

AN ORDINANCE AMENDING CERTAIN SECTIONS HEREIN MENTIONED OF CHAPTER NO. 11 ENTITLED "MEAT AND MILK INSPECTION AND SALE" AND BEING A PART OF ORDINANCE NO. 190 OF THE GENERAL ORDINANCE OF THE CITY OF MONTROSE, COLORADO: THIS AMENDMENT CONCERNING THAT PORTION OF SAID CHAPTER 11 DEALING WITH MILK AND CREAM.

Be It Ordained by the City Council of the City of Montrose, Colorado, that sections Nos. 13 to 22, both inclusive, of Chapter 11 be and the same are hereby amended to read as follows:

Section 13. No person shall sell or offer for sale or give away any milk or cream for human food within the City of Montrose, until and unless they shall have procured a permit as herein provided. Any person desiring a permit to sell milk or cream shall first make application therefor to the City Clerk setting forth therein full name and residence and, if sold by store, the name of the dairy and its location from which such milk or cream is purchased, also, the number of cows or goats owned or controlled by the applicant, and if the applicant is a distributor, only, of milk or cream within the City of Montrose he shall set forth the name or names of the person or persons from whom he purchases milk or cream for distribution and setting forth that such person or persons shall comply with the provisions of this ordinance with reference to the inspection of such cows or goats owned by them; that said application shall further state that the applicant will abide by the provisions of this Chapter; upon the application being so presented to the City Clerk as aforesaid; said Clerk shall immediately notify the milk and food inspector thereof and he shall as soon thereafter as possible, either by himself, or his deputy, proceed to the place or dairy of the applicant to make the necessary inspection and examination of such applicant's cows or goats, and upon the completion of such inspection and examination, shall provide the City Clerk with a certificate of inspection stating that he has examined the cows or goats of applicant, or of the party from whom milk and cream is procured for distribution, and that he has found the same in a healthy condition and free from tuberculosis and all other infectious diseases; the health officer may at any time order any examination of the cow, or cows, or goat, or goats, from which milk is sold.

The inspection and examination by the milk and food inspector, as herein provided, shall also include not only the inspection of the dai

herd, but also the place of business described in said application and the vehicles, and other appliances used and intended to be used by the applicant in the handling and distribution of milk and cream.

Section 14. The certificate of inspection of the milk and food inspector, as above provided, when returned to the City Clerk after such inspection and examination shall contain a report of the results of such inspection and the same shall be filed by the City Clerk, and the said City Clerk shall make public such report, and if such dairy place of business, vehicle and appliances are found to be in a ~~unsanitary~~ sanitary condition, the permit shall, upon the payment of the license fee and inspection fees, as herein provided, be issued to such applicant by the City Clerk; such license fees to be paid by said applicant to the City Clerk who shall give receipt therefor; all permits shall be signed by the City Clerk and shall be numbered and a record shall be kept of each permit so issued; such permit shall be given for a period of one year only from the time it is issued and shall be subject to revocation by the City Council for any violations or regulations of this chapter; however, no such permit shall be issued by the City Clerk until the application has been properly presented, the inspection made, and certificate thereof returned by the milk and food inspector, and the license fee and inspection fees have all been paid by the applicant, as herein provided.

Section 15. Any person, or persons, who are not the producers of milk and cream, but who are distributors thereof, only, within the City of Montrose shall, when making an application to the City Clerk for a permit to so distribute said milk or cream in said City, furnish such City Clerk with a complete list of all persons from whom milk, or cream is purchased for such distribution and a statement to the effect that such person or persons from whom milk or cream is purchased shall and will comply with the provisions of this Ordinance; such distributor shall also furnish to the City Clerk once each ^{two} weeks, after permit is granted, a list of all persons from whom such applicant is purchasing milk and cream.

Section 16. Definition of Milk Distributor. A milk distributor is any person, firm, or corporation which has in his or its possession, offers for sale, sells, delivers, or distributes to another any milk or cream, milk product for consumption.

