

SANTA CLARA COUNTY HEALTH AND SANITARY ORDINANCE

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, TO PRESCRIBE CERTAIN DUTIES OF THE HEALTH OFFICER, HIS ASSISTANT AND HIS DULY AUTHORIZED REPRESENTATIVE; TO CONFER CERTAIN POWERS UPON THE HEALTH OFFICER, HIS ASSISTANT AND HIS DULY AUTHORIZED REPRESENTATIVE; TO PREVENT THE SALE OF IMPURE AND UNWHOLESOME MILK, TO CLASSIFY AND GRADE MILK, TO PROVIDE RULES AND REGULATIONS THEREFOR; TO PROVIDE FOR THE INSPECTION OF MEATS AND MEAT PRODUCTS, TO REGULATE THE SLAUGHTERING OF ANIMALS, TO PROVIDE RULES AND REGULATIONS THEREOF; TO PROVIDE FOR THE INSPECTION OF ALL RESTAURANTS, CAFES, CANDY STORES, BAKERIES, DELICATESSENS, SOFT DRINK STORES, GROCERIES, FRUIT AND VEGETABLE STORES, TO PROVIDE RULES AND REGULATIONS THEREOF; REQUIRING AND PROVIDING FOR PERMITS OR LICENSE FEES; AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

Be it ordained by the Board of Supervisors of Santa Clara County:

Article 1.

Powers of Health Officer.

Section 1. The Health Officer shall have the power to cite and summon any person to appear before him, or before the Board of Supervisors, and such person so summoned shall be required to appear and testify to any and all facts in his possession in regard to any violation of any law, ordinance or regulation pertaining to public health or sanitation. Such person so cited and summoned may be required to testify under oath administered by the Clerk of the Board of Supervisors.

Section 2. The Health Officer, his assistant and his duly authorized representative, shall have general power to inspect, examine, isolate, quarantine, placard and disinfect persons, places and things within the County of Santa Clara.

Section 3. The Health Officer, his assistant and his duly authorized representative, shall have authority and power and shall be permitted, in the course of their duty, to enter into and upon, and to inspect, any and all lands, places, buildings and structures, and the contents thereof, within the corporate limits of the County of Santa Clara, and it shall be unlawful for any person to resist, hinder or interfere with said officers or employees in the performance of their duty.

Section 4. The Health Officer, his assistant or his duly authorized representative, shall have power to examine, or cause to be examined by a licensed physician designated by him for such examination, any person within the County of Santa Clara known or suspected to be afflicted with any communicable disease, and it shall be unlawful for any person to resist, hinder or interfere with the Health Officer, his assistant or his duly authorized representative, in the performance of any examination required to be made under the provisions of this section.

Section 5. The Health Officer, his assistant and his duly authorized representative, shall have the power to inspect and examine hospitals, clinics, dispensaries, boarding and day homes for children, sanitariums, day nurseries school cafeterias and maternity homes, and shall make such regulations for their conduct as may be necessary and not inconsistent with law.

Article 2.

Communicable Diseases.

Section 6. The words "communicable disease" as used in this ordinance are hereby defined to mean any disease which is required by the laws of the State of California to be reported, and any disease which contagious or infectious, or may be transmitted from person to person.

The word "isolation" as used in this articles is hereby defined to mean the complete separation of a person known or suspected to be sick with, or convalescent from, a communicable disease, from all persons other than the Health Officer, his assistant or his duly authorized representative, the attending physician and the actual necessary attendants.

Section 7. Whenever a practicing physician, or any person offering to treat, or treating, disease by any means whatsoever, called in attendance, shall determine or suspect the existence of a disease required by law to be reported, and required by this ordinance to be reported, and required by this ordinance to be placarded, he shall immediately give notice thereof to the Health Officer, his assistant or duly authorized representative, within five hours thereafter; and within 24 hours thereafter he shall give to said officer notice thereof in writing.

Section 8. If there is no physician in attendance upon any case of disease required by law to be reported, then it shall be the duty of the head of the household, or if in a hotel, lodging house, apartment or tenement house, or boarding house, the keeper or proprietor thereof, or any person having knowledge of, or reason to suspect, the existence of a disease required by law to be reported, to immediately give notice of the said existence or reason to suspect, to the Health Officer, his assistant or duly authorized representative, in accordance with the preceding section.

