

ORDINANCE NO. 318

AN ORDINANCE CONCERNING THE SALE, HANDLING AND DELIVERY OF MILK AND INSPECTION AND REGULATION OF DAIRIES, AND REPEALING ORDINANCE NO. 177, PASSED AND ADOPTED MARCH 15, 1910, AND EACH AND EVERY OTHER ORDINANCE AND PARTS THEREOF IN CONFLICT HEREWITH.

Section 1. It shall be unlawful for any person to sell, or offer for sale, or cause to be sold or kept for sale, or give away, any milk or cream for human food within the corporate limits of the City of Grand Junction, without first having obtained a license as herein provided. No person shall ship or bring into the City by freight or Express, or otherwise, any milk or cream for sale without having a license so to do.

Section 2. Any person desiring a license pursuant to this Ordinance, shall first make a written application therefor to the City Clerk, stating the following facts:

(a) If an individual, shall state therein his full name, address and place of business; if a corporation, shall state the full name and residence of each of its officers and place of business of said corporation.

(b) Whether said applicant is a producer of milk.

(c) The exact location of the dairy and herd which produces the milk.

(d) The number of cows in each dairy herd.

(e) If the applicant is not a producer of milk, the name of each person from whom he obtains or is about to obtain milk or cream, the location of each dairy and the number of cows in each herd from which the milk is obtained.

(f) That the applicant will permit the Chief of Health and Parks and his inspectors, prior to the issuance of a license, to inspect in accordance with this Ordinance, his dairy and herd and that he will permit such inspection at any time thereafter, and shall further state that the applicant will abide by the provisions of this Ordinance. If the applicant is not a producer of milk, or if he sells or is about to sell milk or cream not produced by his own cows, his application must be accompanied by a written statement from the owner of each dairy or herd where such milk and cream are produced, to the effect that such owner will consent to an inspection by the Chief of Health and Parks and his inspectors prior to the issuance of any license for the sale of milk or cream in the City of Grand Junction from such herd or dairy and that he will permit such inspection to be made at any time thereafter.

Section 3. Upon the filing of such application, the Chief of Health and Parks, or his deputies, shall cause the dairy and herd of the applicant, or the person or persons from whom he obtains his milk or cream, and the wagon or other vehicle intended to be used by such applicant to be thoroughly inspected to ascertain if the same conforms in all respects to the provisions of this Ordinance. Said inspection shall include the "tuberculin" test, provided that if it shall appear from the application and satisfactory proof thereof which shall be furnished to the Chief of Health and Parks, that such dairy herd has been tuberculin inspected within one year prior to the date of such application by an inspector employed by or under the authority of the State of Colorado or of the United States, or by a duly licensed, qualified veterinarian, and such herd was found upon such inspection to be free from tuberculosis; then in such event the Chief of Health and Parks may adopt such tuberculin inspection in lieu of the initial tuberculin inspection required by this ordinance, and if such place of business, dairy and herd and such wagon and other vehicle are found by said Chief of Health and Parks to be in a sanitary condition and fit for the uses to which they are intended to be put, the Chief of Health and Parks may thereupon authorize the City Clerk to issue a license to such applicant upon the payment of the following fees: for selling or offering for sale or delivering milk or cream from the cow or cows owned or kept by the applicant, the sum of one dollar (\$1.00) for the first cow and fifty cents for each other cow per annum. For selling or offering for sale or delivery of milk or cream from one or more cows not owned or kept by the applicant, the sum of one dollar

