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The City Council met in regular weekly session at 4 o'clock P. M., Wednesday, March 5, 1941, Mayor Douglas presiding, and Councilmen Albea, Baxter, Britt, Hovis, Huntley, Little, Nance, Ward and Wilkinson being present.

Absent: Councilman Sides.

RENEWED REQUEST FOR POSTER ADVERTISING AGAIN DENIED.

Mr. Paul Whitlock, Attorney, representing the Schloss Poster Advertising Agency, appeared before the Council and renewed request of this concern to be allowed to erect sign boards on property of the City of Charlotte, which request was denied at the last meeting of the Council, this renewed request excluding the one at the entrance to Elmwood Cemetery, but covering the other three locations on the vacant lot of the City of Charlotte at 5th and 6th Streets.

On motion of Councilman Hovis, seconded by Councilman Little and carried, this request was again denied.

APPROVAL OF MINUTES OF FEBRUARY 26TH. MEETING.

On motion of Councilman Albea, seconded by Councilman Baxter, the minutes of the meeting of February 26th. were approved as read.

STREET MAINTENANCE - WEST 23rd STREET.

On motion of Councilman Albea, seconded by Councilman Britt, the request of Radio Station WSOC for street maintenance on West 23rd. Street, approximately 200 feet from North Tryon Street, was granted, and this street will be taken over for City maintenance as soon as the building now being constructed for the Radio Station is completed.

APPROPRIATION TO COLORED DAY NURSERY.

On motion of Councilman Wilkinson, seconded by Councilman Baxter and carried, the request from the Board operating the Colored Day Nursery, that the City make an appropriation to take care of the rent on property at 321 Cherry Street, used by the Nursery, at the rate of \$17.00 per month, was granted, this money to be taken from the Emergency Fund.

CANCELLATION OF CONTRACT FOR WATER METERS FOR USE AT AIR BASE.

The City Manager reported that due to change made by the Federal Government, the two 5-inch water meters, authorized by the Council on February 5th., to be purchased from the Hersey Manufacturing Company, would not be needed, and on motion of Councilman Huntley, seconded by Councilman Britt, cancellation of the contract approved by Council on Feb. 5th. was authorized.

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REASSESSMENT ORDINANCE - SCOTLAND AVENUE

On motion of Councilman Baxter, seconded by Councilman Little, the following reassessment ordinance covering property of the Eastland Realty Company on Scotland Avenue, was unanimously adopted on three readings and declared by the Mayor to be an ordinance of the City of Charlotte:

The City Council of the City of Charlotte, N. C., DO ORDAIN that the special benefits to the abutting property on Scotland Avenue, on account of the paving of the street and sidewalks, beginning at a point 102.9 feet measured south from the southwest intersection corner of Colville Road and Scotland Avenue and running in a southerly direction 75 feet and being originally assessed as a whole against Eastland Realty Company, is hereby subdivided and reassessed on the west side only, as follows:

<u>Street No.</u>	<u>Owner</u>	<u>Frontage</u>	<u>Water</u>	<u>Sewer</u>	<u>Street</u>	<u>Walk</u>	<u>Total</u>
1408-10 and part of 1412	Eastland Realty Co.	70	-	10.11	237.63	62.90	360.64
Part of 1412	"	5	-	-	20.54	4.49	25.03

REASSESSMENT ORDINANCE - LOUISE AVENUE.

On motion of Councilman Albea, seconded by Councilman Huntley, the reassessment ordinance covering property of Mr. Lee Heath on Louise Avenue, was unanimously adopted on three readings and declared to be an ordinance of the City of Charlotte:

The City Council of the City of Charlotte, N. C., DO ORDAIN that the special benefits to the abutting property on Louise Avenue on account of the paving of the street and walks, beginning at a point 179.16 feet measured northeasterly from the northeast intersection corner of Louise Avenue and Central Avenue and running thence in a northeasterly direction a distance of 139.84 feet and being originally reassessed as a whole against M. Lee Heath is hereby sub-divided and reassessed on the east side only as follows:

<u>Street No.</u>	<u>Owner</u>	<u>Frontage</u>	<u>Water</u>	<u>Sewer</u>	<u>Street</u>	<u>Walk</u>	<u>Total</u>
814-16	M. Lee Heath	49.84	-	22.54	213.32	45.85	\$281.71
818-22	M. Lee Heath	90.00	-	51.53	385.20	82.80	519.53

SPECIAL OFFICER PERMIT FOR D. C. BLACK - G & H TRANSIT COMPANY.

On motion of Councilman Nance, seconded by Councilman Wilkinson, a special officer permit was granted to D. C. Black, on the premises of the G & H Transit Company, at 920 West Hill Street.

REPORT OF SMOKE ABATEMENT ENGINEER AS OF MARCH 1, 1941.

A copy of the report of the Smoke Abatement Engineer, Mr. E. F. Monroe, covering the month of February 1941, was furnished each member of the Council.

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MILK ORDINANCE ADOPTED ON SECOND AND FINAL READINGS.

The Milk Ordinance which was presented and adopted on first reading at the meeting of February 26th., was placed on second reading and on motion of Councilman Hovis, seconded by Councilman Ward, was unanimously adopted on second reading. The ordinance was then placed on third and final reading and on motion of Councilman Hovis, seconded by Councilman Ward, was unanimously adopted on third and final reading and declared by the Mayor to be an ordinance of the City of Charlotte.

