

Bonney Lake Municipal Code **13.06.010** states that the City “shall not fluoridate any water originating from a city-owned water source, nor shall the city cause or allow the fluoridation of any water supply utilized by the city’s water service.”

The words “**shall not**” impose a mandatory, non-discretionary duty.

The phrase “**cause or allow**” is all-inclusive and prohibits any mechanism by which fluoridated water can enter the system—whether directly, indirectly, contractually, or through policy decisions.

Washington State does not require fluoridation.

The Washington State Department of Health confirms that fluoridation is a **local choice**, not a state mandate.

Bonney Lake is therefore **not forced** to fluoridate its water under any state law, regulation, or requirement.

Bonney Lake operates its own municipal wells which produce **non-fluoridated groundwater**.

These wells are part of the City’s water system and are capable of supplying water to the community. Because the City has its own non-fluoridated supply, any decision to import fluoridated water from an external purveyor is a **voluntary, discretionary act**, not a forced or mandated one.

When the City chooses fluoridated imported water despite having its own non-fluoridated supply, it is **affirmatively selecting** fluoridated water.

That selection is exactly what the ordinance prohibits.

By choosing fluoridated water, the City is **causing or allowing fluoridation**, which is a direct violation of BLMC 13.06.010.

Under **RCW 5.40.050**, violating a health protective ordinance can constitute **negligence per se**.

Under **RCW 35A.11.020**, acting outside the limits of a municipal ordinance is **ultra vires**. (beyond its legal authority)

Under **RCW 7.48**, introducing a prohibited condition into a public utility does constitute a **public nuisance**.

And **RCW 43.20.050** places a duty on public water systems to meet health standards.