

250
ORDINANCE NO. 290

AN ORDINANCE REGULATING THE SALE OF MILK, CREAM AND OTHER DAIRY PRODUCTS IN THE CITY OF LAS VEGAS; DEFINING STANDARDS FOR MILK AND CREAM; PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE SALE OF MILK AND CREAM, AND THE REVOCATION OF SUCH PERMITS; PROVIDING FOR THE CREATION OF A MILK ORDINANCE COMMITTEE; PROVIDING FOR THE APPOINTMENT OF A DAIRY AND MILK INSPECTOR; AUTHORIZING THE CITY COMMISSIONERS TO PROMULGATE RULES AND REGULATIONS FOR THE ENFORCEMENT OF THIS ORDINANCE; PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; REPEALING ORDINANCE NUMBER 200 OF THE CITY OF LAS VEGAS, ENTITLED, "AN ORDINANCE REGULATING THE SALE OF MILK, CREAM AND OTHER DAIRY PRODUCTS IN THE CITY OF LAS VEGAS; DEFINING STANDARDS FOR MILK AND CREAM; PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE SALE OF MILK AND CREAM, AND THE REVOCATION OF SUCH PERMITS; AUTHORIZING THE CITY COMMISSIONERS TO PROMULGATE RULES AND REGULATIONS FOR THE ENFORCEMENT OF THIS ORDINANCE; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH;" AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

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

Section 1. DEFINITION OF TERMS: That for the purpose of this Ordinance the standard of milk, cream, buttermilk, skimmed milk and pasteurized milk, and ice cream, sold or offered for sale, in the City of Las Vegas, whether in retail or wholesale quantities, is hereby defined as follows:

(a) Milk in its natural state is the fresh, clean, lacteal secretion obtained by the complete milking of one or more cows, or other recognized milk producing animals, properly fed and kept in a healthy condition and free from clinical symptoms of any

infectious or communicable disease as determined by physical examination at least once each year; and free from tuberculosis, mastitis and Bang's disease; excluding such secretion for a period of fifteen (15) days before calving and for a period of five (5) days after calving; containing not less than 3.50 per cent milk fat, and a total of milk solids of not less than 12 per cent; and produced under conditions that comply with the sanitary requirements established by the Las Vegas City Milk Ordinance Committee.

COWS. TUBERCULOSIS AND OTHER DISEASES. (1) A physical examination, tuberculin and Bang's disease test of all cows shall be made before any milk therefrom is sold, and at least once every twelve months thereafter by a duly licensed veterinarian approved by the Sanitary Inspector or by the state livestock sanitary authority, and said tests shall be made in accordance with the rules now or hereafter in effect adopted by the Board of Health of the City of Las Vegas. Any and all raw milk sold as such in the City of Las Vegas shall be produced from State Accredited Bang's disease-free herds.

A certificate signed by the veterinarian and filed with the Sanitary Inspector shall be the only valid evidence of the above tests. Every diseased animal shall be removed from the herd at once and no milk from diseased cows shall be offered for sale.

All reacting animals shall be isolated at once and immediately excluded from the premises. All animals failing to pass the T.B. or Bang's disease tests shall be branded with the letters "T" or "TB" or "B" on the shoulder, hip or jaw, and removed at once and slaughtered under the direction of the Sanitary Inspector. Each letter in the brand shall be not less than two inches high and one and one-half inches wide. Further; herds where reactors are found shall be retested each thirty (30) days, until two (2) consecutive clean tests have been made.

DAIRY BARN (2) Lighting. Such sections of all dairy barns where cows are kept or milked shall have at least three square feet of window space for each stanchion.

(3) AIR SPACE. Such sections of all dairy barns where cows are kept or milked shall have at least four hundred (400) cubic feet of air space per stanchion, and shall be well ventilated.

(4) FLOORS. The floors and gutters of such parts of all dairy barns in which cows are kept or milked shall be constructed of concrete or other equally impervious and easily cleaned material approved by the Sanitary Inspector and shall be graded to drain properly, and shall be kept clean and in good repair. No horses, pigs, fowls, etc., shall be permitted in parts of the barn used for dairy purposes.

(5) WALLS AND CEILINGS. The walls and ceilings of all dairy barns shall be whitewashed once each year or painted once every two years, or finished in a manner approved by the Sanitary Inspector, and shall be kept clean and in good repair. In case there is a second story above that part of the barn in which cows are kept or milked, the ceiling shall be tight.

(6) COW YARD. All cow yards shall be graded and drained as well as practicable and kept clean.

(7) MANURE DISPOSAL. All manure shall be removed and stored or disposed of in such manner as best to prevent the breeding of flies therein.

(8) MILK HOUSE OR ROOM. CONSTRUCTION. There shall be provided a separate milk house or milk room for the handling and storage of milk and the washing and sterilization of milk apparatus and utensils, provided with a tight floor constructed of concrete or other impervious material and graded to provide proper drainage. The walls and ceilings of the milk house or room shall be of such construction as to permit easy cleaning and shall be painted at least once each year or finished in a manner approved by the Sanitary Inspector. The milk house or room shall be well lighted and ventilated and all openings effectively screened to prevent the entrance of flies, and shall be used for no other purpose than the handling and storage of milk or milk products and

other operations incident thereto. The cleaning and other operations shall be so located and conducted as to prevent any contamination one to the other. The milk room shall not open directly into the barn or into any room used for sleeping or domestic purposes.

