

ORDINANCE NO. 330

AN ORDINANCE FOR THE PROTECTION OF THE PUBLIC HEALTH BY PROVIDING FOR THE INSPECTION OF PUBLIC EATING AND DRINKING PLACES IN THE CITY OF LAS VEGAS; PROVIDING FOR INSPECTION FEES AND THE ISSUANCE OF CERTIFICATES OF INSPECTION; REQUIRING HEALTH CERTIFICATES OF ALL PERSONS EMPLOYED THEREIN; CONFERRING POWERS AND IMPOSING DUTIES UPON THE CITY OF LAS VEGAS DEPARTMENT OF HEALTH; IMPOSING PENALTIES; AND ALL MATTERS PROPERLY RELATING THERETO.

The Board of Commissioners of the City of Las Vegas do ordain as follows:

Section 1. The following terms, whenever used or referred to in this ordinance, shall have the following meanings, except in those instances where the context clearly indicates otherwise:

(a) "Public eating and drinking place" shall mean any place within the City of Las Vegas where food or drink is served to, or provided for the public with or without charge, provided, however, that nothing herein contained shall apply to dining cars operated by a railroad company in interstate commerce.

(b) "Proprietor" shall mean any person, partnership, association or corporation conducting or operating a public eating or drinking place within the City of Las Vegas.

(c) "Employees" shall mean any cook, waiter, kitchen help, chamber maid, house servant or other employee of any kind in a public eating or drinking place who in any manner whatever handles or comes in contact with food or drink served to or provided for the public, and shall include the proprietor or any member of the proprietor's family handling said food or drink.

Section 2. It shall be unlawful for any proprietor to conduct or operate a public eating or drinking place in the City of Las Vegas without first obtaining a certificate of inspection from the Department of Health of said city, or after the expiration or revocation thereof as herein provided. Said certificate shall be issued only after said department shall have ascertained by due inspection that the premises at which the proposed public eating or drinking place is to be conducted, and the facilities and equipment therein, comply in all respects with the provisions of the public health laws of the State of Nevada, and the public health rules and regulations adopted by the Nevada State Department of Health, the Clark County Department of Health, and the City of Las Vegas Department of Health. Every certificate of inspection shall be conspicuously displayed at all times in the public eating or drinking place designated therein.

Section 3. Every employee of each and every public eating and drinking place in the City of Las Vegas shall obtain a health certificate from the health officer of the City of Las Vegas Department of Health, to be issued after examination by him of such employee and upon payment to the department of the actual cost of the examination, certifying that such employee is free from trachoma, active tuberculosis of the lungs, open skin tuberculosis, syphilis in its transmissible stage, gonorrhea, open external cancer, barber's itch, any infectious disease or open external lesion, and is not a carrier of typhoid fever or amoebic dysentery or of other intestinal infections or diphtheria. No proprietor shall employ or retain in his employment in such public eating or

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drinking place any person who shall not have obtained such certificate. Said certificate shall be in the form prescribed by the City of Las Vegas Department of Health and shall be filed in said department within five days from the date that the medical examination is stated on said certificate to have taken place. The health certificate shall be valid for a period of six months from the date of issue, but shall be declared invalid at any time prior thereto if the employee named therein shall within said period contract any of the diseases hereinabove enumerated or be found to be a typhoid fever or amoebic dysentery carrier.

Section 4. It shall be the duty of the City of Las Vegas Department of Health, and it is hereby granted power and authority, to inspect by its duly authorized inspectors, agents and employees, the food, drink and other commodities prepared, served and sold in each and every public eating and drinking place in the City of Las Vegas, including the manner of their preparation, at all reasonable business hours, and to ascertain whether such eating and drinking place is being conducted in compliance with the provisions of the aforesaid public health laws of the State of Nevada, and the public health rules and regulations adopted by the Nevada State Department of Health, the Clark County Department of Health, and the City of Las Vegas Department of Health, the provisions of this ordinance, and whether any condition or conditions existing therein are prejudicial to the public health. The City of Las Vegas Department of Health shall have the right and authority to revoke any certificate of inspection issued by it under the terms of this ordinance for the violation of any of the provisions thereof, following notice and reasonable opportunity to the proprietor to correct such violations. This provision shall be in addition to and not in substitution of the penalties contained in Section 6 hereof.

Section 5. The fee for the certificate of inspection shall be five (5) dollars annually and shall be paid to the City of Las Vegas Department of Health upon the issuance of the certificate as provided in Section 2 hereof. Said certificate shall not be transferable and shall be valid for one year from the date thereof and only for the public eating or drinking place located at the premises designated in said certificate.

Section 6. Any proprietor, manager, partner, agent, servant or employee who shall conduct a public eating or drinking place in the City of Las Vegas without first having obtained a certificate of inspection as herein provided, or shall continue to conduct such place after the expiration or revocation of said certificate, or shall violate any of the other provisions of this ordinance, shall for each offense be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the city jail for not less than fifteen (15) days nor more than six (6) months, or by both such fine and imprisonment, and for any subsequent offense shall be punished by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00), and by imprisonment in the city jail for not less than fifteen (15) days nor more than six (6) months. Foods or drinks found to be unfit for human consumption as a result of unsanitary conditions at said public eating or drinking place may by order of the court be seized and destroyed.

Section 7. When construing and enforcing the provisions of this ordinance, the act, omission or failure of any officer, agent or other person acting for or employed by any corporation, company, society or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission or failure of such corporation, company, society or association, as well as that of the person.

Section 8. The provisions of this ordinance shall be severable, and if any of the provisions thereof shall be held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of any of the remaining provisions of this ordinance. It is hereby declared as the intent of the Board of Commissioners that this ordinance would have been adopted had such invalid or unconstitutional provision not been included therein.

Section 9. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 10. This ordinance shall be in full force and effect upon its publication, as in the next section provided, and final passage.

Section 11. The City Clerk and Clerk of the Board of Commissioners of the City of Las Vegas shall cause this Ordinance to be published once a week for two successive weeks immediately following its first reading and adoption, in the Las Vegas Evening Review Journal, a daily newspaper published in the City of Las Vegas.

ATTEST:

\_\_\_\_\_  
Mayor

Helen Scott Reed  
City Clerk

The above and foregoing Ordinance was first proposed and read by title to the Board of City Commissioners on the 22nd day of March, 1947, and referred to the following committee composed of Commissioners

Clark & Corradetti for recommendation; thereafter the said committee reported favorably on the said Ordinance on the \_\_\_\_\_ day of \_\_\_\_\_, 1947, which was the next regular meeting of said Board of City Commissioners; that at said regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 1947, the proposed Ordinance was read in full to the Board of City Commissioners as first introduced and adopted by the following vote:

Voting "Aye": Commissioners \_\_\_\_\_

Voting "Nay": \_\_\_\_\_

Absent: \_\_\_\_\_

APPROVED:

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

The above and foregoing Ordinance was thereafter read aloud to the said Board of City Commissioners for a second time at a regular meeting of the said Board held on the \_\_\_\_\_ day of \_\_\_\_\_, 1947, and passed by the following vote:

Voting "Aye": Commissioners \_\_\_\_\_

Voting "Nay": \_\_\_\_\_

Absent: \_\_\_\_\_

APPROVED:

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

Read by title March 22nd. Ref. to Clark & Corradetti  
1st reading April 7, thereafter publish two weeks once  
a week and read second time April 22nd.

Not read -  
held for  
reference & Ray  
inspection