Reason to suspect the existence of a reportable disease, shall be deemed to be the existence of such facts that any reasonable person cognizant thereof, would suspect the existence of a reportable, communicable, contagious or infectious disease.

Section 9. No person, except the Health Officer, his assistant or duly authorized representative, and the attending physician shall enter or leave any premises, apartment or room under quarantine, nor shall any article or thing be taken therefrom, without the written permission of the Health Officer, his assistant or his duly authorized representative.

Section 10. When any premises are placarded but not quarantined, the person sick with, suspected to be sick with, or convalescent from, the disease for which the premises were placarded, shall be isolated and shall not leave the premises or area of isolation, or come in contact with any person other than the Health Officer, his assistant or duly authorized representative, the attending physician or the actual necessary caretakers. No adult person shall enter premises placarded except to transact necessary business, and no child shall enter or leave such premises except by permission of the Health Officer, his assistant or duly authorized representative. The Health Officer, his assistant or duly authorized representative, may also require isolation without placarding.

Section 11. If any communicable disease cannot be properly quarantined or isolated upon the premises where discovered or existing the Health Officer, his assistant or his duly authorized representative, may remove the person afflicted to a suitable place, and shall compel said person to remain therein for such time as is necessary for the proper

protection of the public.

Section 12. No person sick with or convalescent from any communicable disease shall leave or be removed from any quarantined or placarded premises, except by permission of the Health Officer, his assistant or his duly authorized representative, and then only in such manner as the Health Officer, his assistant or his duly authorized representative, shall direct.

Section 13. No person shall, without the permission of the Health Officer, his assistant or his duly authorized representative, remove, handle, tear, deface, cancel or destroy any quarantine sign, or placard, posted in accordance with any law or ordinance.

Section 14. Where a death has been due to Asiatic cholera, diphtheria, epidemic cerebro-spinal meningitis, plague, poliomyelitis, scarlet fever, small pox to typhus fever, no persons other than the adult members of the immediate family of the deceased, and other adults as may be actually necessary, shall attend the funeral services or any gathering about the remains of the deceased. No person having power or authority to prevent, shall permit any unlawful attendance at any funeral service or gathering.

Section 15. Adequate cleansing, disinfection or renovation of any premises, furniture or articles infected with disease shall immediately follow the recovery, death or removal of the person afflicted with disease. Such disinfection, cleansing or renovation shall be performed by, and at the expense of the owner, or occupant of said premises, in accordance with the directions of the Health Officer, his assistant or his duly authorized representative.

Section 16. Known or suspected cases of the following diseases shall be quarantined: Asiatic cholera, diphtheria, plague, poliomyelitis, epidemic meningitis, scarlet fever, smallpox, typhus fever, and yellow fever. Known or suspected cases of the following diseases shall be isolated: chickenpox, erysipelas, pneumonia, measles, typhoid, glanders or anthrax affecting human beings, provided that the Health Officer, his assistant or his duly authorized representative, may placard or quarantine whenever the public safety may require. Whenever the Health Officer, his assistant or his duly authorized representative, shall suspect the existence of a communicable disease upon any premises in the County of Santa Clara, but the diagnosis is in doubt, he may at his discretion placard such premises, or portion thereof, with a warning placard, of a form and wording approved by him, and thereafter no person shall enter or leave such premises, nor shall any article or thing be taken therefrom, without the permission of the Health Officer, his assistant or his duly authorized representative. Such warning placard shall remain posted on such premises until a diagnosis of the presence or absence of a communicable disease has been definitely established. The list of diseases and the requirements in this section may be changed at any time by regulation of the Health Officer, provided such changes are not contrary to law.

Section 17. The Health Officer shall make such regulations, not contrary to law, as may be necessary to prevent contagion or infection in cases of communicable diseases.

Section 18. No child or person known or suspected to be afflicted with, or convalescent from, any communicable disease shall attend, or be permitted to attend, any public, private, parochial, Sunday or other school or kindergarten without a written permit from the Health Officer, his assistant or his duly authorized representative.

Section 19. No person shall wilfully or intentionally expose himself or another person to contact with any person sick with, suspected to be sick with, or convalescent from, any communicable disease, except in the course of necessary and lawful attendance upon,

Article 3.

*Revised
11/24/50
C. M. 499*

Milk and Cream.