(9) CLEANLINESS AND FLIES. The floors, walls, ceilings and equipment of the milk house or room shall be kept clean at all times. All means necessary for the elimination of flies shall be used.

(10) TOILET. Every dairy farm shall be provided with one or more sanitary toilets conveniently located and properly constructed, and operated and maintained so that the waste is inaccessible to flies and does not pollute the surface soil or contaminate any water supply.

(11) WATER SUPPLY. The water supply shall be easily accessible, adequate, and of a safe sanitary quality.

(12) UTENSILS. CONSTRUCTION. All containers or utensils used in the handling or storage of milk or milk products must be made of non-absorbent material and of such construction as to easily be cleaned, and must be in good repair. Joints and seams shall be soldered flush. All milk pails shall be of a sanitary design approved by the Milk Ordinance Committee and Milk Inspector.

(13) CLEANING. All containers and other utensils used in the handling, storage, or transportation of milk and milk products must be thoroughly cleaned after each usage.

(14) STERILIZATION. All containers and other utensils used in the handling, storage, or transportation of milk or milk products shall, between each usage, be sterilized with steam or chlorine or in a manner conforming to the rules now or hereafter in effect adopted by the Board of Health of the City of Las Vegas, Nevada.

(15) STORAGE. All containers and other utensils used in the handling, storage or transportation of milk or milk products shall be stored so as not to become contaminated before again being used.

(16) HANDLING. After sterilization no container or other milk or milk product utensil shall be handled in such manner as to permit any part of the person or clothing to come in contact with any surface with which milk or milk products come in contact.

(17) MILKING. UDDERS AND TEATS. The udders and teats of all milking cows shall be clean at the time of milking.

(18) FLANKS. The Flanks of all milking cows shall be kept free from visible dirt at the time of milking.

(19) MILKERS' HANDS. Milkers' hands shall be clean, rinsed with a disinfectant, and dried with a clean towel immediately before milking. Should the milking operation be interrupted, the milkers' hands must be re-disinfected. Wet hand milking is prohibited. Convenient facilities shall be provided for the washing of milkers' hands.

(20) CLEAN CLOTHING. Milkers and Milk handlers shall wear clean outer garments while working.

(21) MILK STOOLS. Milk Stools shall be kept clean.

(22) REMOVAL OF MILK. Each pail of milk shall be removed immediately to the milk house or straining room. No milk shall be strained in the dairy barn.

(23) COOLING. Milk must be cooled within one hour after milking to 50 degrees Fahrenheit or less and maintained at or below that temperature until delivery.

(24) BOTTLING AND CAPPING. Capping shall be done by machine. Caps shall be purchased in sanitary tubes and kept therein in a clean place until used.

(b) CERTIFIED RAW MILK. Certified milk is milk which conforms with the requirements of the American Association of Medical Milk Commissioners in force at the time of production and is produced under the supervision of the City Board of Health or the City health officer.

(c) GRADE A. RAW MILK, is milk the average bacterial count of which at the time of delivery to consumer does not exceed 100,000 bacteria per cubic centimeter, as determined by any standard method of counting approved by the American Association of Agricultural Chemists, or the average reduction time of which is not less than seven and one-half hours ($7\frac{1}{2}$) and which is produced from healthy animals as herein provided, and from dairies that conform to Paragraph (a) and sub-paragraphs 7 to 24 above.

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(d) GRADE A PASTEURIZED MILK is a raw milk which has been pasteurized by heating to a temperature of 142 degrees F. the temperature and time being automatically recorded by a device approved by the State Sanitary Inspector for a period of thirty minutes and then cooled to a temperature of 50 degrees F. or lower, and the average bacterial count of which at the time of delivery to the pasteurizing plant does not exceed 200,000 bacteria per cubic centimeter, or the average reducing time of which is not less than five and three-fourths (5-3/4) hours, and the average bacteria count of which at no time after pasteurizing until delivery to the consumer does not exceed 50,000 bacteria per cubic centimeter or the average reduction time of which is not less than eight (8) hours.

(e) CREAM is that portion of milk, rich in milk fat which rises to the surface when standing, or is removed by centrifugal force by mechanical means. It shall contain not less than twenty-two (22) percent fat. Grade A raw cream or Grade A pasteurized cream shall conform to all standard of Grade A raw milk or Grade A pasteurized milk, except that the bacterial count may be three times the maximum set for Grade A pasteurized milk.

(f) BUTTERMILK is the product which remains when butter is removed from milk or cream in the process of churning, or it may be cultured skim milk, and shall contain by weight not less than eight (8) per cent of milk solids.

(g) SKIMMED MILK is milk from which all or a portion of the milk fat has been removed and which by weight in the non-fatty portion thereof contains not less than eight and eight-tenths (8.8) per cent of milk solids.

(g-a) ICE CREAM shall comply with standards set by State of Nevada.

(h) The Board of City Commissioners of the City of Las Vegas, Nevada may from time to time set up standards for milk products not otherwise defined in this Ordinance.

Section 2. The term person imports both the singular and the plural as the case demands, and shall include corporations, partnerships, societies, and associations.

Section 3. (a) CREAM FOR MANUFACTURING PURPOSES shall be bought from the producers on a butter-fat basis as determined by the Babcock test.

(b) Checks on butter-fat tests in accordance with foregoing paragraph and where called for in this Ordinance shall be made by a person designated by the Las Vegas City Milk Ordinance Committee, at any time required. Also checks on butter fat tests made on milk when bought on a butter fat basis shall come under this regulation.

