

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
CATHEDRAL CITY CALIFORNIA ADDING CATHEDRAL  
CITY MUNICIPAL CODE CHAPTER 5.92 REQUIRING  
HEALTHY BEVERAGES TO BE THE DEFAULT  
BEVERAGE OFFERING BY RESTAURANTS FOR  
CHILDREN'S MEALS**

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

**WHEREAS**, families in the City of Cathedral City often have limited time and options to shop for and prepare healthy food, making dining out appealing and sometimes necessary option; and

**WHEREAS**, in the City of Cathedral City, according to a study performed by the California Center for Public Health Advocacy in 2010, 42.1 percent of children are overweight and obese; and

**WHEREAS**, a 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; and

**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; and

**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 Riverside County neared 443 million dollars; and

**WHEREAS**, sugary drinks including soda, energy and sports drinks, sweetened water and fruit drinks, provide the largest source of daily calories in the diets of American children ages two to 18. Each extra serving of a sugar sweetened beverage consumed a day increases a child's chance of becoming obese by 60 percent; and

**WHEREAS**, the City Council of the City of Cathedral City believes that limiting the sugary beverages offered with children's meals will contribute to the overall health and well-being of the City of Cathedral City; and

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Amendment of Cathedral City Municipal Code.**

A new Chapter 5.92 (Children's Meals) is hereby added to the Cathedral City Municipal Code to read as follows:

**“Section 5.92.010 – Definitions.**

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

(1) "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.

(2) "Restaurant" means a food establishment that serves food to customers for consumption on or off the 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 Chapter, may provide alcoholic beverage sales for drinking on premises provided that such sales are ancillary to food service.

(3) "Default beverage" means the beverage automatically included or offered as part of a children's meal, absent specific request by purchaser of the children's meal for an alternative beverage.

### **Section 5.92.020– Default Beverages In Children's Meals.**

A. 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, such as soy milk or almond milk.

B. Nothing in this Section prohibits a restaurant from selling, or a customer from purchasing, 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. Subsequently, restaurants that sell children's meals shall complete an annual self-certification, certifying that they comply with the provisions of this Section, as may be modified from time to time at the discretion of the City.

### **Section 5.92.030 – Enforcement**

In addition to all other available remedies at law, this Chapter shall be enforceable through the use of administrative citation procedures set forth in the Cathedral City Municipal code Chapter\_\_, Article\_\_.

### **Section 5.92.040 – Construction.**

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

### **SECTION 2. Effective Date.**

This Ordinance shall be effective 30 days from and after its final passage.

### **SECTION 3. Inconsistencies.**

To the extent the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof.

**SECTION 4. Interpretation.**

In interpreting this Ordinance or resolving any ambiguity, this Ordinance shall be interpreted in a manner that effectively accomplishes its stated purposes.

**SECTION 5. Severability.**

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Cathedral City hereby declare they would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION 6. Publication.**

The City clerk is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and pasting procedure authorized under Government Code Section 39633(c).

**INTRODUCED** at the regular meeting of Cathedral City City Council on the 25th day of October, 2017.

**APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
**Stanley E. Henry, Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Gary F. Howell, City Clerk**

\_\_\_\_\_  
**Eric S. Vail, City Attorney**