

Repealed by Ord. 1540

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# ORDINANCE NO. 1328

AN ORDINANCE defining "Milk" and certain "Milk Products", "Milk Producer," "Pasteurization," prohibiting the sale of adulterated and misbranded milk and milk products, requiring permits for the sale of milk and milk products, regulating the inspection of dairy farms and milk plants, the testing, grading, labeling, placarding, pasteurization, regrading, distribution, sale and denaturing of milk and milk products, regulating the construction of future dairies and milk plants, providing for the enforcement of this ordinance, and providing penalties.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1. Definitions. This ordinance shall be known as the "Milk Code of the City of Albany, and the following definitions shall apply in the interpretation and enforcement hereof.

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

(B) Milk Fat or Butter Fat. Milk fat or butter fat is the fat of milk.

(C) 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 0.20%, express as lactic acid.

(D) Skim Milk. Skimmed Milk is milk from which substantially all the milk fat has been removed.

(E) Butter Milk. Butter milk is the product 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 Butter Milk. 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 may contain not over 0.25% edible gelatin.

(G) Milk Products. Milk Products shall be taken to mean and include cream, skimmed milk, chocolate milk buttermilk, and cultured buttermilk.

(H) Chocolate Milk. Chocolate milk is graded A or B milk to which has been added in a sanitary manner chocolate syrup composed of wholesome ingredients.

(I) 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 not less than 142° F., and holding at such temperature for not less than 30 minutes in pasteurization apparatus approved by the health officer, provided that approval shall be limited to such apparatus which requires a combined holder and indicating thermometer temperature tolerance of not more than 1½° F., as shown by official tests with suitable testing equipment, and provided that such apparatus shall be operated as directed by the health officer and so that the indicating thermometers and the recording thermometer charts both indicate a temperature of not less than 143½° F., continuously throughout the holding period, provided that nothing contained in this definition shall be construed as disbaring any other process that has been demonstrated as of at least equal efficiency and is approved by the state health authority.

(J) 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.

(K) 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 and delivered to another person.

(L) 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.

(M) 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 of the milk or milk products from which is sold or delivered to any person.

(N) Milk Plant. A milk plant is any place or premises, or establishment where milk or milk products are collected, handled, processed, stored, bottled, pasteurized, or prepared for distribution.

(O) Health Officer. The term "health officer" shall mean the health officer of the City of Albany, or his authorized representative appointed by the Council for the purpose of enforcing the provisions of this ordinance.

(P) Average Bacterial Count. Average bacterial count shall be taken to mean the logarithmic average of the bacterial counts of all samples taken during the grading period, including at least four samples taken upon separate days.

(Q) Grading Period. The grading period shall be such period of time as the health officer may designate, within which grades shall be determined for all milk and cream supplies, provided that the grading period shall in no case exceed six (6) months.

(R) Disinfectant. A disinfectant shall be taken to mean any gericidal substance approved by the health officer.

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

(T) Certified Milk. Certified milk is milk which conforms with the current requirements of the American Association of Medical Milk Commissions, which requirements are hereby adopted and made a part of this ordinance, and which is also produced under the supervision of the health officer of the City of Albany.

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**Section 2. - The Sale of Adulterated or Misbranded Milk or Milk Products Prohibited.**

No person shall within the City of Albany produce, sell, offer or expose for sale, or have in possession with intent to sell, any milk or milk product which is adulterated or misbranded.

**Section 3. Permits.**

It shall be unlawful for any person to bring into or receive in the city of Albany, for sale, or to sell or offer for sale therein, or to have on hand, any milk or milk product defined in this ordinance, who does not possess a permit from the health officer of the city of Albany, and such permit may be revoked by the health officer upon any violation by the holder thereof of any of the terms of this ordinance, provided that the holder of said permit, after complying with such revocation, shall have the right to appeal to the Council.

And no permit shall be issued to any person for the sale and/or distribution of milk which has not been produced by a regularly inspected and approved dairy, and no milk or milk product shall be sold, kept for sale or offered for sale, unless the dairy producing such milk shall first have been regularly inspected by the health officer of the City of Albany or his duly authorized representative, and such dairy approved by such inspector as a dairy, meeting the requirements of this ordinance.

**Section 4. Labeling and Placarding.** All bottles, cans, packages, and other containers inclosing milk or any milk product defined in this ordinance shall be plainly labeled and marked with (1) the name of the contents as given in the definition in this ordinance; (2) the grade of the contents if such contents are graded under the provisions of this ordinance; (3) the word "pasteurized" if the contents have been pasteurized; (4) the word "raw" if the contents are raw; (5) the name of the producer or distributor.

