine as specified in M.G.L. c. 40 § 21D. The following penalties apply:
  - (1) First violation: written warning.
  - (2) Second violation: \$100 Fine.
  - (3) Third violation: \$200 Fine.
- C. Fourth and subsequent violations: \$300 Fine. Each day a violation continues constitutes a separate violation, incurring additional fines. Any such fines collected shall be payable to the Town of Hingham
- D. All businesses may be routinely inspected in accordance with applicable law until the Town Administrator or the designee deems the inspection to no longer be required.

**Section 6. Effective Date**

This by-law shall become effective January 1, 2024.