(\$1.00) per cow per annum. For store, houses, bakeries, grocery stores and other places from which milk or cream is sold in limited quantities, two dollars (\$2.00) per annum. If subsequent to the issuance of a license during the year for which the license is issued, any increase be made in the number of cows from which milk or cream is sold, delivered or offered for sale in said City, the above rates shall apply to the additional number of cows and immediately upon such additional increase to the herd or to the source of supply, such licensee shall report such increase to the City Clerk and pay the City Clerk such additional license fees, and such additional cows shall be inspected and must conform with all the requirements and provisions of this Ordinance in reference to cows from which milk or cream is sold or offered for sale, or delivered for human food in the City of Grand Junction. All licenses issued under this section, shall expire on the 31st day of December next after the issue thereof. If the dairy or herd are not found upon such inspection to conform in all respects to this Ordinance, no license shall issue to such applicant, until such dairy has been made to conform therewith and until all cows or animals affected with disease have been removed from the dairy and herd and the dairy disinfected under the supervision of the Chief of Health and Parks. No license shall issue to any applicant who refuses to permit his dairy or herd to be inspected as herein provided, or shall any applicant receive any license who sells or is about to sell milk or cream in the City of Grand Junction from any dairy or herd wherever situated, the owner of which refuses to permit such dairy or herd to be inspected as herein provided.

Section 4. Each license issued under the provisions of this Ordinance shall be issued upon the condition that each person so licensed, as well as the person from whom he obtains any of his milk or cream, shall at all times permit the Chief of Health and Parks in the City of Grand Junction, and his deputies or other proper agents authorized by or cooperating with the Chief of Health and Parks, to thoroughly inspect in accordance with this Ordinance any dairy or herd from which milk or cream is obtained for sale or consumption within the City of Grand Junction. If any licensee under this Ordinance shall at any time refuse to permit an inspection of his dairy or herd, as herein provided for, his license shall be revoked by the Council. If any licensee under this Ordinance shall sell milk or cream or offer the same for sale, or deliver the same for human food in the City of Grand Junction from any dairy or herd, the owner of which shall have refused to permit an inspection of his dairy or

herd, as herein provided for, the license of such licensee shall be revoked by the City Council. Any license issued under this Ordinance may also be revoked by the City Council for any failure or refusal of the licensee or person from whom he obtains his milk or cream to comply with this ordinance or the laws of the State of Colorado, or of the United States.

Section 5. Every person or corporation receiving a license under this Ordinance shall keep the same in a conspicuous place in the room or place for which it was granted and every person authorized to peddle milk and cream, or either thereof, from a wagon or other vehicle, shall cause the name of the person and number of the license to be plainly printed in letters and figures at least one and one-half inches in height in a conspicuous place on the wagon. In case the licensee shall ship or bring milk and cream, or either of them, into the City by Express or otherwise, the number of the license shall be placed on each can and he shall keep the same clear and distinct during the time for which such license is issued.

Section 6. Every person licensed under the provisions of this Ordinance or who is engaged in or carrying on the business of vending milk and cream, or either of them, within the corporate limits of the City of Grand Junction, shall keep all cans and other receptacles used in and about the handling of milk and cream, or either of them, and all refrigerators or compartments and stores and other places where milk and cream, or either of them, is kept, stored or handled, in a scrupulously neat and clean condition and free from the presence of any article or thing likely to contaminate or injuriously effect the quality or sweetness of the milk or cream, and shall also cause all bottles, cans, dippers or other receptacles for milk or cream to be sterilized with boiling water or live steam as soon as they are empty and before they are used again, and shall cause all bottles cans, dippers or other vessels used in and about the peddling or vending of milk and cream to be scalded or sterilized daily and shall cause all bottles and jars in which milk or cream is sold, offered for sale or delivered to be washed clean and thoroughly sterilized as soon as they are empty and before being used again. No milk or cream delivered in this City shall be bottled, canned or prepared for delivery at any place other than the milk house. No person shall use any can, bottle or other receptacle in which milk or cream has been shipped or conveyed to him for the storage of such milk or cream, but shall cause such cans, bottles, or other receptacles

to be emptied, thoroughly cleaned and dried and returned to the shipper within twenty-four hours after he shall have received the same, and all sterilizing and cleaning required by this Ordinance shall be done as the Chief of Health and Parks, or his deputies, may direct. Any person, firm or corporation licenses under the provisions of this Ordinance shall not use or cause or permit to be used any can, bottle or other receptacle which has upon it the name or label of any other person, firm or corporation licensed under the provisions of this Ordinance.

