

VILLAGE OF OTISVILLE  
REGULATE MILK PRODUCTION  
Ordinance No. 43

An Ordinance to regulate the production, handling, sale and distribution of milk and certain milk products, to define certain milk products, to provide for permits and licenses in certain instances and to fix penalties for the violation of this Ordinance.

The Village of Otisville Ordains:

SECTION 1:

The terms hereinafter set forth are defined for the purpose of this Ordinance as follows:

- (a) "Raw Milk" or "Cream" is milk or cream in its natural state and which has not been treated by artificial means for the destruction of bacteria contained therein.
- (b) "Pasteurized Milk or Cream" is milk or cream every particle of which has been subjected to a temperature not lower than one hundred forty-two degrees (142) Fahrenheit for not less than thirty minutes (30) after which it is promptly cooled to fifty degrees (50) degrees Fahrenheit or lower.
- (c) The words "Milk" and "Cream" when used unmodified in this Ordinance shall have the same definition as that set forth in Section 1 of Act No. 169 of Public Acts of 1929, as amended, and shall be deemed to include Milk and Cream in their raw and pasteurized states.
- (d) A milk plant shall be deemed to be any place where milk is collected for the purpose of preparing it for distribution, delivery or sale.
- (e) The word "person" shall mean and include any individual, partnership, corporation, society, or association.

SECTION 2:

No person shall engage in the production, delivery, distribution or sale of milk for consumption in the Village of Otisville without first obtaining a license therefore as provided by this Ordinance, except that persons engaged in the production of milk for the delivery of milk to a licensed milk plant shall not be required to secure a license under this Ordinance.

### SECTION 3:

Every person required to obtain a license of this Ordinance shall first secure a permit from the Health Officer or his representative and shall pay therefore to the Village Clerk the following fees:

- (a) For maintaining a milk plant \$5.00.
- (b) For maintaining a farm on which Grade A Milk is produced, the sum of \$2.00.
- (c) For engaging in the sale or distribution of milk in the Village of Otisville, the sum of one dollar (\$1.00) for each wagon or truck used in such business.

The Village Clerk shall issue a license as herein provided to any person presenting the foregoing permit and paying the fees herein provided, which license, when issued under this Ordinance, shall not be transferable.

### SECTION 4:

Every license issued under this Ordinance shall expire April 30<sup>th</sup>, annually, following the date of issue unless sooner revoke as herein provided.

### SECTION 5:

No person shall sell, deliver or convey into the Village of Otisville for sale, distribution or delivery:

- (a) Milk or cream to which water or any foreign substance has been added.
- (b) Milk or cream kept at a temperature above sixty (60) degrees Fahrenheit.
- (c) Any milk or cream unless such milk or cream is pasteurized before delivery or sale to consumer.
- (d) Cream containing less than eighteen percent (18%) butter fat, or whipping cream containing less than thirty percent (30%) butter fat.
- (e) Milk or cream from diseased cows or from cows during the period of 15 days preceding parturition or for such time thereafter as the milk is abnormal.
- (f) Milk containing less than four percent (4%) of butter fat or less than eight and one-half percent (8 ½%) solids other than fat.
- (g) Milk or cream which has been produced or stored, handled or distributed in any unclean or unsanitary manner, or has been ordered excluded from the

Village of Otisville by the Health Officer or his representative.

- (h) Milk or cream placed in containers which have not been properly washed and sterilized with steam.
- (i) Pasteurized milk or cream the bacteria count of which exceeds 50,000 per cubic centimeter or shown by the standard method of milk analysis published by the American Public Health Association of Agricultural Chemists.
- (j) Milk which has had the cream line increased by any artificial means.

#### SECTION 6:

All milk sold or conveyed into the Village of Otisville for sale or disposition shall come from cows found to be free from tuberculosis as determined by tests made by licensed veterinarians within one year of the time of production or from hers under Federal and State Supervision.

#### SECTION 7:

- (a) All pasteurization of milk or cream sold or offered for sale in the Village of Otisville under this Ordinance must be done in a pasteurization plant located within the limits of the Village of Otisville.
- (b) Any person operating a milk pasteurization plant in the Village of Otisville under this Ordinance shall, upon request, furnish the health Officer, or his representative, the names and locations of all producers furnishing milk or cream to said plant.

#### SECTION 8:

Every milk plant in which milk is pasteurized licensed under this Ordinance shall be equipped with modern pasteurized devices which shall include automatic recording thermometers in accurate operating order and shall provide facilities for the prompt cooling of all milk and cream after pasteurization of fifty degrees (50) Fahrenheit or lower, and for holding such milk and cream at that temperature or lower until delivered to the consumer. Such plants shall also be equipped with automatic bottle filling and capping machinery.

#### SECTION 9:

Milk or cream shall not be sold or offered for sale or distributed except in closed bottles or cans, the cans shall not be less than 2 gallons capacity. Bottles and cans may be filled only at the milk plant, dairy or other place approved by the Health Officer or his representative.

**SECTION 10:**

Milk shall be served at restaurants, hotels, drug stores, soda fountains and lunch stands only in the original bottle as delivered by the milk plant or dairy.

**SECTION 11:**

In delivering milk to families in which there exists a communicable or contagious disease, the milk bottle shall not be taken in the house. The milk shall be poured into a container provided by the consumer or delivered in a so called on service container, which shall not be used for milk again.

**SECTION 12:**

The Health officer may revoke for cause any license issued under this Ordinance provided the holder of such license be first given an opportunity for a hearing before the Board of Health.

**SECTION 13:**

Any producer or distributor of milk or cream shall upon request furnish free of charge sample of milk or cream not to exceed one quart to the Health Officer or his representative for testing purposed.

**SECTION 14:**

Nothing in the Ordinance shall prohibit the sale of skim milk, sour milk, sour cream or buttermilk when handled in a sanitary manner.

**SECTION 15:**

The Village Council shall appoint a milk inspector who shall receive such compensation as may be fixed by the Village Council. He shall perform such duties and shall have such authority as may be prescribed by the Health Officer and the Board of Health.

**SECTION 16:**

The act, omission or failure of any officer, agent or any other person acting for or employed by any individual or any partnership, within the scope of his employment or office, shall in every case be also deemed to be the act, omission or failure of such individual, corporation, partnership, society or association, as well as that of such officer, agent or other person.

**SECTION 17:**

The Health Officer may make such rules and regulations as are necessary for carrying into effect the provision of this Ordinance, and when made shall be deemed and considered a part of this Ordinance.

SECTION 18:

Any person violating any of the provision of this Ordinance, or of the rules and regulations of the Health Officer made hereunder, shall upon conviction be punished by fine of not more than \$100.00 or by imprisonment of not more than 90 days in the County jail.

SECTION 19:

This Ordinance shall take effect on the 22<sup>nd</sup> day of August 1946.

Approved, Adopted and ordered published in three places in the Village of Otisville, this 22<sup>nd</sup> day of July, 1946.

(Signed) Albert Hoffman, President  
Earnest Warner, Village Clerk

I, Earnest Warner, Clerk of the Village of Otisville, do hereby certify that the Foregoing Ordinance was published by posting in three public places in the Village of Otisville on the 5<sup>th</sup> day of August 1946 to wit:

1. Lobby of Otisville State Bank.
2. Lobby of Otisville Post Office.
3. Front Door of Otisville Fire Department

Earnest Warner, Village Clerk