The ordinance as adopted, reads as follows:

MILK ORDINANCE

AN ORDINANCE DEFINING "MILK" AND CERTAIN "MILK PRODUCTS", "MILK PRODUCER"; "PASTEURIZATION"; PROHIBITING THE SALE OF ADULTERATED AND MISBRANDED MILK AND MILK PRODUCTS; REQUIRING PERMITS FOR THE SALE OF MILK AND MILK PRODUCTS; REGULATING THE INSPECTION OF DAIRY FARMS AND MILK PLANTS; THE EXAMINATION, GRADING, LABELING, PLACARDING, PASTEURIZATION, REGRADING, DISTRIBUTION, AND SALE OF MILK AND MILK PRODUCTS; PROVIDING FOR THE PUBLISHING OF MILK GRADES; THE CONSTRUCTION OF FUTURE DAIRIES AND MILK PLANTS; THE ENFORCEMENT OF THIS ORDINANCE AND THE FIXING OF PENALTIES.

BE IT ORDAINED by the City Council of the City of Charlotte, N. C., as follows:

SECTION 1. Definitions: The following definitions shall apply in the interpretation and enforcement of this ordinance:

A. Milk - Milk is hereby defined to be the lacteal secretion obtained by the complete milking of one or more healthy cows, excluding that obtained within 15 days before and 5 days after calving, or such longer period as may be necessary to render the milk practically colostrum free; which contains not less than 8 percent of milk solids not fat, and not less than 3.6% percent of milk fat.

B. Milk Fat and Butter Fat - Milk fat and butter fat is the fat of milk.

C. Cream and Sour Cream - Cream is a portion of milk which contains not less than 18 percent milk fat. Sour cream is cream the acidity of which is more than 0.20 percent, expressed as lactic acid.

D. Skimmed Milk - Skimmed milk is milk from which a sufficient portion of milk fat has been removed to reduce its milk fat percentage to less than 3.6 percent.

E. Milk or Skimmed-milk Beverage - A milk beverage or a skimmed-milk beverage is a food compound of confection consisting of milk or skimmed milk, as the case may be, to which has been added a syrup or flavor consisting of wholesome ingredients.

F. Buttermilk - Buttermilk is a product resulting from the churning of milk or cream, or from the souring or treatment by a lactic acid or other culture of milk, skimmed milk, reconstituted skimmed milk, evaporated or condensed milk, or skimmed milk, or milk or milk skimmed powder. It contains not less than 8 percent of milk solids not fat.

G. Vitamin D. Milk - Vitamin D milk is milk the vitamin D content of which has been increased by a method and in an amount approved by the health officer.

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H. Reconstituted or Recombined Milk and Cream - Reconstituted or recombined milk is a product resulting from the recombining of milk constituents with water, and which complies with the standards for milk fat and solids not fat of milk as defined herein. Reconstituted or recombined cream is a product resulting from the combination of dried cream, butter or butter fat with cream, milk, skimmed milk or water.

I. Goat Milk - Goat milk is the lacteal secretion, free from colostrum, obtained by the complete milking of healthy goats, and shall comply with all the requirements of this ordinance. The word "cows" shall be interpreted to include goats.

J. Homogenized Milk - Homogenized milk is milk which has been treated in such manner that after a storage period of 48 hours tests of the 100 cc. portion decanted from the top of a quart bottle of milk will not show a difference in fat content over tests of the remainder of the milk after thorough mixing exceeding 5 percent of the total fat content. For example: on 4 percent milk the difference shall not exceed 0.2 percent.

K. Milk Products - Milk products shall be taken to mean and include cream, sour cream, homogenized milk, goat milk, vitamin D milk, buttermilk, skimmed milk, reconstituted or recombined milk and cream, milk beverages and skimmed milk beverages.

L. Pasteurization - The terms "pasteurization", "pasteurized", and similar terms shall be taken to refer to the process of heating every particle of milk or milk products to at least 143 deg. F., and holding at such temperature for at least 30 minutes, or to at least 160 deg. F., and holding at such temperature for at least 15 seconds, in approved and properly operated equipment; provided that nothing contained in this definition shall be construed as disbaring any other process which has been demonstrated to be equally efficient and is approved by the State Health Authority.

M. Adulterated Milk and Milk Products - Any substance claimed to be any milk or milk products defined in this ordinance, but not conforming with its definition as given in this ordinance, or which carries a grade label unless such grade label has been awarded by the health officer and not revoked, shall be deemed adulterated and misbranded.

N. Milk Producer - A milk producer is any person who owns or controls one or more cows, a part or all of the milk or milk products from which is sold or offered for sale.

O. Milk Distributor - A milk distributor is any person who offers for sale or sells to another any milk or milk products for human consumption as such.

P. Dairy or Dairy Farm - A dairy or dairy farm is any place or premises where one or more cows are kept, a part or all of the milk or milk products from which is sold or offered for sale.

Q. Milk Plant - A milk plant is any place or premises or establishment where milk or milk products are collected, handled, processed, stored, bottled, pasteurized, or prepared for distribution.

R. Health Officer - The term "Health Officer" shall mean the health authority of the City of Charlotte, or his authorized representative.

S. Average Bacterial Plate Count, Direct Microscopic Count, Reduction Time and Cooling Temperature - Average bacterial plate count shall be taken to mean the logarithmic average of the bacterial plate counts of the last four consecutive samples, taken upon separate days, irrespective of periodic grade announcements.

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Average direct microscopic count shall be taken to mean the logarithmic average of the direct microscopic counts of the last four consecutive samples, taken upon separate days, irrespective of periodic grade announcements. Average reduction time shall be taken to mean the arithmetic average of the reduction times of the last four consecutive samples, taken upon separate days, irrespective of periodic grade announcements. Average cooling temperature shall be taken to mean the arithmetic average of the temperatures of the last four consecutive samples, taken upon separate days, irrespective of periodic grade announcements.

T. Grading Period - The grading period shall be such period of time as the health officer may designate within which grades shall be determined for all milk and milk products, provided that the grading period shall in no case exceed 6 months.