(c) It shall be unlawful to serve milk in any hotel, boarding-house, restaurant, lunch counter, or other place of public entertainment, except in the original bottle, the cap of which shall be removed in the presence of patron, provided, however, that this provision shall not apply to cream so served.

(d) SMALL INDIVIDUAL GLASS CONTAINERS not to exceed one quart in capacity, shall be required for all market milk or skim milk used at fountains or other places for the purpose of the sale of mixed drinks, provided, however, that this provision shall not be construed to prohibit the use of the entire contents of a bottle of market milk or skim milk so used.

Section 4. It shall be unlawful to sell or deliver for consumption or to possess with intent to sell or deliver for consumption,

(a) Milk or cream to which water or other foreign substance has been added;

(b) Milk or cream which fails to measure up to the standard as herein provided;

(c) Milk or cream which has been produced, stored, handled or transported by or in any unclean or unsanitary manner;

(d) Milk or cream handled by any person suffering from any infectious, contagious or communicable disease, the absence of such infection to be determined by cultures of physical examination by the Board of Health of the City of Las Vegas.

(e) Milk or cream that has been transferred from one can, bottle or other receptacle to another, on any street, alley or thoroughfare, or upon a dairy wagon, or any place in the City of Las Vegas other than the dairy plant used exclusively for the purpose of preparing said milk and cream for sale.

(f) Milk or cream, the retail or final container of which does not bear a plain and conspicuous statement showing the kind or grade as herein defined, and the name of the person producing it.

(g) Milk or cream that has not been pre-cooled to such standard temperature fifty (50) degrees F. or lower, as herein provided.

SECTION 5. It shall be unlawful for any producer or distributor to sell or deliver or possess with intent to sell or deliver any milk or cream without a permit from the Board of City Commissioners of the City of Las Vegas, such permit to be issued by the City Clerk upon a prescribed form. All applications for permits shall be in writing and shall state the location of the dairy or place of business; whether the applicant is owner, lessee or agent of the dairy; and the description and number of cows in the dairy herd. If the applicant is obtaining milk or cream from any source other than the herd described, he shall make the same statement for each dairy or herd from which he procures such milk and cream. Each applicant for a permit to be issued under the terms of this ordinance shall be accompanied by a fee of two dollars (\$2), and all permits shall expire on the thirty-first day

day of December of each year. Fees so collected shall be used for the administration of the Milk Ordinance. Before the issuance of a permit, the application of same shall be passed upon by the Las Vegas Milk Ordinance Committee, as hereinafter provided, and said Milk Ordinance Committee shall recommend to the City Commissioners whether or not the same shall be issued. A reasonable time shall be allowed for the examination by the duly authorized milk Inspector of the dairy herds described in the application ~~of~~ for permits, before any recommendations shall be made to the City Commissioners by said Milk Ordinance Committee; provided, however, that the provisions of this section shall not apply to retail grocery stores, restaurants, or other retail establishments situated in the City of Las Vegas, purchasing milk or milk products from Distributors duly licensed under the terms of this Ordinance.

PROVIDED FURTHER: That all milk shipped into the City of Las Vegas from out of state points for retail distribution must be raw milk; and provided further, that in case of necessity due to an extreme shortage of milk or cream, any Milk Distributor licensed by the city of Las Vegas may obtain a supply of milk or cream either raw or pasteurized from other sources than his regular patrons by notifying the Milk Inspector of such shipment.

SECTION 6. Notice shall be sent to the City Health Officer immediately by any milk producer or distributor upon whose dairy or in whose milk plant any case of sickness or any infectious, contagious or communicable disease occurs, among the personnel employed in such dairy or milk plant.

SECTION 7. The duly designated dairy and Milk Inspector shall at all times reasonable, have access for the purpose of inspection and taking samples, of any dairy or other place where milk or cream is produced for sale, or to any wagon, truck, warehouse, or station to which milk or cream is being transported, or is being held for transportation or delivery. Any person who hinders or prevents such access shall be deemed guilty of a violation of this Ordinance.

SECTION 8. A Milk Ordinance Committee consisting of three members shall be appointed immediately upon the adoption of this Ordinance, one member to represent and be appointed by the Milk Producers, and one member to represent and be appointed by the Milk distributors, and the third member to be appointed by and be a member of the Board of City Commissioners of Las Vegas, and who shall act as Chairman of said Committee and as such shall call a regular monthly meeting of the Committee. Also he shall call an annual meeting for the election of officers and notify each permittee in writing, of the meeting at least one week before it is to be held. Each member of the Milk Ordinance Committee shall hold office for one year, and until his successor shall be appointed and qualified. The Committee shall recommend to the City Commissioners the person desired to be appointed Milk Inspector, who shall be a qualified graduate veterinarian with a state and city license, or some person qualified by training and experience with a knowledge of the dairy industry, qualified to make all necessary tests, who has a ^{state} milk tester's license, and the committee shall receive from said Dairy and Milk Inspector monthly reports written or oral covering his official activities for the previous month at a regular monthly meeting of the Milk Ordinance Committee; and shall confer with the City Commissioners from time to time relative to the efficient enforcement of this Ordinance.

SECTION 9. The City Commissioners of the City of Las Vegas are hereby authorized to make by resolution such regulations from time to time as are necessary for the efficient enforcement of this Ordinance; to appoint a suitable person as Dairy and Milk Inspector for the City of Las Vegas in accordance with Section 8; and to issue permits for the sale of milk and cream as herein provided. The City Commissioners, upon the recommendation of the Milk Ordinance Committee, after affording the permittee a hearing, may revoke any permit issued under the terms of this Ordinance, upon determining that the person has violated any of the provisions of this Ordinance or the regulations made thereunder.