Every restaurant, cafe, soda fountain, or other establishment selling or serving milk shall display at all times, in a conspicuous place a card furnished by the health officer, stating the grade of the milk at the time when delivered and whether same is raw or pasteurized.

**Section 5. Inspection of Dairy Farms and Milk Plants for the Purpose of Grading or Regrading.**

At least once during each grading period the health officer shall inspect every dairy farm producing milk or cream for consumption within the City of Albany, and all milk plants, whose milk or cream is intended for consumption within the City of Albany. In case the health officer discovers a violation of any item of sanitation as herein provided, he shall make a second inspection after a lapse of such time as he deems necessary for the defect to be remedied, but not before the lapse of three days, and the second inspection shall be used in determining the grade of milk or cream. Two violations of this ordinance on separate inspections within any one grading period shall call for immediate degrading. All inspection reports and gradings shall be filed with the Recorder, where they shall remain public records, and a copy of the report on each dairy shall be posted by the health officer in a conspicuous place upon the inside wall of one of the buildings of said dairy farm, or milk plant, as the case may be, where it shall remain at all times.

**Section 6. The Testing of Milk and Milk Products.**

During each grading period at least four samples of milk or cream from each dairy farm and each milk plant shall be taken on separate days and tested by the health officer. Samples of milk and cream from stores, cafes, soda fountains, restaurants and other places where milk products are sold shall be tested as often as the health officer may require. Bacterial counts shall be made in conformity with the standard methods recommended by the American Public Health Association and which are hereby adopted. Tests may include such other chemical and physical ~~AAA/BBB/CCC/~~ determinations as the health officer may deem necessary for the detection of adulteration, these tests to be made in accordance with the latest standard methods of the American Public Health Association and the Association of Official Agricultural Chemists, adopted hereby and made a part of this ordinance. Notices of bacterial counts shall be given to the producer or distributor concerned as soon as made. Samples may be taken by the health officer at any time prior to the final delivery of the milk or milk products. All stores, cafes, restaurants, soda fountains, and other similar places shall (1) furnish the health officer, upon his request, with the name of the milk plant or dairy from whom their milk is obtained, (2) maintain such milk or milk products at a temperature not to exceed 60° F.; and (3) wash all bottles before returning to milk plant.

**Section 7. The Grading of Milk and Cream.**

At least once every six months the health officer shall announce the grades of all milk and cream supplies delivered by all producers or distributors and ultimately consumed within the City of Albany. Said grades shall be based upon the following standards, the grading of cream being identical with the grading of milk, except that the bacterial standard shall be doubled.

**Grade "A" Raw Milk.**

Grade A raw milk is milk the average bacterial count of which as determined under Section 6 of this ordinance does not exceed 30,000 per cubic centimeter, and which is produced upon dairy farms conforming with all of the following items of sanitation.

**Item I. Cows, Tuberculosis, Contagious Abortion, and other Diseases.-**

(A) A physical examination and tuberculin test of all cows shall be

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made before any milk therefrom is sold, and at least once every twelve months thereafter, by a licensed veterinarian approved by the State of Oregon Livestock Sanitary Board. Said tests shall be made and any reactors disposed of according to law.

A certificate signed by the veterinarian and filed with the health officer shall be the only valid evidence of the above test. Every diseased animal shall be removed from the herd at once and no milk from diseased cows shall be offered for sale. All reacting animals shall be isolated at once and immediately excluded from the premises. All animals failing to pass the T.B. test shall be branded with the letters "T" of "B" on the shoulder, hip or jaw and removed at once.

The health officer shall immediately report all infected herds to the Livestock Sanitary Board of Oregon.

(B) An agglutination test of all cows shall be made by a laboratory approved by the State Livestock Sanitary Board before any milk therefrom is sold, and at least once every twelve (12) months thereafter by a licensed veterinarian approved by the State Livestock Sanitary Board. All reactors shall be immediately isolated and no milk from said reactors shall be offered for sale, provided, however, that when reactors are found retests shall be made as often as the health officer may require, such animals disposed of according to law. All reactors shall be branded with the letter "A" on the right jaw.

A certificate signed by the veterinarian and filed with the health officer shall be the only valid evidence of the above test, said certificate to bear the identification number of each animal.

**Item 2. Dairy Barn--Lighting.**

Such sections of all dairy barns where cows are kept or milked shall have at least three square feet (3 sq.ft.) of window area for each station or shall be provided with adequate artificial light.