U. Person - The word "person" as used in this ordinance shall mean "person, firm, corporation or association".

V. And/or - Where the term "and/or" is used "and" shall apply where possible, otherwise "or" shall apply.

SECTION 2. The sale of adulterated, misbranded or ungraded milk or milk products prohibited. - No person shall within the City of Charlotte, or its police jurisdiction, produce, sell, or expose for sale, or have in possession with intent to sell, any milk or milk products which is adulterated, misbranded or ungraded. It shall be unlawful for any person, elsewhere than in a private home, to have in possession any adulterated, misbranded or ungraded milk or milk products.

SECTION 3. Permits- It shall be unlawful for any person to bring into or receive into the City of Charlotte or its police jurisdiction for sale, or to sell, or offer for sale therein, or to have in storage where milk or milk products are sold or served, any milk or milk products defined in this ordinance, who does not possess a permit from the health officer of the City of Charlotte. Only a person who complies with the requirements of this ordinance shall be entitled to receive and retain such a permit.

Such a permit may be suspended by the health officer, or revoked after an opportunity for a hearing by the health officer, upon the violation by the holder of any of the terms of this ordinance.

SECTION 4. Labeling and Placarding- All bottles, cans, packages and other containers, enclosing milk or any milk product defined in this ordinance shall be plainly labeled or marked with (1) the name of the contents as given in the definitions of this ordinance; (2) the grade of the contents if said contents are graded under the provisions of this ordinance; (3) the word "pasteurized" only if the contents have been pasteurized; (4) the word "raw" only if the contents are raw; (5) the phrase "for pasteurization" if the contents are to be pasteurized; (6) the name of the producer if the contents are raw, and the name of the plant at which the contents were pasteurized, if the contents are pasteurized; and (7) in the case of vitamin D milk, the designation "Vitamin D Milk" and the source of the vitamin D; (8) If any person, firm or corporation shall adjust milk by either adding to or subtracting from such milk, its butter contents, the same shall be placed and sold in containers that are plainly labeled "adjusted milk".

The label or mark shall be in letters of a size, kind and color approved by the health officer and shall contain no marks or words which are misleading.

Every restaurant, cafe, soda fountain or other establishment serving milk or milk products shall display at all times, in a place designated by the health officer, a notice approved by the health officer, stating the lowest grade of milk and/or milk products served.

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SECTION 5. Inspection of dairy farms and milk plants for the purpose of grading or regrading.- At least once during each grading period the health officer shall inspect all dairy farms and all milk plants whose milk or milk products are intended for consumption within the City of Charlotte, or its police jurisdiction. In case the health officer discovers the violation of any item of sanitation, he shall make a second inspection after a lapse of such time as he deems necessary for the defect to be remedied, but not before the lapse of 3 days; and the second inspection shall be used in determining the grade of milk and/or milk products. Any violation of the same item of this ordinance on two consecutive inspections shall call for immediate regrading.

One copy of the inspection report shall be posted by the health officer in a conspicuous place upon an inside wall of one of the dairy farm or milk plant buildings, and said inspection report shall not be defaced or removed by any person except the health officer. Another copy of the inspection report shall be filed with the records of the Health Department.

SECTION 6. The examination of milk and milk products- During each grading period at least four samples of milk and cream from each dairy farm and each milk plant shall be taken on separate days and examined by the health officer. Samples of other milk products may be taken and examined by the health officer as often as he deems necessary. Samples of milk and milk products from stores, cafes, soda fountains, restaurants and other places where milk or milk products are sold shall be examined as often as the health officer may require. Bacterial plate counts and direct microscopic counts shall be made in conformity with the latest standard methods recommended by the American Public Health Association. Examinations may include such other chemical and physical determinations as the health officer may deem necessary for the detection of adulteration, these examinations to be made in accordance with the latest standard methods of the American Public Health Association and the Association of Official Agricultural Chemists. Bacterial count, direct microscopic count, reductase test, and cooling temperature results shall be given to the producer or distributor concerned as soon as determined if said results fall without the limits prescribed for the grade then held. Samples may be taken by the health officer at any time prior to the final delivery of the milk or milk products. All proprietors of stores, cafes, restaurants, soda fountains, and other similar places shall furnish the health officer, upon his request, with the names of all distributors from whom their milk and milk products are obtained. Bio-assays of the vitamin D content of vitamin D milk shall be made when required by the health officer in a laboratory approved by him for such examinations.

SECTION 7. The grading of milk and milk products - At least once every six months the health officer shall announce the grades of milk and milk products delivered by all producers or distributors and ultimately consumed within the City of Charlotte, or its police jurisdiction. Said grades shall be based upon the following standards, the grading of milk products being identical with the grading of milk except that the bacterial standards shall be doubled in the case of cream, and omitted in the case of sour cream and buttermilk. Vitamin D milk shall be only grade "A" pasteurized, certified or grade "A" raw quality.

(a) Any person, firm or corporation selling butter and buttermilk to other than public eating places, shall comply with item 1R, item 1OR and item 11R, except, however, running water under pressure shall not be required, provided covered wells with pumps therein are used. (b) The outer wrapper of butter packages shall have stamped thereon, in India ink, the name and address of the producer. Writing on butter wrappers with pen and ink or pencil is hereby prohibited.

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Certified milk raw- Certified milk-raw is raw milk which conforms with the requirements of the American Association of Medical Milk Commissions in force at the time of production and is produced under the supervision of the Medical Milk Commission of the Medical Society of Mecklenburg County, and of the State Board of Health or of the City or County Health Officer of Charlotte.

Grade A raw milk - Grade A raw is raw milk the average bacterial plate count of which as determined under sections 1 (S) and 6 of this ordinance does not exceed 50,000 per cubic centimeter, or the average direct microscopic count of which does not exceed 50,000 per cubic centimeter if clumps are counted or 200,000 cubic centimeter if individual organisms are counted, or the average reduction time of which is not less than 8 hours.