SECTION 10. The salary and mileage allowance of the Dairy and Milk Inspector shall be fixed by the Milk Ordinance Committee and approved by the Board of City Commissioners, and the same to be paid monthly from the money collected by the City for fees as provided in the next succeeding paragraph. All laboratory rental, costs of supplies, equipment for making of tests, and mailing reports and any and all other expense incurred in his official duties in the laboratory shall be furnished and paid for by the City of Las Vegas up to an amount not exceeding the sum of Twenty-five Dollars (\$25.00) per month.

SECTION 11. In order to create a fund for the payment of the salary and mileage of the Milk Inspector the following fees are hereby levied against all producers and distributors of milk and milk products herein named, doing business in said City:

All producers of milk and buttermilk shall pay to the City Clerk at the end of each month a sum equal to one-tenth of a cent (\$.001) per gallon on all such milk and buttermilk handled during such month, and all distributors of milk and buttermilk shall pay to the City Clerk at the end of each month a sum equal to one-tenth of a cent (\$.001) per gallon on all milk and buttermilk handled during such month. And each such producer and distributor shall pay to the City Clerk at the end of each month a sum equal to one half cent (\$.005) per gallon on all cream handled during such month, and three tenths of one cent (\$.003) per gallon on ice cream or ice cream mix shipped into the City of Las Vegas.

All expenses for examinations and treatments of live stock shall be paid by the owners or operators of the dairy herds of cows being inspected, except services that may be given during regular routine inspection work.

SECTION 12. Any person violating any of the provisions of this Ordinance shall, upon conviction be punished by a fine of not less than ten dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00) or by imprisonment in the City Jail for a period of not less than five days nor more than one hundred (100) days or by both such fine and imprisonment.

SECTION 13. Ordinance Number 200 of the City of Las Vegas, entitled, AN ORDINANCE REGULATING THE SALE OF MILK, CREAM AND OTHER DAIRY PRODUCTS IN THE CITY OF LAS VEGAS; DEFINING STANDARDS FOR MILK AND CREAM; PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE SALE OF MILK AND CREAM, AND THE REVOCATION OF SUCH PERMITS; AUTHORIZING THE CITY COMMISSIONERS TO PROMULGATE RULES AND REGULATIONS FOR THE ENFORCEMENT OF THIS ORDINANCE; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH, and all other ordinances and parts of ordinances in conflict with this Ordinance, are hereby repealed.

SECTION 14. The City Clerk is hereby authorized to have this Ordinance published in the Las Vegas Age, a weekly newspaper, printed and published in the City of Las Vegas, Clark County, Nevada, for a period of two weeks, that is to say, once each week for a period of two weeks.

John L. Russell
Mayor

ATTEST:

Vida Burns
City Clerk

The above and foregoing Ordinance was proposed, read aloud in full, and adopted this 12 day of November A.D. 1939, by the following vote:

Commissioners

Romano - Gilbert

Kraus

Conaditti

and

and his Honor, the Mayor, voting

AYE; Voting NO,

None

This Ordinance was read aloud to the Board of Commissioners at a recessed regular meeting held on the 12th day of December, 1939, at which time it was proposed, considered and voted upon, and unanimously adopted and there after published in the Las Vegas Age, a weekly newspaper published in the City of Las Vegas, once each week for two consecutive weeks immediately following its first reading. And it was thereafter read aloud to the Board for a second time at a regular meeting of the Board held on the 4th day of January, 1940.

Voting aye: Commissioners Ronnow, and Krause, and His Honor the Mayor voting aye.

Noes none.

Absent Commissioner Corradetti.
Excused before vote was called Commissioner Gilbert.

Approved:

John L. Russell
Mayor of the City of Las Vegas
Nevada.

Attest:

Dick Buss
CITY CLERK

(City seal)

Repealed

ORDINANCE NO. _____

1 AN ORDINANCE REPEALING SECTIONS TEN AND ELEVEN OF ORDINANCE NO.
 2 250 OF THE CITY OF LAS VEGAS ENTITLED: "AN ORDINANCE REGULATING
 3 THE SALE OF MILK, CREAM AND OTHER DAIRY PRODUCTS IN THE CITY OF
 4 LAS VEGAS; DEFINING STANDARDS FOR MILK AND CREAM; PROVIDING FOR
 5 THE ISSUANCE OF PERMITS FOR THE SALE OF MILK AND CREAM, AND THE
 6 REVOCATION OF SUCH PERMITS; PROVIDING FOR THE CREATION OF A MILK
 7 ORDINANCE COMMITTEE; PROVIDING FOR THE APPOINTMENT OF A DAIRY AND
 8 MILK INSPECTOR; AUTHORIZING THE CITY COMMISSIONERS TO PROMULGATE
 9 RULES AND REGULATIONS FOR THE ENFORCEMENT OF THIS ORDINANCE;
 10 PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE;
 11 REPEALING ORDINANCE NUMBER 200 OF THE CITY OF LAS VEGAS, ENTITLED,
 12 'AN ORDINANCE REGULATING THE SALE OF MILK, CREAM AND OTHER DAIRY
 13 PRODUCTS IN THE CITY OF LAS VEGAS; DEFINING STANDARDS FOR MILK
 14 AND CREAM; PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE SALE OF
 15 MILK AND CREAM, AND THE REVOCATION OF SUCH PERMITS; AUTHORIZING THE
 16 CITY COMMISSIONERS TO PROMULGATE RULES AND REGULATIONS FOR THE
 17 ENFORCEMENT OF THIS ORDINANCE; PROVIDING A PENALTY FOR THE VIOLATION
 18 THEREOF; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN
 19 CONFLICT THEREWITH; AND REPEALING ALL ORDINANCES AND PARTS OF
 20 ORDINANCES IN CONFLICT WITH THIS ORDINANCE."