Section 20. No person, firm or corporation, or agent or employee of any person, firm or corporation shall sell, offer for sale, distribute, or have in possession for sale or distribution in Santa Clara County, any milk or cream for human consumption as milk or cream, without permit or license to do so from the Board of Supervisors approved by the Health Officer. All permits or licenses to sell milk or cream in the County of Santa Clara shall be renewed semi-annually, in the first day of January and July of each year.

Section 21. Application for such permit or license shall be made in writing to the Health Officer and shall be accompanied by such information as he may require. The Health Officer shall, upon receipt of such application make or cause to be made an examination of the premises, milk cows, equipment and methods of the applicant. If upon examination the Health Officer, his assistant or his duly authorized representative, shall find such premises, milk cows, equipment and methods to be in accordance with legal requirements and standards, and not otherwise, he shall recommend a permit or license and upon payment of the proper permit or license fee, a permit or license shall be issued by the Board of Supervisors approved by the Health Officer, to sell a particular grade of Milk or cream hereinafter described and specified in said permit or license. Each permit or license shall bear a serial number.

Section 22. No person, firm or corporation, or agent or employee of any person, firm or corporation, shall sell, offer for sale, distribute, or have in possession for sale or distribution in Santa Clara County, any milk or cream for human consumption as milk or cream, unless it conforms to the standards of grading and to the requirements for the production of milk and cream, established by the Pure Milk Law of California, Chapter 888, Statutes of 1927, of the State of California, and the amendments thereto, and the rules and regulations of the State Department of Agriculture for its enforcement; and in addition thereto all milk and cream for human consumption shall be sold in accordance with the following minimum regulations;

(a) No person, firm, corporation or association holding a permit or license shall bring or keep upon his dairy, milkwagon, or other milk premises, any milk or cream to be used for any purpose whatsoever that has been obtained from any person who does not hold a permit or license to sell milk or cream in the County of Santa Clara.

(b) The dairy and milk plant must each score a minimum of 65 per cent on the score cards prescribed by law.

(c) Milk or cream which bears upon the containers or delivery vehicles any mark, brand, or label not in conformity to law or ordinance, or which bears upon its containers any false or misleading statements as to its quality, or concerning which any false or misleading statements as to quality are made in any form of advertising such milk or cream, shall be deemed to be adulterated or impure, and shall not be sold within the County of Santa Clara.

Section 23. It shall be unlawful for any person, firm, corporation or association to sell or exchange, or offer for sale or exchange for human consumption, except in bulk to the wholesale trade, any raw market milk from cows that have not passed a tuberculin test applied annually by a qualified veterinarian in the full time employ of the Department of Agriculture of the State of California, or by a Veterinarian acceptable to the Health Officer.

If reacting animals are found they must be removed from the herd immediately, and from the premises immediately, and from the premises within thirty days, by the owner. It thereafter be kept separate and apart from any and all cows whose milk is produced for human consumption in the raw state, and the non-reacting animals remaining in the herd must again be tested in six months.

(a) No cows or cattle shall be introduced into the dairy herd until said cows or cattle have been tested by the tuberculin test and proven free from tuberculosis.

(b) Fraud or deception of any kind in connection with any tuberculin test required by this article shall be cause for the immediate revocation of the permit or license of the dairyman in addition to any other penalties prescribed for violation of the law and ordinance.

Section 24. No person, firm or corporation, or agent or employee of any person, firm or corporation, shall sell, offer for sale or distribution in Santa Clara County, and pasteurized milk for human consumption as pasteurized milk, unless said pasteurized milk has been pasteurized in a plant within Santa Clara County, or in a plant located within an incorporated city of Santa Clara County where there exists a State approved milk inspection service. All pasteurized milk shall be bottled only in the plant where it is pasteurized.

Section 25. All milk or cream sold or exchanged, or exposed or offered for sale or exchange for human consumption within Santa Clara County shall be delivered in sterile containers, and the standards for grading shall be those established by the Pure Milk Law of California, Chapter 888, Statutes of 1927, and the amendments thereto.

1. The cap or label of every container shall give the following information:

(a) Name of product, using one of the following legal terms to correctly define the grade:-

Certified Milk	Grade "A" Raw Milk
Guaranteed Milk	Grade "A" Pasteurized Milk
Guaranteed Pasteurized Milk	Grade "B" Pasteurized Milk

(b) Name of producer or distributor.

