

ORDINANCE RECORD

ORDINANCE NO. 383

An ordinance to regulate the production, transportation, processing, handling, sampling, examination, grading, labeling, regrading, and sale of milk and milk products; the inspecting of dairy herds, dairies and milk plants; the issuing and revocation of permits to milk producers and distributors; the placarding of restaurants and other establishments serving milk and milk products; and providing for the collection of fees; and providing penalties for violation of the provisions of this ordinance; and repealing all ordinances and parts of ordinances in conflict herewith.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL of the city of Lexington, Nebraska:

SECTION 1. The production, transportation, processing, handling, sampling, examination, grading, labeling, regrading and sale of all milk and milk products sold for ultimate consumption within the City of Lexington, Nebraska or its police jurisdiction, the inspection of dairy herds, dairies and milk plants, the issuing and revocation of permits to producers and distributors, the placarding of restaurants and other establishments serving milk and milk products providing for the collection of fees, and the providing of penalties for the violation of the provisions of this ordinance shall be regulated in accordance with the terms of the unabridged form of the 1939 edition of the United States Public Health Service milk ordinance, three (3) copies of which shall be on file in the office of the City Clerk; Provided, That the blank spaces following the words "City of" in said unabridged form shall be understood to refer to the City of Lexington, Nebraska; Provided further, That sections 8, 16, and 17 of said unabridged form shall be replaced, respectively be sections 2, 3, and 4 below.

SECTION 2. From and after sixty (60) days from date on which this ordinance takes effect, "no milk or milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments except GRADE A: Provided, than when any milk distributor fails to qualify for the above grade the Health Officer is authorized to revoke his permit, or in lieu thereof to degrade his products for at least seven days and permit its sale during a temporary period not exceeding thirty (30) days or in emergencies for such longer period as he may deem necessary.

SECTION 3. This ordinance shall be enforced by the Health Officer in accordance with the interpretations thereof contained in the 1939 edition of the United States Health Service Milk Code, three (3) certified copies of which shall be on file in the City Clerk's office.

SECTION 4. Any persons, firms, corporation or association violating the provisions of this ordinance shall upon conviction be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding One Hundred Dollars (\$100.00) and shall stand committed until such fine and costs are paid. Each and every violation of the provisions of this ordinance shall constitute a separate offense.

SECTION 5. The Mayor and City Council shall appoint the Health Officer or inspector to enforce the provisions of this ordinance, and may appoint as many assistants as may be necessary.

SECTION 6. All persons, firms, corporations or associations producing milk and milk products, for ultimate consumption within the City of Lexington, Nebraska or its police jurisdiction shall register with the Health Officer or Inspector who shall provide a registration card or certificate to said producer. All such producers shall register with the Health Officer or Inspector on the 1st day of May of each year or at such times as such registrant becomes a producer with the meaning of this ordinance. All such registrations shall expire on the 1st day of May following the date it is issued.

ALL persons, firms, corporations, or associations, distributing milk and milkproducts, for ultimate consumption within the City of

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Lexington, Nebraska, or its police jurisdiction, shall register with the Health Officer or inspector who shall provide a registration card or certificate to said distributor. All such distributors shall register with the Health Officer or inspector on the 1st day of May of each year or at such times as such registrant becomes a distributor within the meaning of this ordinance. All such registrations shall expire on the 1st day of May following the date it is issued.

SECTION 7. The following fees shall be charged for the registrations provided for in the next two preceding paragraphs of this ordinance, which registration fee shall be paid to the Health Officer or inspector at the time of such registration.

Milk Producers \$1.00 per year.

Milk Distributors \$25.00 per year.

SECTION 8. In addition to fees herein provided there shall also be a service and inspection fee on all milk and milk products sold for ultimate consumption within the City of Lexington, Nebraska or its police jurisdiction, in the amount of Three Cents (3¢) per One Hundred (100) pounds. The services and inspection fee herein provided shall be collected by the distributor of milk who shall keep an accurate account of the same and on the 5th day of each month the amount so collected shall be paid by said milk distributor to the City Treasurer. The milk distributor whose duty it is to collect, and pay said fee shall furnish the City Treasurer with a complete, accurate account of milk sold during each month and pay the fee or fees as herein provided. A copy of said record showing the amount sold shall also be furnished to the Health Officer or inspector by such distributor.

SECTION 9. Ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 10. The regulations herein provided and adopted by the City of Lexington, Nebraska as its milk code or ordinance may from time to time be modified and amended by resolution regularly adopted by the Mayor and City Council and three (3) copies of such modification or amendments shall be placed on file with the City Clerk of said city.

SECTION 11. Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby. This ordinance shall be in force and become effective sixty (60) days from and after its passage, approval and publication as required by law.

Passed and approved this 3rd day of August, 1943.

ATTEST:

Mayor

W. R. Rosenberger
City Clerk