Section 7. No person shall deliver or bring into the City for sale any milk, or cream unless such milk or cream is contained in a can or receptacle sealed with a metal seal by the shipper thereof, and unless such can or receptacle shall have such seal intact at the time it is brought into the city, no person shall sell, offer for sale or dispose of, or deliver to any person, any milk or cream, or have any milk or cream in his possession with intent to sell, offer or expose the same for sale or deliver the same to any person which he knows or has reason to believe was received in or brought into the City in any can or other receptacle which did not have its seal intact in accordance with the provisions of this section.

Section 8. It shall be the duty of the Chief of Health and Parks, or his deputies, to visit, view and inspect all places and dairies from which milk or cream is produced for sale in the City of Grand Junction and to visit, view and inspect their vehicles in which milk and cream, or either of them, is sold or offered for sale, stored, kept or delivered and inspect all vessels, cans, receptacles, refrigerators or compartments of any store or building, platforms, establishments, or places of any kind containing milk or cream and to ascertain and examine the conditions thereof with reference to cleanliness and sanitation, and to cause the removal of any unfit, unclean or injurious conditions attending the keeping, storing or possession, care, custody or control of any milk or cream at any and in all places. Any person failing, neglecting, delaying or refusing to obey or to conform to any order under this section or who in any way hinders any officer or inspector, shall be fined not less than five dollars (\$5.00) nor more than one hundred dollar (\$100.00) for each offense.

Section 9. The Chief of Health and Parks, or his deputies, City Physician or any police officer authorized by the City

Manager shall have the right and power to enter and have full access to any building, structure or premises, where any milk or cream is produced, stored or kept for sale and shall have the right of access to all wagons, railroad cars, or other vehicles of any kind used for the conveyance or delivery of milk and cream, or either of them, and shall have the right to take samples of milk and cream therefrom, such samples not to exceed one quart for the purpose of inspecting, testing or analyzing the same. Any person refusing to allow such samples of milk or cream to be taken, or hinders or obstructs any officer named herein, in carrying out the power conferred by this section, shall be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) for each offense.

Section 10. It shall be unlawful for any person engaged in the sale or disposal of milk and cream, or either of them in the City of Grand Junction for human food, to change the source of supply of said milk or cream or any part thereof, without first sending a written notice to the City Clerk, stating the name of the persons supplying such milk or cream and the location of the dairies from which the same is procured, the number of cows in the dairy herds and if such change of source of supply of said milk and cream constitutes an increase in the number of cows for which said person has heretofore been licensed, said person shall also pay to the City Clerk the additional fee for such additional increase. The City Clerk shall thereupon deliver said notice to the Chief of Health and Parks, and if it shall be found that such new source of supply shall not have been already examined and inspected as required by this Ordinance, it shall be unlawful to sell milk or cream therefrom in the City of Grand Junction, until such inspection shall have been made and until the same is made to comply with this Ordinance, and the owner or owners of such new source of supply shall comply with the provisions of this Ordinance.

Section 11. No person licensed under this Ordinance shall keep, sell or offer for sale or have in his possession, charge or control in this City, any milk if such milk contains more than 88% of watery fluid or less than 12% of total solids, or less than 3.25 per cent of butter fat.

Section 12. No person licensed under this Ordinance shall keep, sell or offer for sale, or have in his possession, charge

or control in this City any cream, if such cream contains less than 15% butter fat.

Section 13. No person shall sell or offer for sale in this city any milk, from which the cream or any part thereof shall have been taken, unless such milk shall be offered for sale and sold by such person as "skimmed milk" and unless the cans or other receptacles containing such milk shall have painted on the outside thereof, not less than six inches from the top of such cans or receptacles the words "Skimmed Milk" in plain black letters not less than three inches in height and one inch in width; and no such person shall sell, offer for sale or deliver any skimmed milk containing less than 8.5% of total solids other than butter fat or containing more than one per cent of butter fat.