ITEM 1r. Cows, tuberculosis and other diseases. Except as provided hereinafter, a tuberculin test of all herds and additions thereto shall be made before any milk therefrom is sold, and at least once every 12 months thereafter, by a licensed veterinarian approved by the State Livestock Sanitary Authority. Said tests shall be made and any reactors disposed of in accordance with the requirements approved by the United States Department of Agriculture, Bureau of Animal Industry, for accredited herds. A certificate signed by the veterinarian or attested to by the health officer and filed with the health officer shall be evidence of the above tests. Provided that in modified accredited counties in which the modified accredited area plan is applied to the dairy herds the modified accredited area system approved by the United States Bureau of Animal Industry shall be accepted in lieu of annual testing.

All milk and milk products shall be from herds or additions thereto which has been found free from Bang's disease, as shown by blood serum tests for agglutinins against *Brucella abortus* made in a laboratory approved by the health officer. All such herds shall be retested at least every twelve months and all reactors removed from the herd. A certificate identifying each animal by number, and signed by the laboratory making the test, shall be evidence of the above test.

Cows which show an extensive or entire induration of one or more quarters of the udder upon physical examination, whether secreting abnormal milk or not, shall be permanently excluded from the milking herd. Cows giving bloody, stringy, or otherwise abnormal milk, but with only slight induration of the udder, shall be excluded from the herd until re-examination shows that the milk has become normal.

For other diseases such tests and examinations as the health officer may require shall be made at intervals and by methods prescribed by him, and any diseased animals or reactors shall be disposed of as he may require.

ITEM 2r. Dairy barn lighting.- A dairy or milking barn shall be required, and such sections thereof where cows are milked shall have at least 4 square feet of window area for each stallion or shall be provided with adequate supplementary artificial lighting reasonably distributed and kept clean.

ITEM 3r. Dairy barns- Air space and ventilation - Such sections of all dairy barns where cows are kept and/or milked shall have at least 400 cubic feet of air space per stallion and shall be well ventilated.

ITEM 4r. Dairy barn floors- The floors and gutters of such parts of all dairy barns in which cows are milked shall be constructed of concrete or other approved impervious and easily cleaned material, shall be graded to drains. Drains shall empty at least 60 feet from dairy barn, or such distance as may be approved by the Health officer. Water shall be piped into the dairy barn under pressure. No horses, pigs, fowls, calves, etc. shall be permitted in parts of barn used for milking.

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ITEM 5r. Dairy barns, walls and ceiling. The walls and ceilings of all dairy barns shall be whitewashed once every year or painted once every two years, or oftener if necessary, or finished in an approved manner, 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 milked, the ceiling shall be tight. If the feed room adjoins the milking space it shall be separated therefrom by a dust-tight partition and door. No feed shall be stored in the milking portion of the barn.

ITEM 6r. Dairy barn, cow yard- All cow yards shall be graded and drained as well as practicable and kept clean.

ITEM 7r. Manure disposal - All manure shall be removed and stored or disposed of in such manner as best to prevent the breeding of flies therein or the access of cows to piles thereof.

ITEM 8r. Milk house or room, construction - There shall be provided a milk house or milk room in which the cooling, handling, and storing of milk and milk products and the washing, bactericidal treatments, and storing of milk apparatus and utensils shall be done. (a) The milk house or room shall be provided with a tight floor constructed of concrete or other impervious material, in good repair, and graded to provide proper drainage. (b) It shall have walls and ceilings of such construction as to permit easy cleaning, and shall be well painted or finished in an approved manner. (c) It shall be well lighted and ventilated having a window space of not less than 10 percent of the floor space and reasonably evenly distributed. (d) It shall have all openings effectively screened, including outward-openings, self-closing doors, unless other effective means are provided to prevent the entrance of flies. (e) It shall be used for no other purpose than those specified above except as may be approved by the health officer; shall not open into a stable or into any room used for domestic purposes; shall have water piped into it under pressure, and shall be provided with adequate facilities for the heating of water for the cleaning of utensils, except that in case of milk for pasteurization if chlorine is employed as the principal bacterial agent three-compartment vats shall be used, and shall, unless the milk is to be pasteurized, be partitioned to separate the handling of milk and the storage of cleansed utensils from the cleaning and other operations which shall be so located and conducted as to prevent any contamination of the milk or of clean equipment.

ITEM 9r. Milk house or room, 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.

ITEM 10r. Every dairy shall be provided with one or more flush toilets conveniently located, and connected to an approved sewage disposal system, or with one or more sanitary privies conveniently located, constructed, operated and maintained in accordance with the recommendations of the State Board of Health.

ITEM 11r. Water supply- The water supply for the milk house or room and dairy barn shall be properly located, constructed and operated, and shall be easily accessible, adequate and of a safe, sanitary quality.

ITEM 12r. Utensils, construction - All multi-use containers, or other utensils used in the handling, storage or transportation of milk or milk products must be made of smooth, 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 strainers shall be equipped with sterilized single service filter discs. Woven wire cloth shall not be used for straining milk. All milk pails shall be of small mouth design approved by the health officer.

ITEM 13r. Utensils, cleaning - All multi-use containers, equipment and other utensils used in the handling, storage or transportation

ITEM 5r. Dairy barns, walls and ceiling. The walls and ceilings of all dairy barns shall be whitewashed once every year or painted once every two years, or oftener if necessary, or finished in an approved manner, 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 milked, the ceiling shall be tight. If the feed room adjoins the milking space it shall be separated therefrom by a dust-tight partition and door. No feed shall be stored in the milking portion of the barn.

ITEM 6r. Dairy barn, cow yard- All cow yards shall be graded and drained as well as practicable and kept clean.