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

23 Section 1. Section ten of Ordinance #250 of the City of Las
 24 Vegas, which said section ten reads as follows: "The salary and
 25 mileage allowance of the Dairy and Milk Inspector shall be fixed
 26 by the Milk Ordinance Committee and approved by the Board of City
 27 Commissioners, and the same to be paid monthly from the money col-
 28 lected by the city for fees as provided in the next succeeding
 29 paragraph. All laboratory rental, costs of supplies, equipment
 30 for making of tests, and mailing reports and any and all other
 31
 32

CITY CLEARING FILE

1 expense incurred in his official duties in the laboratory shall be
2 furnished and paid for by the City of Las Vegas up to an amount
3 not exceeding the sum of Twenty-five Dollars (\$25.00) per month,"
4 is hereby repealed.

5 Section 2. Section eleven of Ordinance No. 250 of the City
6 of Las Vegas, which reads as follows: "In order to create a fund
7 for the payment of the salary and mileage of the Milk Inspector
8 the following fees are hereby levied against all producers and dis-
9 tributors of milk and milk products herein named, doing business
10 in said City:

11 All producers of milk and buttermilk shall pay to the City
12 Clerk at the end of each month a sum equal to one-tenth of a cent
13 (\$.001) per gallon on all such milk and buttermilk handled during
14 such month, and all distributors of milk and buttermilk shall pay
15 to the City Clerk at the end of each month a sum equal to one-
16 tenth of a cent (\$.001) per gallon on all milk and buttermilk
17 handled during such month. And each such producer and distributor
18 shall pay to the City Clerk at the end of each month a sum equal
19 to one half cent (\$.005) per gallon on all cream handled during such
20 months and three tenths of one cent (\$.003) per gallon on ice
21 cream or ice cream mix shipped into the City of Las Vegas.

22 All expenses for examinations and treatments of live stock shall
23 be paid by the owners or operators of the dairy herds of cows being
24 inspected, except services that may be given during regular routine
25 inspection work," is hereby repealed.

26 Section 3. The City Clerk is hereby authorized to have this
27 ordinance published in the Las Vegas Age
28 a weekly newspaper, printed and published in the City of
29 Las Vegas, Clark County, Nevada, for a period of two weeks, that
30 is to say, once each week for a period of two weeks.
31
32

MAYOR

Affidavit of Publication

STATE OF NEVADA)
COUNTY OF CLARK) ss.

C. P. Squires, being duly sworn, deposes and says:
That he is Publisher of LAS VEGAS AGE, a weekly newspaper of general circulation, printed and published at Las Vegas, in the County of Clark, State of Nevada, and that the attached Ordinance No. 249 was published in said newspaper for a period of Two Weeks from December 16, 1939 to December 23, 1939 inclusive being the issues of said newspaper for the following dates, to-wit:

December 16, 23, 1939

That said newspaper was regularly issued and circulated on each of the dates above named. That the legal charge for publishing said legal notice was \$ 232.80

Signed.....*C. P. Squires*.....

Subscribed and sworn to before me this *28th* day of *December* 1939

C. D. Beeze
Notary Public in and for Clark County, Nevada

My Commission Expires June *9* 19*43*

Legal Notices

ORDINANCE NO. 249
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(a) Milk in its natural state is the fresh, clean, lacteal secretion obtained by the complete milking of one or more cows, or other recognized milk producing animals, properly fed and kept in a neat condition and free from clinical symptoms of any infectious or communicable disease as determined by physical examination at least once each year; and free from tuberculosis, mastitis and Bang's disease; excluding such secretion for a period of fifteen (15) days before calving and for a period of five (5) days after calving; containing not less than 3.50 per cent milk fat, and a total of milk solids of not less than 12 per cent; and produced under conditions that comply with the sanitary requirements established by the Las Vegas City Milk Ordinance Committee.

COWS. TUBERCULOSIS AND OTHER DISEASES. (1) A physical examination, tuberculin and Bang's disease test of all cows shall be made before any milk therefrom is sold, and at least once every twelve months thereafter by a duly licensed veterinarian approved by the Sanitary Inspector or by the state livestock sanitary authority, and said tests shall be made in accordance with the rules now or hereafter in effect adopted by the Board of Health of the City of Las Vegas. Any and all raw milk sold as such in the city of Las Vegas shall be produced from State Accredited Bang's disease-free herds.

A certificate signed by the veterinarian and filed with the Sanitary Inspector shall be the only valid evidence of the above tests. Every diseased animal shall be removed from the herd at once and no milk from diseased cows shall be offered for sale. All reacting animals shall be isolated at once and immediately excluded from the premises. All animals failing to pass the T.B. or Bang's disease tests shall be branded with the letter "T" or "TB" or "B" on the shoulder, hip or jaw, and removed at once and slaughtered under the direction of the Sanitary Inspector. Each letter in the brand shall be not less than two inches high and one and one-half inches wide. Further; herds where reactors are found shall be retested each thirty (30) days, until two (2) consecutive clean tests have been made.