(c) Address of producer or distributor.

2. The words "Pastry Cream" or "Table Cream" constitute the name of a product and may be used for labeling cream. Otherwise, the requirements for labeling cream are the same as those relating to milk.

Section 26. Permits or licenses for sale of milk or cream, or either, within Santa Clara County shall not be transferable. Every person who shall sell, exchange, give away, abandon, or discontinue any milk route or milk business within Santa Clara County, and every person who shall purchase or otherwise acquire any milk route or milk business within Santa Clara County shall immediately notify the Health Officer, his assistant or his duly authorized representative, as to the fact thereof.

Section 27. The Health Officer, his assistant and his duly authorized representative shall enforce the provisions of this article and all regulations made by authority hereof. He, his assistant and his representative in the performance of such duty are authorized to enter and inspect all places in the County of Santa Clara where milk or cream is sold, or held, offered or produced for sale, and to stop, board and examine all vehicles for that purpose. No person shall interfere with the Health Officer, his assistant or his duly authorized representative, in the performance of their official duty, nor hinder, prevent, nor refuse to permit any inspection or examination aforesaid.

Section 28. Every person selling, exchanging or delivering milk or cream, or having same in his custody or possession to sell, exchange or deliver in Santa Clara County, shall furnish on demand of the Health Officer, his assistant or his duly authorized representative, a sample sufficient for the purpose of testing.

Section 29. No person shall counterfeit, or make any imitation of, publish, or have in his possession any counterfeit or imitation of any permit or license, or label authorized by this article, or use any such label without a permit or license therefor, or while his permit or license has been suspended or revoked.

Section 30. No person shall give, furnish, sell, exchange, or offer or expose for sale or exchange, or deliver any milk or cream in quantities less than one gallon unless the same be kept, offered or exposed for sale, sold or delivered in clean sterilized delivery containers of not more than one quart capacity which are approved by the Health Officer, his assistant or his duly authorized representative, which delivery containers shall be sealed with a suitable clean and sterilized cap or stopper approved by the Health Officer, his assistant or his duly authorized representative. All delivery containers shall be capped or sealed immediately after filling, and such filling, capping or sealing shall be done only in a milk house, creamery or other place which has been approved for the purpose by the Health Officer, his assistant or his duly authorized representative.

Section 31. In case of an epidemic of a disease transmissible through milk, every person selling milk or cream in Santa Clara County shall give to the Health Officer, his assistant or his duly authorized representative, a list of his customers and their places of residence by street and house number, and with a list of dairymen who have supplied him with milk or cream and their addresses.

Section 32. Buttermilk and skim milk shall be derived from milk fit for human consumption. Buttermilk and skim milk shall be distinctly and conspicuously marked on each and every delivery container thereof, with the words "Buttermilk" or "Skim Milk".

Section 33. Ice cream sold in the County of Santa Clara shall be prepared from milk or cream which meets the minimum requirements of this article, and the sale of which milk or cream has been authorized by permit or license, as provided in this article.

Section 34. The presence, in or about the place of business of any person dealing in milk or cream, or in or about any vehicle used by any such person for the delivery of the same, of any milk or cream which is forbidden by law to be sold, shall be prima facie evidence of intent on the part of such person to sell the same and of the fact that he is holding or offering the same for sale.

Section 35. The Health Officer is hereby authorized to make additional rules and regulations to secure the proper sanitation of all premises on which milk or cream or their by-products are sold, held, offered or produced for sale, to secure the proper care of milk or cream or their by-products, to secure the isolation on such premises or removal from such premises of cattle or persons suffering from disease; and it is provided further that any permit or license authorized by this article may be suspended or revoked at any time by the Health Officer, whenever he finds that the holder of any permit or license to sell milk or cream or their by-products in Santa Clara County fails, neglects or refuses to comply with the provisions of law or ordinance pertaining thereto, or when in judgement of the Health Officer the milk or cream or their by-products have been exposed, or is likely to be exposed, to infection by disease so as to render its distribution dangerous to the public health.

