

ORDINANCE NO. 577

AN ORDINANCE TO REGULATE THE PRODUCTION, TRANSPORTATION, PROCESSING, HANDLING, SAMPLING, EXAMINATION, GRADING, LABELING, RE-GRADING AND SALE OF MILK AND MILK PRODUCTS; THE INSPECTION OF DAIRY HERDS, DAIRIES AND MILK PLANTS; ISSUING AND REVOCATION OF PERMITS TO MILK PRODUCERS, HAULERS AND DISTRIBUTORS; THE FIXING OF PENALTIES; AND REPEALING CHAPTER 2 OF TITLE 5 OF THE REVISED CODE OF PAYETTE, 1946, AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF PAYETTE, IDAHO:

Section 1. The production, transportation, processing, handling, sampling, examination, grading, labeling, regrading, and sale of all milk and milk products sold for ultimate consumption within the municipality of Payette, or its police jurisdiction; the inspection of dairy herds, dairies, and milk plants; the issuing and revocation of permits to milk producers, haulers, and distributors; and the fixing of penalties, shall be regulated in accordance with the terms of the unabridged form of the ordinance in Milk Ordinance and Code--1953 Recommendations of the Public Health Service, a certified copy of which shall be on file in the office of the municipal clerk: Provided, that the words "municipality of" in said unabridged form shall be understood to refer to City of Payette; Provided, further, That in said unabridged form all parentheses marks enclosing words referring to degrading shall be understood to be deleted; Provided, further, That in Section 7, Item 1r in said unabridged Ordinance, either Plan A or Plan B approved by the BAI for the eradication of brucellosis shall be in effect on ~~xxx~~<sup>and</sup> after the first day of January, 1955; Provided further, That the three-out-of-four method, referred to in foot note 25, Section 6 of said unabridged form for determining compliance of coliform counts, may be used in lieu of the averaging method for determining compliance with bacterial plate counts, direct microscopic counts, or cooling temperatures; Provided further, That in Section 7 of the unabridged ordinance preceding Grade A Raw Milk For Pasteurization, the following paragraph shall be inserted:

"Grade A Raw Milk--Grade A raw milk is raw milk produced upon dairy farms conforming with all of the following items of sanitation. The bacterial plate count or the direct microscopic clump count of the milk shall not exceed 50,000 per milliliter, as determined in accordance with Section 6."

Provided further, That in Section 7 of the unabridged ordinance, ~~in~~<sup>in</sup> ~~the~~ Grade A Raw Milk for Pasteurization, after "sanitation," the following ~~provisions~~ shall be inserted:

"except Item 25r (Bottling and Capping), Item 26r (Personnel-Health), and such portions of other items as are indicated therein."

Provided further, That in Section 7 of the unabridged ordinance in Item 1r, after the second sentence, the following shall be inserted: "In the case of milk not for pasteurization, all herds and additions thereto shall be tested and found free of tuberculosis before any milk therefrom is sold, and all herds shall be retested at least every 12 months thereafter."

Provided further, That in Section 7 of the unabridged ordinance in Item 1r, second paragraph, after the third sentence, the following shall be inserted: "In the case of milk not for pasteurization, all herds and additions thereto shall be tested and found free of brucellosis before any milk therefrom is sold, and all herds shall be retested at least every 12 months thereafter."

Provided further that in Section 7 of the unabridge ordinance, in Item 8r(e), after the words "domestic purposes; it shall," the following shall be inserted: "if the <sup>will</sup> milk/be consumed raw, have water piped into it, and shall". Also, after the words "rinse vats," change period to comma and insert the following: "except that in the case of retail raw milk, if chemicals are employed as the principal bactericidal treatment, the 3-compartment type must be used,". Also change last sentence to read: "and shall, unless the milk is to be pasteurized, be partitioned to separate the handling of milk and the storage of cleaned utensils from the cleaning and other operations, which shall be so located and conducted as to prevent any contamination of the milk or of cleaned equipment." Add the following requirement, "Section 13 shall be posted in the milk house."

Provided further, that in Section 7 of the unabridged ordinance in Item 23r, as the first sentence, the following shall be inserted: "Milk and milk products not for pasteurization shall be cooled, immediately after completion of milking, to 50° F. or less, and shall be maintained at that temperature until delivery, as determined in accordance with Section 6."

Provided further, that in Section 7 of the unabridged ordinance, after Item 24r, the following shall be added:

"Item 25r. Bottling and Capping--Milk and milk products not for pasteurization shall be bottled on the farm where produced. Bottling and capping shall be done in a sanitary manner by means of approved equipment, and these operations shall be integral in one machine. Caps or cap stock shall be purchased in sanitary containers, and shall be kept therein in a clean, dry place until used."

"Item 26r. 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 producer-distributor dairy, or about to be employed by one, whose work brings him into contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment. If such examination or history should suggest that such person may be a carrier of, or be infected with, the organisms of typhoid or paratyphoid fever, or any other communicable disease likely to be transmitted through milk, he shall obtain 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 examination, and if the results justify, such person shall be barred from such employment.

"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.

"No person with an infected cut or lesion on hands or arms shall handle milk, milk products, milk containers, or milk equipment."

Provided further, that in Section 7 of the unabridged ordinance in Item 24r (Vehicles and Surroundings), the following shall be inserted at the end of first sentence: "All vehicles used for the distribution of milk and milk products shall have the distributor's name prominently displayed thereon."

Provided further, that in Section 7, of the unabridge ordinance, preceding Grade B Raw Milk for Pasteurization, the following paragraph shall be inserted:

"Grade B Raw Milk--Grade B raw milk is raw milk which does not meet the bacterial standard for Grade A raw milk, but which conforms with all other requirements,

and the bacterial plate count or the direct microscopic clump count of which does not exceed 200,000 per milliliter, as determined in accordance with Section 6.

Provided further, That in Section 7, of the unabridged ordinance, preceding Grade C Raw Milk for Pasteurization, the following paragraph shall be inserted:

"Grade C Raw Milk--Grade C raw milk is raw milk which violates any of the requirements for grade B raw milk."

Provided further, That sections 8, 16 and 17 of said unabridged ordinance shall be replaced, respectively, by Sections 2, 3 and 4 below.

Section 2. From and after 12 months 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 certified pasteurized and grade A pasteurized, certified raw and/or grade A raw. Provided, That when any milk distributor fails to qualify for one of the above grades, the health officer is authorized to suspend his permit and/or to institute court action, or, in lieu thereof, to degrade his product and to permit its sale during a temporary period not exceeding 30 days, or in emergencies such longer period as he may deem necessary.

Section 3. Any person who shall violate any provision of this ordinance shall be fined not more than \$100.00 at the discretion of the Court. Each and every violation of the provisions of this ordinance shall constitute a separate offense.

Chapter 2 of Title 5 of the Revised Code of Payette, 1946, and Section 4./ 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 publication, as provided by law.

Passed by the Council this 8th day of July, 1954

Approved by the Mayor this 8th day of July, 1954.

ATTEST:

Alice Bulmer  
City Clerk.

Oliver B. Cotton  
Mayor