Definition of Milk Producer. A milk producer is any person, firm or corporation who owns, or controls, one or more cows or goats a part or all of the milk or cream products from which is sold and delivered to another person.

Definition of Dairy or Dairy Farm. A dairy or dairy farm is any place or premises where one or more cows or one or more goats are kept, a part or all of the milk or cream products from which is sold, delivered, or distributed to any person.

Section 17. No person shall sell or keep for sale within the limits of the City of Montrose any milk which has been watered, adulterated, or reduced or changed in any respect by the addition of water, or any substance, or from which the cream or milk fat has been removed; provided, that skim milk shall be sold as such.

The term "adulterated" when used in this Chapter means:

- First. Milk containing more than eight-nine per centum of water or fluids.
- Second. Milk containing less than eleven per centum of milk solids, three per centum of which shall be butter fats.
- Third. Milk which has been diluted with water or other fluid, or to which has been added or into which has been introduced any foreign substance whatever, or preservative of any kind or nature.
- Fourth. Milk taken from any animal within fifteen days before or five days after parturition.
- Fifth. Milk taken from any animal which is sick or suffering from any disease which will impair its health or its milk as food.
- Sixth. Milk which has been exposed to contamination from filth or filthy receptacles or appliances injurious to health.
- Seventh. Milk which has been exposed to contamination from or handled by persons infected with diphtheria, scarlet fever, smallpox, typhoid fever or typhus fever, ~~stark~~ or tuberculosis or other disease dangerous to public health.
- Eighth. Milk the temperature of which is higher than fifty degrees Fahrenheit.

Pasteurization. The terms "Pasteurization", "Pasteurized", and "Pasteurized", and similar terms shall be taken to refer to the process of heating every particle of milk or milk product to a net temperature of not less than one hundred and forty-two degrees (142°) Fahrenheit, as shown by both recording and indicating thermometers, and holding at such temperature for not less than thirty minutes in pasteurization apparatus approved by the milk inspector, the temperature and time being automatically recorded by a temperature and time recording device approved by the milk inspector, or flash pasteurization by methods approved by the

Pasteurized Milk. Pasteurized milk is milk which

200,000 bacteria count per cubic centimeter at any time before pasteurization and which has been pasteurized in a milk plant conforming to the requirements of this ordinance, the average bacterial count of which at no time after pasteurization and until delivery to the consumer exceeds 50,000 bacteria per cubic centimeter.

Section 18. No person shall sell, offer for sale, deliver, or have in his custody, possession or control with intention to sell, offer for sale, or deliver in the City of Montrose, 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 Chapter or milk or cream or skimmed milk to which water or any foreign substance has been added in violation to this chapter, or milk or cream produced from sick or diseased cows or goats, or from cows or goats kept in an unclean, filthy or unhealthy condition, or cows or goats fed on garbage, swell, refuse, or other improper food, or milk or cream that has been exposed or contaminated, affected human being or animal. No person shall adulterate milk or cream or reduce or change it in any respect by the addition of water or any foreign or other substance with the view of selling or offering the same for sale, or exchange in this City after such adulteration or change; nor sell, or offer for sale in this City any milk or cream containing any coloring matter or any adulterant, preservative, thickener or other material substance whether for the purpose of artificially increasing the quantity of milk or cream, or for any purpose whatsoever; nor sell or offer for sale in this City for use in milk or cream, any preservative, coloring matter, thickening, adulterate, or other material substance; and anyone having a permit as hereinabove provided, on so offending, shall be liable to have his permit revoke

Section 19. All milk or cream from sick or diseased cow or goat, or cows or goats fed on slops and foods that may injuriously affect or be detrimental to life or health shall upon discovery thereof, be confiscated or forfeited by or under the direction of the milk and food inspector.