DAIRY BARN (2) Lighting. Such sections of all dairy barns where cows are kept or milked shall have at least three square feet of window space for each stanchion.

(3) AIR SPACE. Such sections of all dairy barns where cows are kept or milked shall have at least four hundred (400) cubic feet of air space per stanchion, and shall be well ventilated.

(4) FLOORS. The floors and gutters of such parts of all dairy barns in which cows are kept or milked shall be constructed of concrete or other equally impervious and easily cleaned material approved by the Sanitary Inspector and shall be graded to drain properly, and shall be kept clean and in good repair. No horses, pigs, fowls, etc., shall be permitted in the parts of the barn used for dairy purposes.

(5) WALLS AND CEILINGS. The walls and ceilings of all dairy barns shall be whitewashed once each year or painted once every two years or finished in a manner approved by the Sanitary Inspector, and shall be kept clean and in good repair. In case there is a second story above that part of the barn in which cows are kept or milked, the ceiling shall be tight.

(6) COW YARD. All cow yards shall be graded and drained as well as practicable and kept clean.

(7) MANURE DISPOSAL. All manure shall be removed and stored or disposed of in such manner as best to prevent the breeding of flies therefrom.

(8) MILK HOUSE OR ROOM. CONSTRUCTION. There shall be provided a separate milk house or milk room for the handling and storage of milk and the washing and sterilization of milk apparatus and utensils, provided with a tight floor constructed of concrete or other impervious material and graded to provide proper drainage. The walls and ceilings of the milk house or room shall be of such construction as to permit easy cleaning and shall be painted at least once each year or finished in a manner approved by the Sanitary Inspector. The milk house or room shall be well lighted and ventilated and all openings effectively screened to prevent the entrance of flies, and shall be used for no other purpose than the handling and storage of milk or milk products and other operations incident thereto. The cleaning and other operations shall be so located and conducted as to prevent any contamination one to the other. The milk room shall not open directly into the barn or into any room used for sleeping or domestic purposes.

(9) CLEANLINESS AND FLIES.

The floors, walls, ceilings and equipment of the milk house or room shall be kept clean at all times. All means necessary for the elimination of flies shall be used.

(10) TOILET. Every dairy farm shall be provided with one or more sanitary toilets conveniently located and properly constructed, and operated and maintained so that the waste is inaccessible to flies and does not pollute the surface soil or contaminate any water supply.

(11) WATER SUPPLY. The water supply shall be easily accessible, adequate, and of a safe sanitary quality.

(12) UTENSILS. CONSTRUCTION. All containers or utensils used in the handling or storage of milk or milk products must be made of non-absorbent material, and of such construction as to be easily cleaned, and must be in good repair. Joints and seams shall be soldered flush. All milk pails shall be of a sanitary design approved by the Milk Ordinance Committee and milk inspector.

(13) CLEANING. All containers and other utensils used in the handling, storage, or transportation of milk and milk products must be thoroughly cleaned after each usage.

(14) STERILIZATION. All containers and other utensils used in the handling, storage, or transportation of milk or milk products shall, between each usage, be sterilized with steam or chlorine or in a manner conforming to the rules now or hereafter in effect adopted by the Board of Health of the City of Las Vegas, Nevada.

(15) STORAGE. All containers and other utensils used in the handling, storage or transportation of milk or milk products shall be stored so as not to become contaminated before again being used.

(16) HANDLING. After sterilization no container or other milk or milk product utensil shall be handled in such manner as to permit any part of the person or clothing to come in contact with any surface with which milk or milk products come in contact.

(17) MILKING. UDDERS AND TEATS. The udders and teats of all milking cows shall be clean at the time of milking.

(18) FLANKS. The flanks of all milking cows shall be kept free from visible dirt at the time of milking.

(19) MILKERS' HANDS. Milkers' hands shall be clean, rinsed with a disinfectant, and dried with a clean towel immediately before milking. Should the milking operation be interrupted, the milkers' hands must be re-disinfected. Wet hand milking is prohibited. Convenient facilities shall be provided for the washing of milkers' hands.

(20) CLEAN CLOTHING. Milkers and milk handlers shall wear clean outer garments while working.

(21) MILK STOOLS. Milk stools shall be kept clean.

(22) REMOVAL OF MILK. Each pail of milk shall be removed immediately to the milk house or straining room. No milk shall be strained in the dairy barn.

(23) COOLING. Milk must be cooled within one hour after milking to 50 degrees Fahrenheit or less and maintained at or below that temperature until delivery.

(24) BOTTLING AND CAPPING. Capping shall be done by machine. Caps shall be purchased in sanitary tubes and kept therein in a clean place until used.

(b) CERTIFIED RAW MILK. Certified milk is milk which conforms with the requirements of the American Association of Medical Milk Commissioners in force at the time of production and is produced under the supervision of the City Board of Health or the City Health officer.

(c) **GRADE A. RAW MILK**, is milk the average bacterial count of which at the time of delivery to consumer does not exceed 100,000 bacteria per cubic centimeter, as determined by any standard method of counting approved by the American Association of Agricultural Chemists, or the average reduction time of which is not less than seven and one-half hours (7½) and which is produced from healthy animals as herein provided, and from dairies that conform to Paragraph (a) and sub-paragraphs 7 to 24 above.

