



1 E. That children who drink at least one sugary drink per day are 55 percent more likely to be  
2 overweight or obese and two-thirds of children consume at least one sugary drink on a  
3 given day.

4 F. That key national health and nutrition organizations, including the American Academy of  
5 Pediatrics and the American Heart Association, recommend children aged five and under  
6 should not be given any drink with added sugars.

7 G. That many families lack adequate time to obtain and prepare healthy food, making dining  
8 out an appealing and often necessary option. As a result, more than one-half of food  
9 expenditures in the United States are spent outside the home. Nationwide, American  
10 children obtain 25 percent of their calories from restaurants.

11 H. That by enacting this ordinance, Council intends to support parents' efforts to feed their  
12 children healthfully by ensuring that healthy drinks are available to children in  
13 restaurants.

#### 14 **9.70.020-Definitions**

15 The following definitions shall apply in the interpretation and enforcement of this Chapter:

16 Children's meal means a combination of food items and a beverage, or a single food item and a  
17 beverage, sold together at a single price, primarily intended for consumption by a child.  
18

19 Default Beverage means the drink that is automatically included or offered in the children's  
20 meal.  
21

22 Restaurant means a food establishment that serves food to customers for consumption on or off  
23 premises, including fast food and full-service dining establishments.  
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2  
3 **9.70.030-Default Beverages in Children’s Meals**  
4

5 A. On and after [effective date] a restaurant that sells a children’s meal shall make the  
6 default beverage sold with the children’s meal one of the following items:

- 7 1. Water, still or sparkling, with no added natural or artificial sweeteners; or  
8 2. Dairy milk or non-dairy milk substitute with no added natural or artificial  
9 sweeteners.

10 B. Restaurant menus shall only list the beverages described in subsection A above in  
11 conjunction with children’s meals. Employees shall offer the default beverage while  
12 taking food orders from customers.

13 C. Nothing in this section prohibits a restaurant’s ability to sell, or the customer’s ability to  
14 purchase, any other beverage that is available if requested by the purchaser of the  
15 children’s meal.

16 **9.70.040-Unlawful acts-Penalties**  
17

18 A. It shall be unlawful for any person to violate any provision of this Chapter.

19 B. The court shall issue a notice of violation to any person violating this chapter. Upon a  
20 second conviction within 5 years, the court shall issue a fine between \$50.00 and  
21 \$250.00, with a minimum fine of \$50.00, which the court shall not suspend. For a  
22 third or subsequent conviction within 5 years, the court shall issue a fine between  
23 \$50.00 and \$500.00, with a minimum fine of \$50.00, which the court shall not  
24 suspend.  
25

1 Section 2

2 To the extent only that they conflict with this ordinance, the Council repeals any  
3 conflicting ordinances or parts of ordinances. The provisions of this ordinance are severable, and  
4 invalidity of any part shall not affect the validity or effectiveness of the rest of this ordinance.

5  
6 Section 3

7  
8 This ordinance shall become effective on \_\_\_\_\_.

9  
10  
11 Introduced this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

12  
13 Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

14  
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16  
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18 \_\_\_\_\_  
19 MAYOR

20  
21 ATTEST:

22  
23  
24 \_\_\_\_\_  
25 CITY CLERK

26  
27  
28 NOTICE: THE COUNCIL WILL HOLD A PUBLIC HEARING ON THIS ORDINANCE AT  
29 7:00 P.M. ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021, IN THE  
30 LONGMONT COUNCIL CHAMBERS.

31 APPROVED AS TO FORM:

32  
33  
34 \_\_\_\_\_  
35 ASSISTANT CITY ATTORNEY

36  
37  
38 \_\_\_\_\_  
39 DATE

40  
41  
42 \_\_\_\_\_  
PROOFREAD

\_\_\_\_\_  
DATE

APPROVED AS TO FORM AND SUBSTANCE:

1  
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6  
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\_\_\_\_\_  
ORIGINATING DEPARTMENT

\_\_\_\_\_  
DATE

CA File: \_\_\_\_

DRAFT