ITEM 7r. Manure disposal - All manure shall be removed and stored or disposed of in such manner as best to prevent the breeding of flies therein or the access of cows to piles thereof.

ITEM 8r. Milk house or room, construction - There shall be provided a milk house or milk room in which the cooling, handling, and storing of milk and milk products and the washing, bactericidal treatments, and storing of milk apparatus and utensils shall be done. (a) The milk house or room shall be provided with a tight floor constructed of concrete or other impervious material, in good repair, and graded to provide proper drainage. (b) It shall have walls and ceilings of such construction as to permit easy cleaning, and shall be well painted or finished in an approved manner. (c) It shall be well lighted and ventilated having a window space of not less than 10 percent of the floor space and reasonably evenly distributed. (d) It shall have all openings effectively screened, including outward-openings, self-closing doors, unless other effective means are provided to prevent the entrance of flies. (e) It shall be used for no other purpose than those specified above except as may be approved by the health officer; shall not open into a stable or into any room used for domestic purposes; shall have water piped into it under pressure, and shall be provided with adequate facilities for the heating of water for the cleaning of utensils, except that in case of milk for pasteurization if chlorine is employed as the principal bacterial agent three-compartment vats shall be used, and shall, unless the milk is to be pasteurized, be partitioned to separate the handling of milk and the storage of cleansed utensils from the cleaning and other operations which shall be so located and conducted as to prevent any contamination of the milk or of clean equipment.

ITEM 9r. Milk house or room, 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.

ITEM 10r. Every dairy shall be provided with one or more flush toilets conveniently located, and connected to an approved sewage disposal system, or with one or more sanitary privies conveniently located, constructed, operated and maintained in accordance with the recommendations of the State Board of Health.

ITEM 11r. Water supply- The water supply for the milk house or room and dairy barn shall be properly located, constructed and operated, and shall be easily accessible, adequate and of a safe, sanitary quality.

ITEM 12r. Utensils, construction - All multi-use containers, or other utensils used in the handling, storage or transportation of milk or milk products must be made of smooth, 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 strainers shall be equipped with sterilized single service filter discs. Woven wire cloth shall not be used for straining milk. All milk pails shall be of small mouth design approved by the health officer.

ITEM 13r. Utensils, cleaning - All multi-use containers, equipment and other utensils used in the handling, storage or transportation

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of milk and milk products must be thoroughly cleaned as soon as practicable after each usage.

ITEM 14r. Utensils bactericidal treatment- All multi-use containers equipment, and other utensils used in the handling, storage or transportation of milk or milk products, in the case of retail raw milk, shall be subjected to an approved bactericidal process with chlorine, and steam or hot air. Steam boilers shall not be placed in wash room or milk room.

ITEM 15r. Utensils, storage - All containers and other utensils used in the handling, storage, transportation of milk or milk products shall be stored so as not to become contaminated before being used. Filter discs shall be kept in the original container and stored in closed cabinets.

ITEM 16r. Utensils, handling - After bactericidal treatment no container or other milk or milk products utensil shall be handled in such a manner as to permit any part of any person, or his clothing, to come in contact with any surface with which milk or milk products come in contact.

ITEM 17r. Milking, udders and teats, abnormal milk - The udders and teats of all milking cows shall be cleaned and rinsed with a bactericidal solution at the time of milking. Abnormal milk shall be kept out of the milk supply and shall be so handled and disposed of as to preclude the infection of the cows and the contamination of milk utensils.

ITEM 18r. Milking, flanks - The flanks, bellies, hind legs, and tails of all milking cows shall be free from visible dirt at the time of milking.

ITEM 19r. Milker's hands - Milkers' hands shall be clean, rinsed with bactericidal solution, and dried with a clean towel immediately before milking and following any interruption in the milking operation. Wet hand milking is prohibited. Convenient facilities shall be provided for the washing of milkers' hands.

ITEM 20r. Clean clothing - Milkers and milk handlers, shall wear clean outer garments while milking or handling milk, milk products, containers, utensils or equipment.

ITEM 21r. Milk stools - Milk stools shall be made of metal, shall be kept clean, sterilized daily, and stored in a protected place when not in use.

ITEM 22r. Removal of milk - Each pail of milk shall be removed immediately to the milk house or straining room. No milk shall be strained or poured in the dairy barn.

ITEM 23r. Cooling - Milk must be cooled immediately after completion of milking to 50 deg. F. or less, and maintained at that average temperature, as defined in Section 1(S), until delivery. If milk is delivered to a milk plant or receiving station for pasteurization or separation, it must be delivered within 2 hours after completion of milking or cooled to 50 deg. F. or less and maintained at that average temperature until delivered.

ITEM 24r. Bottling and capping - Milk and milk products shall be bottled and capped by means of an approved combination bottling and capping machine except as defined in Section 7A. Caps or cap stock shall be purchased in sanitary containers and kept there in a clean dry place until used. Cap containers shall be stored so as to prevent contamination. Hand capping is prohibited.

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ITEM 25r. Personal, health - The health officer or a physician authorized by him shall examine and take a careful morbidity history of every person connected with a retail raw dairy or about to be employed, whose work brings him in contact with the production, handling, storage or transportation of milk, milk products, containers or equipment. If such examination or history suggests that such person may be a carrier of or infected with the organisms of typhoid or para-typhoid fever or any other communicable disease likely to be transmitted through milk, he shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the State Health Authorities for such examinations. Such persons shall furnish such information, submit to such physical examinations, and submit such laboratory specimens as the health officer may require for the purpose of determining freedom from infection.