Section 14. It shall be unlawful for any hotel, restaurant or other public eating house to serve or sell any milk or cream below the standard set forth in Sections 11 and 12 herein, as normal milk or cream, provided that skimmed milk may be served if a sign or placard bearing the words "We serve skimmed milk" (in letters not less than two inches high) is placed in a conspicuous place so it may be seen from all parts of the room and if the same be listed "Skimmed milk" on the bill of fare.

Section 15. Whosoever by himself or by his servant or agent, or as servant or agent or employee of any other person, sells, offers for sale, delivers or has in his custody, possession or control with intent to sell, offer for sale or deliver in this city any milk or cream, or skimmed milk for human food, which is unclean, diluted, impure, unwholesome, adulterated or not of the standard provided by this Ordinance, or milk or cream or skimmed milk to which water or any foreign substance has been added in violation of this article, or milk or cream produced from sick or diseased cows or from cows kept in an unclean, filthy or unhealthy condition, or cows fed on garbage, swill, refuse or other improper food or food that has been subject to fermentation, except insilage, or milk or cream which has been exposed and contaminated or affected by the discharge or exhalation of any human being or animal sick or affected by disease, shall be fined not less than \$5.00 nor more than \$100.00. And any person who shall adulterate milk or cream or change it in any respect by the addition of water or any foreign or other substance, with a view of selling or offering

the same for sale or exchange in this city, after such adulteration or change, shall be fined not less than \$5.00 nor more than \$100.00 for each offense, and any person who shall sell or offer for sale in this City any milk or cream containing any coloring matter or any adulterant, preservative, thickening or other material substance, whether for the preservation or artificial increasing of the quantity of the milk or cream, for preserving the sweetness thereof or for any purpose whatsoever, and any person who shall sell or offer for sale in this City for use in milk or cream, any preservative, coloring matter, thickening, adulterant or other material substance, shall be fined not less than \$5.00 nor more than \$100.00 for each offense.

Section 16. All milk or cream from sick or diseased cows, or cows fed on slop and foods that have been subject to fermentation, except ensilage, and that may be injurious to life and health, shall be upon discovery thereof confiscated or forfeited by or under the direction of the Chief of Health and Parks.

Section 17. Nothing in this Ordinance shall be so construed as to prohibit the use or sale of what is known as buttermilk, providing the same is produced from pure and wholesome milk. Should any buttermilk, however, be sold or offered for sale, or being the custody of any person in this City with intent of selling or offering for sale the same, which is not the product of pure and wholesome milk, or which is impure or adulterated, such person shall be fined not less than \$5.00 or more than \$100.00 for each offense.

Section 18. No person shall sell or offer for sale any milk, skimmed milk, cream or buttermilk for human food at a grocery store, market, wagon, cart, hotel, restaurant, public eating house, or any other place within the limits of the City of Grand Junction, excepting at soda fountains or other places of similar kind, where milk, cream or buttermilk is sold by the glass, unless the same be sold and delivered in bottles or in original packages prepared at the milk house.

Section 19. No person shall sell or give away or deliver or distribute any milk, cream or buttermilk within this City, which shall have been produced from any house, dwelling or premises



where there is any communicable disease nor for such a time thereafter until a permit is granted him to do so by the City Physician or Chief of Health and Parks. No person shall remove from any such house, dwelling or premises that has in it any communicable disease, any bottles or receptacles which have been or are to be used for the purpose of receiving or storing milk or cream or buttermilk, until a permit is granted him so to do by the City Physician or Chief of Health and Parks.