(d) **GRADE A. PASTEURIZED MILK** is a raw milk which has been pasteurized by heating to a temperature of 142 degrees F., the temperature and time being automatically recorded by a device approved by the State Sanitary Inspector for a period of thirty minutes and then cooled to a temperature of 50 degrees F. or lower, and the average bacterial count of which at the time of delivery to the pasteurizing plant does not exceed 200,000 bacteria per cubic centimeter, or the average reducing time of which is not less than five and three-fourths (5¾) hours, and the average bacteria count of which at no time after pasteurizing until delivery to the consumer does not exceed 50,000 bacteria per cubic centimeter or the average reduction time is not less than eight (8) hours.

(e) **CREAM** is that portion of milk, rich in milk fat which rises to the surface when standing, or is removed by centrifugal force by mechanical means. It shall contain not less than twenty-two (22) per cent fat. Grade A raw cream or Grade A pasteurized cream shall conform to all standard of Grade A raw milk or Grade A pasteurized milk, except that the bacterial count may be three times the maximum set for Grade A pasteurized milk.

(f) **BUTTERMILK** is the product which remains when butter is removed from milk or cream in the process of churning, or it may be cultured skim milk, and shall contain by weight not less than eight (8) per cent of milk solids.

(g) **SKIMMED MILK**, is milk from which all or a portion of milk fat has been removed and which by weight in the non-fatty portion thereof contains not less than eight and eight-tenths (8.8) per cent of milk solids.

(g-a) **ICE CREAM** shall comply with standards set by State of Nevada.

(h) The board of City Commissioners of the City of Las Vegas, Nevada, may from time to time set up standards for milk products not otherwise defined in this Ordinance.

SECTION 2. The term person imports both the singular and the plural as the case demands, and shall include corporations, partnerships, societies, and associations.

SECTION 3. (a) CREAM FOR MANUFACTURING PURPOSES shall be bought from the producers on a butter-fat basis as determined by the Babcock test.

(b) Checks on butter-fat tests in accordance with foregoing paragraph and where called for in this Ordinance shall be made by a person designated by the Las Vegas Milk Ordinance Committee, at any time required. Also checks on butter-fat tests made on milk when bought on a butter-fat basis shall come under this regulation.

(c) It shall be unlawful to serve milk in any hotel, boarding-house, restaurant, lunch counter, or other place of public entertainment, except in the original bottle, the cap of which shall be removed in the presence of patron, provided, however, that this provision shall not apply to cream so served.

(d) **SMALL INDIVIDUAL GLASS CONTAINERS** not to exceed one quart in capacity, shall be required for all market milk or skim milk used at fountains or other places for the purpose of the sale of mixed drinks, provided, however, that this provision shall not be construed to prohibit the use of the entire contents of a bottle of market milk or skim milk so used.

SECTION 4. It shall be unlawful to sell or deliver for consumption or to possess with intent to sell or deliver for consumption,

(a) Milk or cream to which water or other foreign substance has been added;

(b) Milk or cream which fails to measure up to the standard as herein provided;

(c) Milk or cream which has been produced, stored, handled, or transported by or in any unclean or unsanitary manner;

(d) Milk or cream handled by any person suffering from any infectious, contagious or communicable disease, the absence of such infection to be determined by cultures of physical examination by the Board of Health of the City of Las Vegas.

(e) Milk or cream that has been transferred from one can, bottle or other receptacle to another, on any street, alley or thoroughfare, or upon a dairy wagon, or any place in the City of Las Vegas other than the dairy plant used exclusively for the purpose of preparing said milk and cream for sale.

(f) Milk or cream, the retail or final container of which does not bear a plain and conspicuous statement showing the kind or grade as herein defined, and the name of the person producing it.

(g) Milk or cream that has not been pre-cooled to such standard temperature fifty (50) degrees F. or lower, as herein provided.

SECTION 5. It shall be unlawful for any producer or distributor to sell or deliver or possess with intent to sell or deliver any milk or cream without a permit from the Board of City Commissioners of the City of Las Vegas, such permit to be issued by the City Clerk upon a prescribed form. All applications for permits shall be in writing and shall state the location of the dairy or place of business; whether the applicant is owner, lessee or agent of the dairy; and the description and number of cows in the dairy herd. If the applicant is obtaining milk or cream from any source other than the herd described, he shall make the same statement for each dairy or herd from which he procures such milk and cream. Each applicant for a permit to be issued under the terms of this ordinance shall be accompanied by a fee of two dollars (\$2), and all permits shall expire on the thirty-first day of December of each year. Fees so collected shall be used for the administration of the Milk Ordinance. Before the issuance of a permit, the application of same shall be passed upon by the Las Vegas Milk Ordinance Committee, as hereinafter provided, and said Milk Ordinance Committee shall recommend to the City Commissioners whether or not the same shall be issued. A reasonable time shall be allowed for the examination by the duly authorized Milk Inspector of the dairy herds described in the application for permits, before any recommendations shall be made to the City Commissioners by said Milk Ordinance Committee; provided, however, that the provisions of this section shall not apply to retail grocery stores, restaurants, or other retail establishments situated in the City of Las Vegas, purchasing milk or milk products from Distributors duly licensed under the terms of this Ordinance.

PROVIDED FURTHER: That all

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milk shipped into the City of Las Vegas from out of state points for retail distribution must be raw milk; and provided further, that in case of necessity due to an extreme shortage of milk or cream, any Milk Distributor licensed by the city of Las Vegas may obtain a supply of milk or cream either raw or pasteurized from other sources than his regular patrons by notifying the Milk Inspector of such shipment.