ITEM 26r. Miscellaneous- All vehicles used for the transportation of milk or milk products shall be so constructed and operated as to protect their contents from the sun and from contamination. All vehicles used for the transportation of milk or milk products in their final delivery containers shall be constructed with permanent tops and with permanent or roll-down sides and back, provided that openings of the size necessary to pass the delivery man may be permitted in the sides or back for loading and unloading purposes. All vehicles shall be kept clean and no substance capable of contaminating milk or milk products shall be transported with milk or milk products in such manner as to permit contamination. All vehicles used for the distribution of milk or milk products shall have the name of the distributor prominently displayed. The immediate surroundings of the dairy shall be kept in a neat, clean condition.

Grade B Raw Milk - Grade B raw milk is raw milk which violates the bacterial standard for grade A raw milk, provided that its average bacterial plate count, as determined under Sections 1(s) and 6, does not exceed 1,000,000 per cubic centimeter, or its average direct microscopic count does not exceed 1,000,000 per cubic centimeter if clumps are counted, or 4,000,000 per cubic centimeter if individual organisms are counted, or its average reduction time is not less than 3-1/2 hours, and which complies with all other requirements for grade A raw milk.

Grade C raw milk - Grade C raw milk is raw milk which violates any of the requirements of grade B raw milk, and which shall be plainly labeled "cooking only".

Certified milk- Pasteurized - Certified milk, pasteurized, is certified milk raw which has been pasteurized, cooled and bottled in a milk plant conforming with the requirements for grade A pasteurized milk.

Grade A pasteurized milk - Grade A pasteurized milk is grade A raw milk with such exceptions as are indicated if the milk is to be pasteurized, which has been pasteurized, cooled and bottled in a milk plant conforming with all of the following items of sanitation and the average bacterial plate count of which at no time after pasteurization and until delivery exceeds 30,000 per cubic centimeter as determined under Sections 1(s) and 6.

The grading of pasteurized milk supply shall include the inspection of receiving and collection stations with respect to items 1p to 14p, inclusive, and 17p, 19p, 21p, 22p and 23p, except that the partitioning requirement of item 5p shall not apply.

ITEM 1p. Floors - The floors of all rooms in which milk or milk products are handled or stored or in which milk utensils are washed shall be constructed of concrete or other equally impervious and easily cleaned material and shall be smooth, properly drained, provided with trapped drains and kept clean.

ITEM 2p. Walls and Ceilings - Walls and ceilings of rooms in which milk or milk products are handled or stored or in which milk utensils are washed shall have a smooth, washable, light-colored surface and shall be kept clean.

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ITEM 3p. Doors and windows - Unless other effective means are provided to prevent access of flies, all openings into the outer air shall be effectively screened and doors shall be self-closing.

ITEM 4p. Lighting and ventilation - All rooms shall be well lighted and ventilated.

ITEM 5p. Miscellaneous protection from contamination - The various milk plant operations shall be so located and conducted as to prevent any contamination of the milk or of the cleaned equipment. All means necessary for the elimination of flies shall be used. There shall be separate rooms for (a) the pasteurizing, processing, cooling and bottling operations, and (b) the washing and bactericidal treatment of containers. Cans of raw milk shall not be unloaded directly into the pasteurizing room. Pasteurized milk or milk products shall not be permitted to come in contact with equipment with which unpasteurized milk or milk products have been in contact, unless such equipment has first been thoroughly cleaned and subjected to bactericidal treatment. Rooms in which milk, milk products, cleaned utensils or containers are handled or stored shall not open directly into any stable or living quarters. The pasteurization plant shall be used for no other purpose than the processing of milk and milk products and the operations incident thereto, except as may be approved by the health officer.

ITEM 6p. Toilet facilities - Every milk plant shall be provided with toilet facilities conforming with the ordinances of the City of Charlotte. Toilet rooms shall not open directly into any room in which milk, milk products, equipment, or containers are handled or stored. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair and well ventilated. No privies shall be permitted at any milk plant.

ITEM 7p. Water Supply - The water supply shall be easily accessible, adequate and of a safe, sanitary quality.

ITEM 8p. Hand-washing facilities - Convenient hand-washing facilities shall be provided, including warm running water, soap and approved sanitary towels. The use of a common towel is prohibited.

ITEM 9p. Sanitary piping - All piping used to conduct milk or milk products shall be "sanitary milk piping" of a type which can be easily cleaned with a brush.

ITEM 10p. Construction and repair of containers and equipment - All multi-use containers and equipment with which milk or milk products come in contact shall be constructed in such manner as to be easily cleaned and shall be kept in good repair.

ITEM 11p. Disposal of wastes - All wastes shall be properly disposed of.

ITEM 12p. Cleaning and bactericidal treatment of containers and equipment - All milk and milk products containers and equipment, except single-service containers, shall be thoroughly cleaned after each usage. All containers shall be subjected to an approved bactericidal process after each cleaning and all equipment immediately before usage. When empty and before being returned to a producer by a milk plant each container shall be effectively cleaned and subjected to bactericidal treatment.

ITEM 13p. Storage of containers and equipment - After bactericidal treatment of all bottles, cans, and other multi-use milk or milk products containers and equipment shall be stored in such manner as to be protected from contamination.

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ITEM 14p. Handling of containers and equipment -

Between bactericidal treatment and usage, and during usage, containers and equipment shall not be handled or operated in such manner as to permit contamination of the milk.

ITEM 15p. Storage of caps, parchment paper and single service containers- Milk bottle caps or cap stock, parchment paper for milk cans, and single-service containers shall be purchased and stored only in sanitary tubes and cartons, respectively, and shall be kept therein in a clean, dry place.

ITEM 16p. Cooling- All milk and milk products received for pasteurization shall immediately be cooled in approved equipment to 50 deg. F. or less and maintained at that temperature until pasteurized, unless they are to be pasteurized within 2 hours after receipt; and all pasteurized milk and milk products shall be immediately cooled in approved equipment to an average temperature of 50 deg. F. or less, as defined in section 1(S), and maintained there until delivery.

