

ORDINANCE NO. _____

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAVIS
ADDING ARTICLE 17.02 TO CHAPTER 17 OF THE DAVIS MUNICIPAL CODE
ESTABLISHING DEFAULT BEVERAGES OFFERED WITH CHILDREN’S MEALS**

WHEREAS, the City Council desires to promote healthy meal options for children and families and contribute to building a healthier community;

WHEREAS, an important goal of the City of Davis is to foster an active and healthy lifestyle and implement innovative approaches to social problems;

WHEREAS, families in the City of Davis often have limited time to obtain and prepare healthy food, making dining out an appealing and sometimes necessary option;

WHEREAS, a recent 2013 study of the most profitable fast food restaurant chains in the U.S. found that only three percent (3%) of the assessed meal combinations met the expert nutrition standards for children’s meals;

WHEREAS, sugar-sweetened beverages alone make up to nine percent (9%) of the calories children consume daily, and evidence suggests sugar-sweetened beverages are linked to obesity;

WHEREAS, obesity-related health conditions include type 2 diabetes, heart disease, stroke, high blood pressure, high cholesterol, certain cancers, asthma, low self-esteem, and depression, according to the U.S. Department of Health and Human Services and the Centers for Disease Control and Prevention;

WHEREAS, obesity-related health conditions have serious economic costs, with a 2006 study commissioned by the California Center for Public Health Advocacy estimating that the total annual health care costs attributed to overweight and obesity-related health conditions in Yolo County neared \$58.3 million;

WHEREAS, the City Council of the City of Davis believes that limiting the sugary beverages offered with children’s meals will contribute to the overall health and wellbeing of the City of Davis.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAVIS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby adopts the recitals of this Ordinance as true and correct and such recitals are hereby incorporated by reference as though fully set forth in the text of this Ordinance.

SECTION 2. Article 17.02 is hereby added to the City of Davis Municipal Code to read in full as set forth in the attached Exhibit “A,” incorporated herein by this reference.

SECTION 3. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

SECTION 4. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same or a summary thereof to be published as required by law.

SECTION 5. This Ordinance shall take effect and be in full force and effect thirty (30) days from and after the date of its final passage and adoption.

INTRODUCED on the 26th day of May, 2015, and PASSED AND ADOPTED by the City Council of the City of Davis on this _____ day of _____, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Daniel M. Wolk
Mayor

ATTEST:

Zoe S. Mirabile, CMC
City Clerk

EXHIBIT A

ARTICLE 17.02 CHILDREN’S MEALS

Sections:

- | | |
|-----------------|---|
| 17.02.01 | Definitions. |
| 17.02.02 | Default Beverages In Children’s Meals. |
| 17.02.03 | Enforcement. |
| 17.02.04 | Construction. |

17.02.01 Definitions.

For purposes of this Article, the following words and phrases shall have the following meanings:

- (a) “Children’s Meal” means a combination of food items, or food item(s) and a beverage, sold together at a single price, primarily intended for consumption by children.
- (b) “Restaurant” means a food establishment that serves food to customers for consumption on or off premises, including fast-food and full-service dining establishments. It includes, but is not limited to, drive-through or walk-up counters, coffee shops, cafes, pizza parlors, and dine-in establishments. A restaurant, for purposes of this Article, may provide alcoholic beverage sales for drinking on premises provided that such sales are ancillary to food service.
- (c) “Default beverage” means the beverage automatically included or offered as part of a children’s meal, absent a specific request by the purchaser of the children’s meal for an alternative beverage.

17.02.02 Default Beverages In Children’s Meals.

- (a) On and after September 1, 2015 a restaurant that sells a children’s meal that includes a beverage shall make the default beverage offered with the children’s meal one of the following:
 - (1) Water, sparkling water, or flavored water, with no added natural or artificial sweeteners;
 - (2) Milk or non-dairy milk alternatives.
- (b) Nothing in this Section prohibits a restaurant’s ability to sell, or a customer’s ability to purchase, a substitute or alternative beverage instead of the default beverage offered with a children’s meal, if requested by the purchaser of the children’s meal.
- (c) All restaurants shall complete an initial self-certification certifying whether they offer children’s meals and if so, certifying that they comply with the provisions of

this Section 17.02.02. Subsequently, restaurants that sell children's meals shall complete an annual self-certification, certifying that they comply with the provisions of this Section 17.02.02, as may be modified from time to time at the discretion of the City.

17.02.03 Enforcement.

In addition to all other available remedies at law, this Article shall be enforceable through the use of the administrative citation procedures set forth in Davis Municipal Code Chapter 1, Article 1.02.

17.02.04 Construction.

This section shall be construed so as not to conflict with applicable federal or state laws, rules, or regulations. Nothing in this section authorizes any City agency to impose any duties or obligations in conflict with limitations on municipal authority established by federal or state law