

ORDINANCE NO. 606

AN ORDINANCE PROVIDING FOR THE LICENSING AND CONTROL OF PRODUCERS, HANDLERS, AND DISTRIBUTORS OF MILK AND MILK PRODUCTS; DEFINING MILK AND MILK PRODUCTS AND THE TERMS TO BE USED IN CONNECTION WITH THE PRODUCTION, HANDLING, AND DISTRIBUTION OF MILK; SETTING STANDARDS OF QUALITY FOR MILK AND PROVIDING PENALTIES FOR VIOLATION

BE IT ORDAINED by the City Council of the City of Grand Junction, Colorado:

I. DEFINITION OF TERMS FOR THE PURPOSE OF THIS ORDINANCE.

SECTION 1. INSPECTOR. Wherever the word Inspector is used in this Ordinance it shall mean the Chief of Department of Health and Parks, the City Veterinarian, his Deputy, the City Physician, or any authorized representative of the Health Department.

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 fifteen (15) days before and five (5) days after calving, or such longer period as may be necessary to render the milk practically colostrum free; which contains not less than 8.5 per cent. of milk solids not fat, and not less than 3.25 per cent. of milk fat.

CREAM. Cream is that portion of milk which contains not less than 18 per cent. milk fat.

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 3.25 per cent.

MILK OR SKIMMED MILK BEVERAGE. A milk beverage or a skimmed milk beverage is a food compound or 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.

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 skimmed milk powder. It contains not less than 8.5 per cent of milk solids not fat.

VITAMIN D MILK. Vitamin D milk is milk the vitamin D content of which has been increased by a method and in amount approved by the inspector.

MILK PRODUCTS. Milk products shall be taken to mean to include cream, sour cream, goat milk, vitamin D Milk, buttermilk, cottage cheese, skimmed milk, milk beverages, and skimmed milk beverages.

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 a temperature of from 142°F to 145°F and holding at such temperature from 30 to 35 minutes in approved pasteurization apparatus. "Approved" shall mean that the equipment and methods shall comply with the requirements of the 1939 edition of the United States Public Health Service milk ordinance as the same is now printed or may be from time to time hereafter added to, revised, or amended, a copy of which shall be kept on file in the office of the City Clerk.

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, delivered, or offered for sale.

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 the milk or milk products from which is sold, delivered, or offered for sale.

MILK PLANT. A milk plant is any place, or premises, or establishment where milk or milk products are collected, handled, processed, pasteurized, bottled or prepared for distribution.

MILK DISTRIBUTOR. A milk distributor is any person who obtains milk or milk products from a licensed dairy or milk plant and sells, offers for sale, or distributes such milk in the original packages.

ADULTERATED MILK AND MILK PRODUCTS. Any substance claimed to be any milk or milk product defined in this ordinance, but not conforming with its definition as given in this ordinance, shall be deemed adulterated and misbranded.

PERSON. The word "person" as used in this ordinance shall include firm, corporation, or association.

II. LICENSING.

SECTION 2. LICENSE REQUIRED. It shall be unlawful for any person to sell, offer for sale, or deliver any milk or milk products as defined in this ordinance for human consumption within the limits of the City of Grand Junction, or within its police jurisdiction, without first having obtained a license or permit as herein provided, except sales or deliveries to manufacturing plants licensed by the State of Colorado for the manufacture of dairy products.

SECTION 3. APPROVAL BEFORE LICENSE OR PERMIT IS GRANTED. Only a person who complies with the requirements of this ordinance shall be entitled to receive and retain such a license or permit, and no license or permit shall be granted until the same is approved by the Chief of Department of Health and Parks and the

City Veterinarian.

SECTION 4. REVOCATION OF LICENSE OR PERMIT. Any such license or permit may be revoked by the Chief of Department of Health and Parks upon violation by the holder of any of the terms of this ordinance; provided, that the holder of said license or permit shall, after complying with such revocation, have the right of appeal to the City Council.

SECTION 5. MILK PLANT LICENSE. The license fee for milk plants shall be Ten (10) Dollars per annum, and shall include milk license plates for one vehicle. The fee for each additional vehicle used in the distribution of milk shall be Five (5) Dollars per annum.

SECTION 6. MILK DISTRIBUTORS LICENSE. The license fee for milk distributors as herein defined shall be Two (2) Dollars per annum and a further fee of Five (5) Dollars per annum for each vehicle used for such distribution.

SECTION 7. MILK PRODUCERS' PERMIT. The inspection permit required for milk producers delivering milk or cream to milk plants shall be Five (5) Dollars per annum for five producing cows or less, and Five (5) Dollars per annum for each additional lot of five cows or less.

SECTION 8. EXPIRATION DATE. All licenses or permits issued under this ordinance shall be for the calendar year or fraction thereof and shall expire on December 31st of the year of issuance and shall not be transferred or assigned.