**Item 3. Dairy Barn-- Air Space and Ventilation.**

Such sections of all dairy barns where cows are kept or milked shall be well ventilated.

**Item 4. Dairy Barn Floors.**

Such parts of all dairy barns in which cows are milked shall be well constructed of material which may be easily cleaned and which shall meet with approval of the health officer and shall be graded to drain properly, and shall be kept clean and in good repair. No horses, pigs, fowl, calves, etc., shall be permitted in parts of the barn used for dairy purposes, provided that all dairy barns hereafter constructed or rebuilt shall be provided with floors and gutters in the parts of ~~the~~ such barns where cows are milked constructed of concrete or other equally impervious and easily cleaned material..

**Item 5. Dairy Barn--Walls and Ceiling.**

The walls and ceilings of all dairy barns shall be whitewashed at least once each year or painted at least once every two years, or finished in a manner approved by the health officer, and shall be kept clean and in good repair. In case there is a second story above that part of the barn in which cows are milked, the ceiling shall be tight. Provided that in dairy barns hereafter constructed, or rebuilt, the walls and ceiling of that part of the building in which cows are milked shall be tight and shall be built on concrete curbs no less than twelve (12) inches in height.

**Item 6. Dairy Barn - Cow Yard.**

All cow yards shall be graded and drained as well as practicable and kept reasonably clean.

**Item 7. Manure Disposal.**

All manure shall be removed and stored or disposed of in such manner as best to prevent the breeding of flies thereon.

**Item 8. Milk House or Room--Construction.**

There shall be provided a separate milk house or milk room for the handling and storage of milk and the washing and disinfecting of milk apparatus and utensils, provided with a tight floor constructed of concrete or other impervious material and graded to provide proper drainage. The walls and ceilings of the milk house or room shall be ceiled and of such construction as to permit of easy cleaning and shall be painted and finished once a year in a manner approved by the health officer. The milk house or room shall be well lighted, ventilated and kept clean and all openings effectively screened to prevent the entrance of flies, and shall be used for no other purpose than the handling and storage of milk or milk products and other operations incident thereto. The cleaning and other operations shall be located and conducted as to prevent any contamination to the milk or disinfected equipment. The milk room shall not open directly into a stable or room which is unclean, and in milk houses or rooms hereafter constructed the wall shall be built on concrete curbs at least twelve (12) inches in height.

**Item 9. Milk House or Room. Cleanliness and Flies.**

The floors, walls, ceilings and equipment of the milk-house or room shall be kept clean at all times. All means necessary for the elimination of flies shall be used.

**Item 10. Toilet.**

Every dairy farm shall be provided with a sanitary toilet which shall meet the approval of the health officer.

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Item 11. Water Supply.

The water supply shall be easily accessible, adequate, and of a safe, sanitary quality.

Item 12. Utensils. Construction.

All containers or utensils used in the handling or storage of milk or milk products must be made of non-absorbent material and of such construction as to be easily cleaned, and must be in good repair. Joints and seams shall be soldered flush. All milk pails shall be of a narrow mouth design approved by the health officer.

Item 13. Utensils - Cleaning.

All containers and other utensils used in the handling, storage, or transportation of milk and milk products must be thoroughly cleaned after each usage, and no person shall offer or accept a milk bottle which has not been cleaned.

Item 14. Utensils - Disinfectants.

All containers and other utensils used in the handling, storage or transportation of milk or milk products shall between each usage be disinfected with steam, hot water or chlorine or in a manner approved by the health officer.

Item 15. Utensils - Storage.

All containers and other utensils used in the handling, storage or transportation of milk or milk products when clean shall be stored in the milk room, so as not to become contaminated before again being used.

Item 16. Utensils.--Handling

After disinfection no container or other milk or milk product utensil shall be handled in such manner as to permit any part of the person or clothing to come in contact with any surface with which milk or milk products come in contact.

Item 17. Milking.--Udders and Teats.

The udders and teats of all milking cows shall be clean at the time of milking.

Item 18. Milking.--Flanks.

The flanks, bellies and tails of all milking cows shall be free from visible dirt, at the time of milking.

Item 19. Milkers' Hands.

Milkers' hands shall be cleaned and dried with a clean towel immediately before milking. Should the milking operation be interrupted, the milker's hands must be recleaned and dried. Wet hand milking is prohibited. Convenient facilities shall be provided for the washing of Milkers' hands.

Item 20. Clean Clothing.