ITEM 18p. Bottling- Bottling of milk and milk products shall be done at the place of pasteurization in approved mechanical equipment.

ITEM 19p. Overflow Milk- Overflow milk or milk products shall not be sold for human consumption.

ITEM 20p. Capping- Capping of milk and milk products shall be done by approved mechanical equipment. Hand capping is prohibited. The cap or cover shall cover the pouring lip to at least its largest diameter.

ITEM 21p. Personnel, health- The health officer or a physician authorized by him shall examine and take a careful morbidity history of every person connected with a pasteurization plant, or about to be employed, whose work brings him in contact with the production, handling, storage or transportation of milk, milk products, containers or equipment. If such examination or history suggests that such person may be a carrier of or infected with the organisms of typhoid or paratyphoid fever or any other communicable diseases likely to be transmitted through milk, he shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the State Health Authorities for such examinations.

Such persons shall furnish such information, submit to such physical examinations, and submit such laboratory specimens as the health officer may require for the purpose of determining freedom from infection.

ITEM 22p. Personnel, cleanliness- All persons coming in contact with milk, milk products, containers or equipment shall wear clean outer garments and shall keep their hands clean at all times while thus engaged.

ITEM 23p. Miscellaneous- All vehicles used for the transportation of milk or milk products shall be so constructed and operated as to protect their contents from the sun and from contamination. All vehicles used for the transportation of milk or milk products in their final delivery containers shall be constructed with permanent tops and permanent or roll-down sides and back, provided that openings of the size necessary to pass the delivery man may be permitted in the sides or back for loading and unloading purposes. All vehicles shall be kept clean, and no substance capable of contaminating milk or milk products shall be transported with milk or milk products in such manner as to permit contamination. All vehicles used for the distribution of milk or milk products shall have the name of the distributor prominently displayed. The immediate surroundings of the milk plant shall be kept in a neat, clean condition.

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Grade B Pasteurized Milk - Grade B pasteurized milk is grade B raw milk which has been pasteurized, cooled, and bottled in a milk plant conforming with all of the requirements for grade A pasteurized milk except the provision of lip-cover caps in Item 2Op, and the average bacterial plate count of which at no time after pasteurization and before delivery exceeds 50,000 per cubic centimeter, as determined under sections 1(S) and 6.

Grade C Pasteurized Milk- Grade C pasteurized milk is pasteurized milk which does not meet the requirements of Grade B pasteurized milk, and which shall be plainly labeled "cooking only".

SECTION 8. Grades of Milk and Milk Products Which May be Sold- From the 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. PASTEURIZED, CERTIFIED AND GRADE "A" RAW.

This section shall not be construed as forbidding the sale of lower grades of milk and milk products during temporary periods of degrading not exceeding 30 consecutive days or in an emergency such longer periods as the health officer may deem necessary.

SECTION 9. Supplementary Grading Prescribed and ReGrading Authorized- If, at any time between the regular announcements of the grades of milk or milk products, as the result of the findings of two consecutive inspections of any dairy or milk plant, or because the average bacterial plate count, the average direct microscopic count, the average reduction time, or the average cooling temperature exceeds the limit fixed for the grade currently held by the milk supply in question, a lower grade shall become justified, in accordance with Section 7 of this ordinance, the health officer shall immediately lower the grade of such milk or milk products, and shall enforce proper labeling and placarding thereof.

Any producer or distributor of milk or milk products the grade of which has been lowered by the health officer, and who is properly labeling his milk and milk products, may at any time make application for the regrading of his product.

Upon receipt of a satisfactory application, in case the lowered grade is the result of an excessive average bacterial plate count, direct microscopic count, reduction time, or cooling temperature, the health officer shall take further samples of the applicant's output, at a rate of not more than two samples per week. The health officer shall immediately regrade the milk or milk products upward whenever the average of the last four samples results indicates the necessary quality.

In case the lowered grade of the applicant's product is due to a violation of an item of the specifications prescribed in Section 7, other than average bacterial plate count, direct microscopic count, reduction time or cooling temperature, the said application must be accompanied by a statement signed by the applicant to the effect that the violated item of the specifications has been conformed with. Within one week of the receipt of such an application and statement the health officer shall make a re-inspection of the applicant's establishment, and thereafter as many additional reinspections as he may deem necessary to assure himself that the applicant is again complying with the higher grade requirements, and, in case the findings justify, shall regrade the milk or milk products upward.

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SECTION 10. Transferring or Dipping Milk; Delivery Containers, Handling of More than One Grade: Delivery of Milk at Quarantined Residences- Except as permitted in this section, no milk producer or distributor shall transfer milk or milk products from one container to another on the street or in any vehicle or store, or in any place except a bottling or milk room especially used for that purpose. The sale of dipped milk is hereby prohibited.

All pasteurized milk and milk products shall be placed in their final delivery containers in the plant in which they are pasteurized, and all raw milk and milk products sold for consumption in the raw state shall be placed in their final delivery containers at the farm at which they are produced. Milk and milk products sold in the distributor's containers in quantities less than 1 gallon shall be delivered in standard milk bottles. It shall be unlawful for hotels, soda fountains, restaurants, grocers and similar establishments to sell or service any milk or milk products except in the original container in which it was received from the distributor or from a bulk container equipped with an approved dispensing device; provided that this requirement shall not apply to cream consumed on the premises, which may be served from the original bottle or from a dispenser approved for such service.

No milk or milk products shall be permitted to come in contact with equipment with which a lower grade of milk or milk products has been in contact unless such equipment has first been thoroughly cleaned and subjected to bactericidal treatment.

Bottled milk or milk products, if stored in water, shall be so stored that the tops of the bottles will not be submerged.