SECTION 9. DISPLAY OF LICENSE OR PERMIT. Every person receiving a license or permit under this ordinance shall post the same in a conspicuous place in the room or place for which it was granted, and every vehicle used for the distribution of milk of milk products shall have the name of the dairy conspicuously placed on each outer side of such vehicle and shall have milk license plates for the current calendar year securely fastened on the rear of such vehicle. Such license plates shall be obtained from the City Clerk.

III. SANITARY REQUIREMENTS

SECTION 10. COWS. A physical examination and tuberculin test of all herds and additions thereto shall be made before any milk therefrom is sold or distributed, and at least once every twelve months thereafter, by the City Veterinarian or other licensed veterinarian approved by the State Board of Stock Inspection Commissioners. 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.

For diseases other than tuberculosis such tests and

examinations as the inspector 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.

Within five years after the adoption of this ordinance all milk and milk products consumed raw shall be from herds or additions thereto which have 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 and their milk shall be discarded until re-examination shows that the milk has become normal.

SECTION 11. GRADING. From and after 60 days after final passage of this ordinance, no milk or milk products shall be sold to consumers, nor to restaurants, soda fountains, grocery stores, or similar establishments, except Grand A pasteurized, certified, or Grade A raw, all as defined by the 1939 Edition of the United States Public Health Service Milk Ordinance as the same is now printed or may be from time to time hereafter added to, revised, or amended, a copy of which shall be kept on file in the office of the City Clerk and subject to public inspection.

SECTION 12. U. S. PUBLIC HEALTH SERVICE REQUIREMENTS. All Licensees and Permittees hereunder shall abide by and faithfully observe and comply with the 1939 Edition of the U. S. Public Health Service Milk Ordinance requirements as to equipment, methods of production and handling, containers, bottling, capping, labeling, personnel, bacteriological standards, and all operations incident to the production, processing, handling, storage and delivery of milk or milk products as the said ordinance is now printed or may be from time to time hereafter added to, revised, or amended, a copy of which said ordinance and all revisions and amendments thereto shall be kept on file in the office of the City Clerk and subject to public inspection.

IV. GENERAL

SECTION 13. INSPECTION LIMITS. Milk and milk products, except for manufacturing purposes, from points beyond the mileage limits of inspection of the City of Grand Junction, such limits to be determined by the City Manager, may not be sold or delivered in the City of Grand Junction for human consumption therein, unless produced and handled under provisions identical with or more stringent than this ordinance and until and unless the inspector

has satisfied himself that such regulations are being properly enforced and observed.

SECTION 14. INSPECTION. It shall be the duty of the City Veterinarian, under the direction and control of the Chief of Health and Parks, and under the general supervision of the City Manager, to enforce the provisions of this ordinance and to regularly inspect all dairy farms and milk plants whose milk or milk products are intended for consumption within the City of Grand Junction. The City Veterinarian shall make a regular monthly report to the Chief of Health and Parks giving detailed information of all inspections and analyses made.

The inspector shall have free access to all the premises and placed, full powers of inspection, and the police power of the City of Grand Junction, for the enforcement of this ordinance, and no person shall interfere with the Inspector in the performance of his duties under this ordinance. The inspector shall have the right and it shall be his duty to take samples of milk or milk products for the purpose of inspecting, testing or analyzing the same, such samples not to exceed one quart. The inspector shall have the right and it shall be his duty to seize and condemn or destroy any unwholesome, adulterated or misbranded milk or milk products or any that he may have reason to believe is unwholesome, adulterated or misbranded. All necessary rules and regulations for the proper enforcement of this ordinance may be issued by the Health Department of said City with the approval of the City Manager.

SECTION 15. FAMILY COWS. No person shall keep or maintain any cow or cows within the limits of the City of Grand Junction without first having obtained a permit from the City Clerk, subject to the following conditions which shall be set forth in the permit, to-wit:

(a) The permittee agrees to keep the premises where such cow or cows are kept in a sanitary condition, and to comply with any ordinance or ordinances of this city concerning same, and to provide and keep a tight covered box in which the manure shall be placed and to haul said manure away every week at the expense of the permittee, and to daily clean the stable and cow pen.

(b) Permittee agrees not to sell or give away any milk or milk products without first complying with all the requirements of this ordinance for operating a dairy and obtaining a license therefor.

(c) The said permit may be revoked by the Chief of Health and Parks if any of the terms and conditions of said permit are violated.

SECTION 16. PENALTY. Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not less than ten (10) dollars nor more than

two hundred (200) dollars for each offense.

SECTION 17. REPEAL. Ordinance No. 318, Ordinance No. 374 and all other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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 affected thereby.

Passed and adopted this 17th day of May, A. D. 1939.

/s/ O. E. Boston
President of the Council

ATTEST:

/s/ Helen C. Tomlinson
City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 606, was introduced, read, and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the 3rd day of May, A. D. 1939, and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City at least ten days before its final passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City, this 18th day of May, A. D. 1939.

/s/ Helen C. Tomlinson
City Clerk

(SEAL)