Milkers and milk handlers shall wear clean outer garments while working.

Item 21. Milk Stools.

Milk stools shall be kept clean and without padding.

Item 22. Removal of Milk.

Each pail of milk shall be removed immediately to the milk house or straining room. No milk shall be strained in the dairy barn.

Item 23. Cooling.

Milk must be cooled within one hour after milking to 60° F., or less, and maintained at or below that temperature until delivery, unless it is delivered to a milk plant for pasteurization/ or separation, in which case it must be cooled or pasteurized within two hours of the time of production.

Item 24.--

Bottling and Capping. --Milk shall be bottled from a container with a ready cleanable valve, or by means of a bottling machine approved by the health officer. Bottles may be capped by a machine or manually. In case a machine is used it shall be cleaned and disinfected before each usage. In case capping is done by hand the hands shall be disinfected in a manner approved by the health officer before the process of capping is begun, and after any interruption. Caps shall be purchased in sanitary containers and kept therein until used. All raw milk, consumed as such, shall be bottled by the distributor thereof; provided, however, that milk sold to public eating houses for kitchen use only may be delivered in bulk in containers which have the approval of the health officer.

Item 25. Personnel.--Health Certificates.

Every person connected with a dairy or milk plant whose work brings him or her in contact with the production, handling, storage or transportation of milk or milk products shall have within twelve months passed a medical examination made by the health officer or by a licensed physician approved by the health officer, and shall exhibit such satisfactory proof as the health officer may require that such person is free from infectious, contagious or communicable disease, and no person having such disease shall be employed or shall engage in the production, sale or distribution, delivery or handling of milk or any milk product.

Item 26. Notification of Disease.

Notice shall be sent to the health officer immediately by any milk producer or distributor upon whose dairy farm or in whose milk plant any case of any infectious, contagious or communicable disease occurs, and the person having such disease shall be

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immediately disengaged/ and prohibited from the handling of any of the milk or milk products of such dairy or milk plant.

**Grade "B" Raw Milk.**

Grade "B" Raw Milk is milk the average bacterial count of which at no time prior to delivery exceeds 200,000 per cubic centimeter, or which falls in class 1 as determined by the reductase test as described in the Standard Method of Milk Analysis of the American Public Health Association, and which is produced upon dairy farms conforming with all the items of sanitation required for grade A raw milk except items (2), (3), (4), (5) or (6), provided that cleanliness of the barn and cow yard shall in no case be omitted. Item (23) shall apply except that the cooling temperature shall be changed to (70) degrees Fahrenheit.

**Grade "C" Raw Milk.**

Grade "C" Raw Milk is milk the average bacterial count of which at no time prior to delivery exceeds 750,000 per cubic centimeter, or which falls in class 2 as determined by the reductase test as described in the Standard Test of Milk Analysis of the American Public Health Association, and which is produced on dairy farms conforming with all the items of sanitation required for Grade "B" Raw Milk, except items (12), (23), and (24), provided that cleanliness shall in no case be omitted.

**Grade "D" Raw Milk.**

Grade "D" raw milk is raw milk which does not meet the requirements of Grade C. Raw Milk. The Standard Methods of Milk Analysis of the American Public Health Association are hereby adopted and made a part of this ordinance.

**Grade "A" Pasteurized Milk.**

Grade "A" Pasteurized Milk is Grade A or Grade B Raw Milk which has been pasteurized, cooled, and bottled in a milk plant conforming with all the following items of sanitation and the average bacterial count of which at no time after pasteurization and until delivery exceeds 30,000 per cubic centimeter.

**Item 1. Floors.**

The floors of all rooms in which milk is handled shall be constructed of concrete or other equally impervious easily cleaned material, and shall be smooth, properly drained and provided with trapped drains, and kept clean.

**Item 2. Walls and Ceilings.**

Walls and ceilings of rooms in which milk is handled or stored shall have a smooth, washable, light colored surface and be kept clean.

**Item 3. Doors and Windows.**

All operations into the outer air shall be effectively screened to prevent the access of flies. Doors shall be self-closing.

**Item 4. Lighting and Ventilation.**

All rooms shall be well lighted and ventilated.