Section 20. No person shall sell or give away or deliver, or distribute any milk or cream within this City which shall have been produced at any premises where there is any communicable disease, nor for such time, thereafter until a permit is granted him so to do by the health officer. No person shall remove from any home or premises that has in it

any communicable disease, any bottle, or receptacle which is to be used for the purpose of receiving or straining milk or cream, until his permit is granted him so to do by the health officer.

Section 21. It shall be the duty of the milk and food inspector or to inspect each and every place where milk or cream is sold or kept for sale, and each dairy or place where milk is produced for sale at least four (4) times each year and file a written report of each inspection, which report shall be made public. The milk and food inspector, or any officer of the City of Montrose shall have the right and power to enter and have full access to any building, vehicle, structure, or premises where any milk or cream is produced, stored, or kept for sale in the City of Montrose, and shall have the right to take samples to be used for the purpose of testing the same.

Section 22. No building shall be used for stabling cows or goats for dairy purposes which is not well lighted, ventilated and drained, and the same shall be kept clean of all manure and dung and no manure shall be permitted to remain in the building where dairy cows or goats, or either of them, are stabled. All dairy cows and goats shall be supplied with pure water for drinking purposes; all vessels and appliances for holding and cooling, storing and transporting milk shall be of non-absorbent material, and each vessel so used for any such purpose shall be thoroughly cleaned in pure water, scalded and sterilized before being used again. All milk while being cooled and strained shall be kept covered in a clean place free from flies and all dirt and noxious gasses or substances which will taint or contaminate the same.

Section 23. All persons owning cows or goats kept outside the City Limit of the City of Montrose, the milk or cream of which is sold or offered for sale in this City, shall permit the examination of such cows and goats by the deputy milk and food inspector at such times and in such manner as he shall determine, and such owner shall permit the deputy milk and food inspector to inspect the premises where such cows or goats are kept and the same shall be kept in the condition required by this Chapter.

Section 24. The following inspection fee shall be charged for the issuing of permits to sell milk or cream as provided in this Chapter, To-Wit: Where only one cow or one goat is kept on one premises a fee of \$2.50 shall be charged, and where more than one cow or more than one goat is kept on any one premises there shall be a charge of \$0.50 for each

additional cow or goat in excess of one, and whenever after inspection has been made, a new cow or new goat is added to the herd a charge of \$2.50 for each new cow or goat so added shall be charged for the inspection thereof, and no milk shall be sold from such new cow or goat until it has passed inspection by the milk and food inspector, his deputy and until the inspection fee therefor has been paid and certificate of the inspector shows the animal free from disease. The above charges shall include the cost of testing for tuberculosis when such test is made by the deputy milk and food inspector, but no rebate therefrom shall be permitted because of any previous test of tuberculosis which may, in the opinion of the deputy milk and food inspector, obviate the necessity of a further test.

Section 25. License Fee. All persons producing and distributing milk and cream as herein provided shall, before a permit to distribute the same in the City of Montrose is given, pay to the City Clerk the sum of \$1.00 for one cow or one goat and the sum of .50¢ per head for each additional cow or goat kept by him and from which milk is distributed in the City of Montrose.

All milk or cream distributors shall pay to the City Clerk before any permit is granted to distribute milk and cream or milk products in the City of Montrose the sum of \$25.00 and the above license fee when paid, either by the producer or distributor shall represent the license fee for the period of one ~~year~~ (1) year from and after the date when the same is paid.

Section 26. Any person violating any of the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine of not less than \$10.00, or more than \$200.00, and not over sixty (60) days in jail for each offense, and upon conviction thereof, such person's license will be revoked.

Section 27. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 28. The above amendments to Chapter No. 11, aforesaid, shall be come effective from and after the 1st day of January, 1932.

Passed first reading this 1st day of October, 1931.

Mayor

Attest: Ada Moore
City Clerk

Passed final reading this 3rd day of November, 1931.

SEAL

Ada Moore
City Clerk

Mayor