

ORDINANCE NO. 563

An ordinance to regulate the inspection, ~~grading, regrading and placarding~~ of eating and drinking establishments, the issuing, suspension and revocation of permits for the operation of such establishments, the enforcement of this ordinance, and the fixing of penalties; and prohibiting the sale of adulterated, misbranded or unwholesome food and drink, and to adopt by reference the U.S. Public Health Service Ordinance and Code Regulating Eating and Drinking Establishments, which ordinance was published by the U.S. Public Health Service in 1943 as Public Health Bulletin No. 280.

BE IT ORDAINED BY THE PRESIDENT OF THE COUNCIL AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA:

Section 1. The inspection, ~~grading, regrading and placarding~~ of eating and drinking establishments within the City of Lexington, Nebraska, the issuing, suspension, and revocation of permits for the operation of such establishments, the sale of adulterated, misbranded or unwholesome food and drink, the enforcement of this ordinance, and the fixing of penalties shall be regulated in accordance with the terms of the unabridged form of the U.S. Public Health Service Ordinance and Code Regulating Eating and Drinking Establishments, as set forth in U.S. Public Health Bulletin No. 280, three (3) copies of which shall be on file in the office of the City Clerk. Provided however, that the words "city of _____" in said Public Health Service Ordinance shall be understood to refer to the City of Lexington, Nebraska. Provided further, that in said ordinance, all parentheses which enclose words referring to grading shall be understood to be deleted; Provided further, that sections 7, 12 and 13 of said ordinance shall be replaced respectively by sections 2, 5 and 6 below. Provided further, that in section 2 of said ordinance, itinerant restaurants shall also be required to secure a permit. Provided further that all of the recommendations set forth in italicized print in section 9 of the U.S. Public Health Service Code on pages 52 and 53 of Public Health Bulletin No. 280, shall be adopted and by reference made a part of this ordinance.

Section 2. From and after thirty (30) days from the date on which this ordinance takes effect, all persons connected with the handling of food, drink, utensils or equipment, shall submit to such physical examinations and shall submit such laboratory specimens as the Health Officer may direct. From and after twelve (12) months from the date on which this ordinance takes effect, no restaurant or other commercial eating place shall be operated within the City of Lexington, Nebraska, unless it conforms with the requirements of said ordinance. When any such restaurant or other commercial eating house fails to comply with said requirements, the health officer is authorized to suspend the permit of said restaurant or commercial eating house.

Section 3. The following fees shall be payable to the City Clerk annually:

All foodhandlers employed in any commercial foodhandling establishment as hereinafter defined, shall pay ^{AN ANNUAL} fee of Two Dollars (\$2.00) for a foodhandlers permit.

All restaurants or other commercial eating house, shall pay an annual inspection fee of Twenty-five Dollars (\$25.00). Permits shall be issued only after inspection and confirmation by the Health Officer. All fees shall be paid in advance on or before May first of each year.

Section 4. Paragraph A of Section 1 of said U.S. Public Health Service Ordinance as set forth on page 5 of U.S. Public Health Bulletin No. 280, shall be amended to read as follows:

A. Foodhandling Establishment. The term "Foodhandling Establishment" shall mean any commercial restaurant, coffee shop, cafeteria, short order cafe, luncheonette, tavern, sandwich stand, soda fountain and all other eating and drinking establishments as well as kitchens or other place where food or drink is prepared for sale.

Section 5. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Ten Dollars (\$10.00) and not more than One Hundred Dollars (\$100.00), and shall stand committed to jail until such fine and costs are fully paid. Each and every violation of the provisions of this ordinance shall constitute a separate offense.

Section 6. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

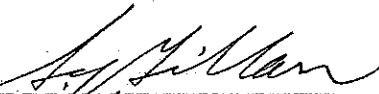
Section 7. Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.

Passed and approved this 10th day of January, 1950, and ordered published as by law provided.



President of the Council

ATTEST:


City Clerk