

Legal Notices

ORDINANCE NO. 243

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 hereinafter 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. Fur-

ther; herds where reactors are found shall be retested each thirty (30) days, until two (2) consecutive clean tests have been made.

DAIRY BARNS (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 stallion.

(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 stallion, 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 ceilings 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 a sanitary toilet constructed and operated in accordance with the ordinances of the City of Las Vegas.

(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 hereinafter 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 a 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 cows shall be kept free from visible dirt at the time of milking.

(19) MILKERS' HANDS. Milker's hands shall be clean, rinsed with a disinfectant, and dried with a clean towel immediately before milking. Should the milking operation be interrupted, the milker's hands must be re-disinfected. Wet hand milking is prohibited. Convenient facilities shall be provided for the washing of milker's 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) GUARANTEED RAW MILK. is the milk produced in accordance with the requirements of Section 1 (a) of this ordinance, provided that the cows of the dairy herd producing such milk must pass a health examination once every three months; the average bacterial count at the time of delivery to consumer must not exceed 25,000 per cubic centimeter as determined by methods of counting approved by the American Association of Agricultural Chemists, or the average reduction time of which is not less than 9 1/2 hours; and shall comply with all requirements enumerated in Paragraph (a) and Sub-paragraph 1 to 24 inclusive above. Also, the following requirements shall be strictly enforced:

1. The milking barn shall be at least 60 feet from feed lot or corals.

2. The milk house shall be separated from the milking barn by an alley of 6 feet or more.

3. The milking barn and milk house shall be fly proof and kept free from flies.

4. All garbage, litter, manure, or any condition that would produce odors or draw flies, must be removed.

5. Steam must be used to sterilize the utensils, which must be in good repair and have no seams or rust.

6. All inside surfaces of utensils must be washable.

7. Water supply must be adequate and pure.

8. Cows must be clipped when necessary, over udder, flank, and tail.

9. Milkers must have a health certificate, which shall be subject to inspection and removal at any time and milkers must wash their hands and disinfect them before milking and wear clean outer garments.

(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 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.

(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 bacterial count of which at no time after pasteurizing until delivery to the consumer does 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) 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 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 such person designated by the Las Vegas City Milk Ordinance Committee, at any time required.

(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