

ORDINANCE NO. 178

AN ORDINANCE DEFINING MILK AND CERTAIN "MILK PRODUCTS", "MILK PRODUCER", PROHIBITING THE SALE OF MILK FROM COWS OR GOATS THAT REACT TO AGGLOUTINATION TEST FOR BANG'S DISEASE, PROHIBITING THE SALE OF ADULTERATED AND MISBRANDED MILK AND MILK PRODUCTS, REGULATING THE INSPECTION AND TESTING OF COWS AND GOATS, THE ENFORCEMENT OF THIS ORDINANCE AND THE FIXING OF PENALTIES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POLSON:

Section 1. The following definitions shall apply in the interpretation and the enforcement of this Ordinance:

(a) Milk. Milk is hereby defined to be the lacteal secretion obtained by the complete milking of one or more healthy cows or goats, excluding that obtained within fifteen days before and five days after calving or kidding, or such longer period as may be necessary to retain the milk practically colostrum free; which contains not less than eight and one-half per cent (8½%) of milk solids, not fat, and not less than three and one-fourth per cent (3¼%) of milk fat.

(b) Cream. Cream is a portion of milk which contains not less than twenty per cent (20%) milk fat, and the acidity of which is not more than .20% expressed as lactic acid.

(c) 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 3½%.

(d) Chocolate Milk. Chocolate milk is milk to which has been added in a sanitary manner a chocolate syrup composed of wholesome ingredients.

(e) Buttermilk. Buttermilk is the produce which remains when fat is removed from milk or cream in the process of churning. It contains not less than eight and five-tenths per cent (8.5%) of milk solids not fat.

(f) Cultured Buttermilk. Cultured buttermilk is the product resulting from the souring or treatment, by a lactic acid culture, of milk or milk products. It contains not less than 8.5% of milk solids, not fat, and shall be pasteurized before adding the cultur .

(g) Milk Products. Milk products shall be taken to mean and include

cream, skimmed milk, chocolate milk, buttermilk, and cultured buttermilk.

(h) Adulterated Milk and Milk Products. Any substance claimed to be any milk or milk product defined in this ordinance, but not conforming with its definitions as given in this ordinance shall be deemed adulterated and misbranded.

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

(j) Milk Distributor. A Milk distributor is any person who has in possession, offers for sale, sells or delivers to another any milk or milk products for consumption or manufacturing purposes.

(k) Health Officer. The term "health officer" shall mean the health authority of the City of Polson, or his authorized representative.

(l) Person. The word "person" as used in this ordinance, shall mean "persons, firm, corporation, or association."

SECTION 2. The sale of milk or milk products from cows or goats not free from Bang's disease prohibited. No person shall within the City of Polson or its police jurisdiction produce, sell, offer, expose for sale or have in possession with intent to sell, deliver or distribute any milk or milk products from cows or goats that react to agglutination tests for Bang's disease, commonly known as contagious abortion, provided however, that this section shall not apply to milk (or the products of milk) which has been pasteurized in accordance with the rules and regulations of the Montana State Livestock Sanitary Board and which pasteurization is permitted and authorized under the Rules and Regulations of the Montana Livestock Sanitary Board.

SECTION 3. The Sale of Adulterated or Misbranded Milk or Milk Products Prohibited. No person shall within the City of Polson or its police jurisdiction, produce, sell, offer, or expose for sale, or have in possession with intent to sell, any milk or milk product which is ^{unpasteurized} adulterated or misbranded.

SECTION 4. Testing of Cows and Goats for Bang's Disease Required. It shall be the duty of every milk producer within the City of Polson or its

police jurisdiction, and every other producer distributing or causing liquid milk or cream to be distributed in the City of Polson, to cause a physical examination and test for Bang's disease, commonly known as contagious abortion, of all cows and goats to be made (within sixty days after the passage and approval of this ordinance) before any liquid milk or cream therefrom is sold and at least once every twelve months thereafter by a licensed veterinarian approved by the Montana Livestock Sanitary Board. Said tests shall be made and any reactors immediately disposed of in accordance with the requirements approved by the Montana Livestock Sanitary Board and/or the United States Department of Agriculture, Bureau of Animal Industry.

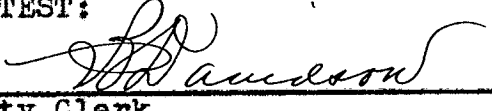
A certificate signed by the veterinarian or attested to by the Montana Livestock Sanitary Board and filed with the health officer shall be the only valid evidence of the above test.

SECTION 5. Penalty. Any person who shall violate any provision of this ordinance shall be fined not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00). Each and every violation of the provisions of this ordinance shall constitute a separate offense.


SECTION 6. Repeal and Date of Effect. All ordinances and parts of ordinances in conflict herewith are hereby repealed; this ordinance shall be in full force and effect immediately upon its passage and approval and its publication or posting, as provided by law.

SECTION 7. 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 effected thereby.

Passed by the Council and approved by the Mayor this 9th day of September, 1935.

ATTEST:


 City Clerk.



 Mayor.