Section 36. At the time of delivery of permit or license herein provided in this article, the applicant for said permit or license shall pay a fee in accordance with the following schedule:

In the case of dairies selling milk or cream, the applicant for a permit or license shall make a written statement as to the number of gallons of milk which he is selling and he shall pay a permit or license fee of 1/10 of a cent per gallon, payable semi-annually when permit or license is issued; provided that nothing in this section shall apply to dairies that are selling milk to pasteurizing plants nor to dairies that are selling milk to distributors who are paying the permit or license fee of 1/10 of a cent per gallon, nor to grocery stores that are selling milk from dairies that are paying the permit or license fee of 1/10 of a cent per gallon.

In the case of goat herds, there shall be a fee of 1 cent per goat per month and in the case of dairy herds there shall be a fee of 5 cents per cow per month, payable semi-annually when permit or license is issued, said permit or license to be conspicuously displayed in the dairy house.

Article 4.

Meat and Meat Food Products.

*Repealed
11/20/50
Ord 499*

Section 37. It shall be unlawful for any person, firm or corporation, or agent or employee of any person, firm or corporation, to sell, offer for sale, distribute or have in possession for sale or distribution in Santa Clara County, the flesh of any cattle, horse, sheep, lamb, swine, or goat, unless the same has been slaughtered under the supervision of a United States Government Inspector, or under the supervision of a California State Inspector or under the supervision of an authorized Inspector whose brand or mark of identification is acceptable to the Health Officer, and unless the same bears, on each primal part, thereof, the official stamp or mark of one of said Inspectors, placed thereon by him showing that he has inspected and passed the same as fit for human food.

Section 38. It shall be unlawful for any person, firm or corporation, or agent or employee of any person, firm or corporation, to sell, offer for sale, distribute or have in possession for sale or distribution in Santa Clara County any sausage or other meat food product unless the same has been manufactured or prepared from meat duly inspected as required thereof in Section 37 of this ordinance.

Section 39. All markets and premises where meat or meat food products, sausage, fish or dressed poultry are kept, stored, handled, manufactured or offered for sale, shall be kept in a clean and sanitary condition. Said market or premises must be fly-proof, with adequate light and ventilation and must be provided with an adequate procelain sink with hot and cold running water conveniently located. Said market or premises must be equipped with an adequate fresh meat cooler, refrigerator, or ice-box of a size large enough to contain and properly refrigerate all meat and meat products handled in the course of business.

Section 40. It shall be unlawful for any person, firm or corporation, or agent or employee of any person, firm or corporation, to sell, offer for sale, distribute or have in possession for sale, or distribution in Santa Clara County and dressed or partly dressed poultry unless the head is held by its natural attachments. No poultry found to be diseased or unfit for human consumption shall be offered for sale or distribution.

Section 41. It shall be unlawful for any person, firm, association, co-partnership or corporation to conduct or maintain a meat, fish, poultry, or meat food products market in the basement of any building or in any space below the level of the street or surrounding ground.

Section 42. No person, firm or corporation, or agent or employee of any person, firm or corporation shall conduct a market selling at retail, meat, fish or poultry, or meat food products without a permit or license to do so issued by the Board of Supervisors, approved by the Health Officer. All such permits or licenses shall be renewed semi-annually, in the first day of January and July of each year.

Section 43. Permits or licenses for markets, or places of business, selling at retail meat, fish or poultry, meat food products within Santa Clara County shall not be transferable. Every person who shall sell, exchange, give away, abandon, or discontinue any such market or place of business within Santa Clara County and every person who shall purchase or otherwise acquire any such market or place of business within Santa Clara County shall immediately notify the Health Officer, his assistant or his duly authorized representative, as to the fact thereof.

Section 44. The permit or license fee for conducting a market or place of business selling at retail meat, fish or poultry, or meat food products within Santa Clara County shall be \$5.00 per annum, and shall be payable semi-annually upon the first day of January and July each year.

Section 45. The Health Officer is hereby authorized to make additional rules and regulations to secure the proper sanitation of all markets or premises on which meats, fish, poultry, or meat products are sold, held, offered or produced for sale, to secure the proper care of meats, fish, poultry or meat products; and it is provided further that any permit or license authorized by this article may be suspended or revoked at any time by the Health Officer, whenever he finds that the holder of such a permit or licence, neglects or refuses to comply with the provisions of law or ordinance pertaining thereto, or when in the judgement of the Health Officer the meat, fish, poultry or meat products have been exposed, or is likely to be exposed to infection by disease so as to render its distribution dangerous to the public health.