It shall be the duty of all persons to whom milk or milk products are delivered to clean thoroughly the containers in which such milk or milk products are delivered before returning such containers. Apparatus, containers, equipment and utensils used in the handling, storage, processing, or transporting of milk or milk products shall not be used for any other purpose without the permission of the health officer.

The delivery of milk or milk products to and the collection of milk or milk products containers from quarantined residences shall be subject to the special requirements of the health officer.

SECTION 11. Milk and Milk Products from Points Beyond the Limits of Routine Inspection of the City of Charlotte- Milk and milk products from points beyond the limits of routine inspection of the City of Charlotte may not be sold in the City of Charlotte, or its police jurisdiction, unless produced and/or pasteurized under provisions equivalent to the requirements of this ordinance; provided that the health officer shall satisfy himself that the health officer having jurisdiction over the production and processing is properly enforcing such provisions.

SECTION 12. Notification of Disease- Notice shall be sent to the health officer immediately by any producer or distributor of milk or milk products upon whose dairy farm or in whose milk plant any infectious, contagious or communicable disease occurs.

SECTION 13. Future Dairies and Milk Plants- All dairies and milk plants from which milk or milk products are supplied to the City of Charlotte which are hereafter constructed, reconstructed, or extensively altered, shall conform in their construction to the requirements of this ordinance for Grade A dairy farms producing milk for consumption in the raw state, or for Grade A pasteurized plants, respectively,

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Properly prepared plans for all dairies and milk plants which hereafter constructed, reconstructed or extensively altered, shall be submitted to the health officer for approval before work is begun. In the case of milk plants signed approval shall be obtained from the health officer and/or the State Health Department.

SECTION 14. Procedure When Infection Suspected- When suspicion arises as to the possibility of transmission of infection from any person concerned with the handling of milk or milk products, the health officer is authorized to require any or all of the following measures: (1) the immediate exclusion of that person from milk handling; (2) the immediate exclusion of milk supply concerned from distribution and use; (3) adequate medical and bacteriological examination of the person, of his associates and of his and their body discharges.

SECTION 15. Enforcement Interpretation- This ordinance shall be enforced by the health officer in accordance with the interpretation thereof contained in the 1939 Edition of the United States Public Health Service Milk Code, a certified copy of which shall be on file in the office of the the City Clerk of the City of Charlotte.

SECTION 16. Penalty- Any person who shall violate any of the provisions of this ordinance shall, upon conviction, be fined not more than FIFTY (\$50.00) DOLLARS, or imprisoned not more than thirty (30) days, or both, in the discretion of the court. Each and every violation of the provisions of this ordinance shall constitute a separate offense.

SECTION 17. Repeal and date of Effect- All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed; and this ordinance shall be in full force and effect immediately upon its adoption and its publication, as provided by law.

SECTION 18. Unconstitutionality Clause- 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 effected thereby.

RATIFIED THIS THE 5TH. DAY OF MARCH 1941.

CITY COUNCIL TO RECOMMEND APPROVAL OF BILL TO INCREASE PARK & RECREATION TAX LEVY BY VOTE OF PEOPLE AT AN ELECTION TO BE HELD SOMETIME IN FUTURE.

Mr. J. M. Bradburn, Chairman, of the Charlotte Central Labor Union, presented to the Council copy of a proposed bill to continue the Charlotte Park and Recreation Commission and to increase the tax levy for this work by 2¢ on the one hundred dollar valuation, by a vote of the people at a special election to be held for that purpose, and asked the Council to give its support to this bill. Mr. Bradburn was informed that it was the understanding of the Council that no more local bills were to be handled by the Legislature at this session, but after discussion and after the City Attorney had advised that the Council could set the date for the holding of such an election if authorized, at some future date not to conflict with the elections to be held on the Airport and Auditorium questions, they could do so.

Thereupon, Councilman Albea made a motion that the Bill be approved by the Council provided the Council could call the election at the will of the Council or at such time as the Council saw fit, which motion was seconded by Councilman Britt and carried.

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MR. JOHN SMALL'S PROPOSED BILL FOR FORMATION OF NEW AIRPORT COMMISSION.

Mayor Douglas presented a copy of Bill prepared by Attorney John H. Small relative to the formation of a new Charlotte Airport Commission, setting forth certain things not now covered in the present bill, which he stated he had submitted to the City Attorney and he called on Mr. Scarborough to report on this Bill.

Mr. Scarborough stated that he had read the bill several times and that the import of it was that the Airport Commission was to consist of seven members instead of three, as at present, and that the three present Commissioners are named to continue to serve, with four others to be named by the Council, after which it would be self-perpetuating, inasmuch as the new members named would be made from a list furnished by the Commission; in other words, the Commission would name its successors and in that way it would become self-perpetuating. Also, that the bill provides that after the Commission gets a net operating capital of \$5,000.00 that the members would draw a \$5.00 per diem for attending the meetings. All personal property of the Airport would be vested in the new Commission completely and that they would have all the powers with respect thereto.

Should the \$60,000.60 bond election carry, this money would have to be turned over to the Commission for them to spend in developing a new Airport or Airports as they might see fit, with complete power to select sites and say what kind should be built. They would make all contracts with the Government, transport companies and gasoline companies, and all business of the Airport; the City to furnish free engineering services and police and fire protection.

Mr. Scarborough stated the Bill would take all power and authority from the Council and vest it in the Airport Commission.

After hearing the above explanation by Mr. Scarborough, Councilman Baxter moved that the request to that the Council approve this Bill be tabled, which motion was seconded by Councilman Britt and carried.

ADJOURN.

On motion of Councilman Wilkinson, seconded by Councilman Little, the meeting then adjourned.

Alice B. McCowell
City Clerk