Section 20. No person suffering from inflamed throat or with any communicable disease or who is known to be a typhoid or diphtheria carrier, or who has been exposed to any communicable disease within the previous thirty days shall handle any dairy cows which are subject to this Ordinance, or shall be allowed to handle the milk or cream, or milk utensils or any object that directly or indirectly comes in contact with any milk or cream for sale, delivery or distribution within this city.

Section 21. Every person owning, keeping or in possession, charge, control of any cow stable or dairy where milk cows are stabled or kept, or from which milk is sold within this City, shall have such stable or dairy cleaned daily in a thorough manner and by such methods as shall be directed by the Chief of Health and Parks, and shall maintain the premises thereof free from any accumulation of refuse matter or offal. No building shall be used for stabling cows for dairy purposes which is not well lighted, ventilated and drained. All dairy cows shall be supplied with pure water for drinking purposes.

Section 22. If any cows be sick or diseased, the owner or person in charge thereof, shall not sell or offer for sale any milk or cream therefrom, but shall at once destroy such milk and cream.

Section 23. No person shall sell, offer or keep for sale, any milk or cream which is from a cow during a period of thirty days just before or ten days after calving.

Section 24. No milk or cream or skimmed milk shall be sold or offered for sale in the City of Grand Junction, except from cows that have been tuberculin tested and passed at least once a

year by a license veterinary in a manner approved by the Chief of Health and Parks.

No milk, cream or buttermilk shall be sold or offered for sale in Grand Junction, except from cows that have been tuberculin tested and passed by a licensed veterinary, provided for in the preceding paragraph. The veterinary shall furnish the owner a certificate of health for all cows so tuberculin tested and passed by him. If any cow or cows are found to be affected with tuberculosis, the veterinary shall report the fact to the State Board of Stock Inspection Commissioners, and shall also file in writing with the Department of Health of this City, in five days after such inspection, a full report on blanks furnished by said Department, the result of all such tests.

Section 25. Persons owning cows the milk of which is sold or offered for sale in this City, shall permit an examination of such cows by a qualified veterinary surgeon, designated by the Chief of Health and Parks at such times and in such manner as he shall demand.

Section 26. No person or corporation shall keep and maintain more than one cow for dairy purposes upon his or its premises or at any other place within the following limits in the City of Grand Junction, bounded as follows: Bounded on the North by North Avenue, on the South by South Avenue, and on the East by Fifteenth Street, and on the West by First Street.

Section 27. Whenever the word sell or any other form of that word is used in this Ordinance, it shall mean and include the delivery, giving away or otherwise disposing of the article mentioned, and also the keeping and exposing for sale and placing upon the market of such article for human food. The word milk, unless otherwise expressly stated, shall mean and include milk, cream and any liquid derived from milk.

Section 28. Any person or corporation violating any of the provisions of this Ordinance shall upon conviction thereof be fined not less than \$5.00 nor more than \$100.00 for each offense.

Section 29. That Ordinance No. 177, passed and adopted March 15th, 1910, and entitled, "An Ordinance in relation to the sale of milk and milk inspection", and each and every other ordinance and parts thereof in conflict herewith, be and the same are hereby repealed.

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 1922

/s/ W.G. Hirons

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President of the Council

Attest:

/s/ Fred A. Peck

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City Clerk

I HEREBY CERTIFY, that the foregoing ordinance entitled "AN ORDINANCE CONCERNING THE SALE, AND DELIVERY OF MILK AND INSPECTION AND REGULATION OF DAIRIES, AND REPEALING ORDINANCES NO. 177, PASSED AND ADOPTED MARCH 15 1910 AND EACH AND EVERY OTHER ORDINANCE AND PARTS THEREOF IN CONFLICT HEREWITH" was introduced, read and ordered published at a regular meeting of the City Council of the City of Grand Junction held on the 24th day of May, 1922 and that the same was published in full in the Daily News, a daily newspaper published and in general circulation in said city, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 25th. day of May A.D. 1922.

/s/ Fred A. Peck

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City Clerk