Section 46. Any person operating or intending to operate a slaughterhouse, or slaughtering or intending to slaughter any of the above animals under the inspection by the Health Department of Santa Clara County, shall Slaughter only at a place or at places approved by the Health Officer, his assistant or duly authorized representative, as conforming to this article and for which a permit or license has been issued, and under official inspection as provided by this article except as hereinafter provided: To obtain such approval and inspection he shall make written application therefor to the Health Officer. Such application therefor shall contain an agreement that if permit or license is issued and inspection given, adequate facilities for conducting inspection will be provided, and that the provisions of this article and all lawful regulations and orders of the Health Officer will be observed. Upon receipt of such application the application the Health Officer shall cause such slaughterhouse to be inspected, and if found to conform to, or if thereafter be made to conform to the minimum requirements demanded by the Division of Animal Industry of the California State Department of Agriculture as to construction and equipment, and as to requirements for sanitation and necessary facilities; and in addition thereto to conform to all other requirements as may be deemed necessary by the Health Officer and if the location of such slaughter house is approved by the Health Officer, a permit or license shall be issued by the Board of Supervisors, approved

by the Health Officer, authorizing slaughtering at said place under official inspection of the Health Department of Santa Clara County. The permit or license shall show the name of the proprietor, the location of the establishment, and its official number. All permits or licenses shall be revocable at anytime for cause.

Section 47. No slaughtering shall be done or inspection made on any Sunday or Legal Holiday, unless a special permit in writing is granted therefor by the Health Officer.

Section 48. The days and parts of days during which the work of slaughtering any animal or manufacturing any meat food products mentioned in this ordinance may be done shall be fixed by agreement between the holder of the permit or license and the Health Officer, his assistant or his duly authorized representative. In case an agreement cannot be had the Health Officer is hereby empowered to designate the time at which such slaughtering shall be done.

Section 49. Where such slaughtering or manufacturing does not take place daily, but at uncertain and infrequent times, at least twenty-four hours notice must be given the Health Officer, his assistant or his duly authorized representative.

Section 50. Fees for inspection shall be made in accordance with the following schedule: For each beef slaughtered and inspected, twenty-five cents. For each calf slaughtered and inspected, twenty cents. For each hog slaughtered and inspected, fifteen cents. For each lamb, sheep or goat slaughtered and inspected, five cents. Provided, that if the Health Officer deems it advisable where inspection is furnished daily, so as to require all of the time of one Inspector or more than one half of each day, said fee shall be \$200.00 per month payable on the first day of each and every month for the preceding month. Provided, that if the Health Officer deems it advisable where such inspection is furnished by the half-day or periods the fee for such inspection shall be \$5.00 per half day or \$9.00 per day. Such fees shall be paid to the Treasurer of Santa Clara County on or before the 15th day of each month next following. If the fees or salary are not so paid, inspection shall not be furnished to the person in default until the whole amount has been paid.

Section 51. It shall be unlawful for any person to transport any meat, or meat food products, fish, dressed poultry, or the dressed or partly dressed carcass of the animal intended for use as food within Santa Clara County unless it is so covered as to entirely protect it from dust, dirt, flies or any other means of contamination.

Article 5.

Other Foods - Food Products.

Section 52. It shall be unlawful for any person, firm or corporation to operate or conduct a restaurant, cafe, candy store, bakery, delicatessen, soft drink store, grocery, fruit or vegetable store where foods are sold without procuring a permit or license so to do from the Board of Supervisors approved by the Health Officer and paying the permit or license fee required to be paid by this ordinance.

Section 53. Application for such permit or license shall be made in writing to the Health Officer. The Health Officer shall, upon receipt of such application make or cause to be made an examination of the premises for which such permit or license is requested. If upon examination the Health Officer, his assistant or his duly authorized representative, shall find such premises and the equipment therein to be in accordance with the Health Ordinance of Santa Clara County and not otherwise, the Board of Supervisors shall issue a revocable permit or license for the conduct of such business. Such permit or license shall be issued semi-annually and shall not be transferable.

Section 54. "Soft drinks" is hereby defined to include ice cream, water ices, punches, soda waters, fruit juices, flavoring syrups, all combinations of said materials hereinbefore mentioned, and all drinks other than intoxicating liquor, where said materials are sold at retail for consumption as beverages upon the premises of the seller.