SECTION 6. Notice shall be sent to the City Health Officer immediately by any milk producer or distributor upon whose dairy or in whose milk plant any case of sickness or any infectious, contagious or communicable disease occurs, among the personnel employed in such dairy or milk plant.

SECTION 7. The duly designated dairy and Milk Inspector shall at all times reasonable, have access for the purpose of inspection and taking samples, of any dairy or other place where milk or cream is produced for sale, or to any wagon, truck, warehouse, or station to which milk or cream is being transported, or is being held for transportation or delivery. Any person who hinders or prevents such access shall be deemed guilty of a violation of this Ordinance.

SECTION 8. A Milk Ordinance Committee consisting of three members shall be appointed immediately upon the adoption of this Ordinance, one member to represent and be appointed by the Milk Producers, and one member to represent and be appointed by the Milk Distributors, and the third member to be appointed by and be a member of the Board of City Commissioners of Las Vegas, and who shall act as Chairman of said Committee and as such shall call a regular monthly meeting of the Committee. Also he shall call an annual meeting for the election of officers and notify each permittee in writing, of the meeting at least one week before it is to be held. Each member of the Milk Ordinance Committee shall hold office for one year, and until his successor shall be appointed and qualified. The Committee shall recommend to the City Commissioners the person desired to be appointed Milk Inspector, who shall be a qualified graduate veterinarian with a state and city license, or some person qualified by training and experience with a knowledge of the dairy industry, qualified to make all necessary tests, who has a state milk tester's license, and the committee shall receive from said Dairy and Milk Inspector monthly reports written or oral covering his official activities for the previous month at a regular monthly meeting of the Milk Ordinance Committee; and shall confer with the City Commissioners from time to time relative to the efficient enforcement of this Ordinance.

SECTION 9. The City Commissioners of the City of Las Vegas are hereby authorized to make by resolution such regulations from time to time as are necessary for the efficient enforcement of this Ordinance; to appoint a suitable person as Dairy and Milk Inspector for the City of Las Vegas in accordance with Section 8; and to issue permits for the sale of milk and cream as herein provided. The City Commissioners, upon the recommendation of the Milk Ordinance Committee, after affording the permittee a hearing, may revoke any permit issued under the terms of this Ordinance, upon determining that the person has violated any of the provisions of this Ordinance or the regulations made thereunder.

SECTION 10. The salary and mileage allowance of the Dairy and Milk Inspector shall be fixed by the Milk Ordinance Committee and approved by the Board of City Commissioners, and the same to be paid

monthly from the money collected by the city for fees as provided in the next succeeding paragraph. All laboratory rental, costs or supplies, equipment for making of tests, and mailing reports and any and all other expense incurred in his official duties in the laboratory shall be furnished and paid for by the City of Las Vegas up to an amount not exceeding the sum of Twenty-five Dollars (\$25.00) per month.

SECTION 11. In order to create a fund for the payment of the salary and mileage of the Milk Inspector the following fees are hereby levied against all producers and distributors of milk and milk products herein named, doing business in said City:

All producers of milk and buttermilk shall pay to the City Clerk at the end of each month a sum equal to one-tenth of a cent (\$.001) per gallon on all such milk and outtermilk handled during such month, and all distributors of milk and buttermilk shall pay to the City Clerk at the end of each month a sum equal to one-tenth of a cent (\$.001) per gallon on all milk and buttermilk handled during such month. And each such producer and distributor shall pay to the City Clerk at the end of each month a sum equal to one-half cent (\$.005) per gallon on all cream handled during such month, and three-tenths of one cent (\$.003) per gallon on ice cream or ice cream mix shipped into the City of Las Vegas. All expenses for examinations and treatments of live stock shall be paid by the owners or operators of the dairy herds of cows being inspected, except services that may be given during regular routine inspection work.

SECTION 12. Any person violating any of the provisions of this ordinance shall, upon conviction, be punished by a fine of not less than ten dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00) or by imprisonment in the City Jail for a period of not less than five days nor more than one hundred (100) days or by both such fine and imprisonment.

SECTION 13. Ordinance No. 200 of the city of Las Vegas, entitled, **AN ORDINANCE REGULATING THE SALE OF MILK, CREAM AND OTHER DAIRY PRODUCTS IN THE CITY OF LAS VEGAS; DEFINING STANDARDS FOR MILK AND CREAM; PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE SALE OF MILK AND CREAM, AND THE REVOCATION**

OF SUCH PERMITS; AUTHORIZING THE CITY COMMISSIONERS TO PROMULGATE RULES AND REGULATIONS FOR THE ENFORCEMENT OF THIS ORDINANCE; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH, and all other ordinances and parts of ordinances in conflict with this ordinance, are hereby repealed.

SECTION 14. The City Clerk is hereby authorized to have this Ordinance published in the Las Vegas Age, a weekly newspaper, printed and published in the City of Las Vegas, Clark County, Nevada, for a period of two weeks, that is to say, once each week for a period of two weeks.

JOHN L. RUSSELL,
Mayor

ATTEST: VIOLA BURNS,
City Clerk

The above and foregoing Ordinance was proposed, read aloud in full, and adopted this 12th day of December, A. D. 1939, by the following vote:

Commissioners Ronnow, Gilbert, Krause and Corradetti, and his Honor, the Mayor, voting AYE; voting NO, none.

Publish Dec. 16, 23, 1939.