Section 55. All unwrapped bread, cakes, pastry, cut meats, and chopped or ground meats, or other food liable to contamination, sold or exposed for sale within Santa Clara County, shall be kept prior to sale in glass cases or other enclosed spaces protected from flies and dust, and protected from the handling, coughing and sneezing of customers and people.

Section 56. All foods, in the process of preparation or sale within Santa Clara County, shall be kept within doors or screened areas, unless entrance to areas wherein said foods are located are provided with a swift revolving fan, approved by the Department of Health, and kept in motion when outside doors permitting entrance to areas wherein said foods are located are open, and shall not be exposed upon any sidewalk or street, except that fruit in unbroken original packages, or bananas, pineapples, oranges, lemons, or other citrus fruits, or other fruits or vegetables whose whole rind or skin must be removed before eating, may be exposed for sale outside of such enclosed area, providing that the fruit and vegetables herein specified shall be kept at least eighteen inches above the adjacent floor level. Provided that nothing herein contained shall apply to the curing of dried fruits.

Section 57. No person shall carry, convey or transport or cause to be carried, transported, or conveyed, through or along any highway, street or road in Santa Clara County, in open baskets, boxes, or containers, in vehicles or otherwise, any bread, cakes, pastry or bread stuffs intended for human consumption, in such manner that said bread, cakes, pastry or breadstuffs are exposed or liable to be exposed to dust, dirt, flies, filth or other contamination.

Section 58. All persons engaged in the preparation, handling, distribution or sale of any food or beverage within Santa Clara County shall be clean in person and shall wear clean garments. Where the nature of their work requires, they shall wear clean washable outer garments, which shall be changed at regular intervals, or as often as dirty.

Section 59. The Health Officer, his assistant and his duly authorized representative, are hereby authorized and directed to seize and destroy or denaturize any tainted, decayed, or unwholesome meat, fish, shell-fish, fowl, fruits, vegetables, or other unwholesome food found within Santa Clara County.

Section 60. Adequate lavatory accommodations shall be provided in all restaurants, bakeries, candy-stores or factories, meat markets, fish markets, poultry markets, delicatessens, vegetable and fruit stores, canneries and food packing establishments in Santa Clara County, together with running water, soap and individual towels.

Section 61. All employees in all establishments mentioned in Section 60, immediately after visiting the toilet, and prior to recommencing work, shall wash and cleanse their hands in soap and water.

Section 62. The presence, in or about the place of business of any person dealing in food, or in or about any vehicle used by any such person for the delivery of the same, of any food which is forbidden by law to be sold, shall be prima facie evidence of intent on the part of such person to sell the same and of the fact that he is holding or offering the same for sale.

Section 63. The permit or license fee for conducting a business referred to in Section 52 of this ordinance shall be \$5.00 per annum and shall be payable semi-annually upon the first day of January and the first day of July of each year.

Article 6.

Penalties and Enactment.

Section 64. This ordinance is for the protection of the public health, safety, and welfare, and its provisions are to be liberally construed to obtain the beneficial purposes thereof. The invalidity of any article, section, paragraph, sentence or clause of this ordinance shall not invalidate any other article, section, paragraph, sentence or clause of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance, and each article, section, paragraph, sentence and clause thereof, irrespective of the fact that any article, section, paragraph, sentence, or clause thereof be declared invalid.

Section 65. Any person, firm or corporation, or agent or employee of any person, firm or corporation, who violates any provision of this ordinance, or any rules and regulations made hereunder, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00), or by imprisonment for not more than six months or by both such fine and imprisonment.

Section 66. This ordinance shall be known as and referred to as the Santa Clara County Health and Sanitary Ordinance.

Section 67. All ordinances or parts thereof in conflict herewith are hereby repealed. This ordinance shall be in full force and effect from and after thirty days after its final passage as required by law.

Passed this 25th day of March 1931, by the following vote:

Ayes: Supervisors Cooley, McKinnon, Hubbard, Hecker.

Noes: Supervisors None.

Absent: Supervisors None.

H. HECKER
Chairman of the Board of Supervisors.

HENRY A. PFISTER
Clerk.

By LUCIEN L. DOD
Deputy Clerk.

Declared Published.