**Item 5. Protection from Contamination and Flies.**

The various milk plant operations shall be so located and conducted ~~as to prevent~~ as to prevent any contamination to the milk or to the disinfected equipment. All means necessary for the elimination of flies shall be used. This requirement shall be interpreted to include separate rooms for (a) the pasteurizing, cooling, and bottling operations; (b) the container washing and disinfecting operation. Cans of raw milk shall not be unloaded directly into the pasteurizing room. Pasteurized milk shall not be permitted to come into contact with equipment with which unpasteurized milk has been in contact subsequent to disinfection. Rooms in which milk or cream or disinfected utensils or containers are handled or stored shall not open directly into any stable or living quarters.

**Item 6. Toilet Facilities.**

Every Milk plant shall be provided with toilet facilities conforming with the ordinances of the City of Albany. There shall be at least one room or vestibule not used for milk purposes between the toilet room and any room in which milk or milk products are handled or stored. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair and well ventilated. In case privies or earth closets are permitted and used, they shall be separate from the building and shall be of a sanitary type.

**Item 7. Water Supply.**

The water shall be easily accessible, adequate and of a safe, sanitary quality.

**Item 8. Washing Facilities.**

Washing facilities shall be provided, including hot, running water, soap and sanitary towels of a type approved by the health officer. The use of a common towel is prohibited.

**Item 9. Milk Piping.**

Only "sanitary milk piping" or a type which can be easily cleaned with a brush shall be used.

**Item 10. Construction of Equipment.**

All equipment with which milk comes in contact shall be constructed

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in such manner as to be easily cleaned.

**Item 11. Disposal of Wastes.**

All wastes shall be disposed of in conformity with the requirements of the health officer.

**Item 12. Cleaning and Disinfecting of Containers and Apparatus.**

All milk containers and milk apparatus shall be thoroughly cleaned after each usage and disinfected in a manner approved by the health officer immediately before each usage. No person shall offer or accept a milk bottle which has not been washed.

**Item 13. Storage of Containers.**

After disinfection all bottles, cans and other containers shall be stored in such manner as to be protected from contamination.

**Item 14. Handling of Containers and Apparatus.**

Between disinfection and usage all containers and apparatus shall be handled in such manner as to prevent any part of the person or clothing from coming in contact with any surface with which milk or milk products come in contact.

**Item 15. Storage of Caps.**

Milk bottle caps shall be purchased and stored only in sanitary tubes and shall be kept therein until used.

**Item 16. Pasteurization.**

Pasteurization shall be performed as described in the definition section of this ordinance. The time and temperature record charts shall be dated and preserved for a period of one year for the information of the health officer.

**Item 17. Cooling.**

All milk not pasteurized within two hours after it is received at the plants shall then be immediately cooled to a temperature of 60 degrees Fahrenheit or less and maintained thereat until pasteurized; and all pasteurized milk shall be immediately cooled to a temperature of 60 degrees Fahrenheit or less and maintained thereat until delivery.

**Item 18. Bottling.**

Bottling shall be done at the place of pasteurization in automatic machinery approved by the health officer in such manner as to prevent any part of the person or clothing from coming in contact with any surface which milk or milk products come in contact.

**Item 19. Overflow Milk.**

Overflow milk which has become machine contaminated shall not be sold for human consumption.

**Item 20. Time of Delivery.**

Milk to be consumed in the form of whole milk shall be delivered to the final consumer within 36 hours of the time of pasteurization.

**Item 21. Personnel.--Health Certificates.**

Every person connected with a dairy or milk plant whose work brings him or her in contact with the production, handling, storage, or transportation of milk or milk products shall have within twelve months passed a medical examination made by the health officer or by a licensed physician approved by the health officer, and shall exhibit such satisfactory proof as the health officer may require that such person is free from infectious, contagious or communicable disease, and no person having such disease shall be employed or shall engage in the production, sale or distribution, delivery or handling of milk or any milk product unless such person be free from such disease.

**Item 22. Notification of Disease.**

Notice shall be sent to the health officer immediately by any milk producer or distributor upon whose dairy farm or in whose milk plant any case of infectious, contagious, or communicable disease shall be discovered. It shall be prohibited from the handling of any of the milk or milk products of such dairy or milk plant.

**Item 23. Personnel.--Cleanliness.**

All persons coming in contact with milk or milk products containers or equipment shall wear clean outer garments and shall keep their hands clean at all times while thus engaged.

**Grade "B" Pasteurized Milk.**

Grade "B" pasteurized milk is Grade "C" raw milk which has been pasteurized, cooled and bottled in a milk plant conforming with all the requirements for Grade "A" pasteurized milk.

**Grade "C" Pasteurized Milk.**

Grade "C" pasteurized milk is pasteurized milk which does not meet

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the requirements of Grade "B" pasteurized milk.

**Section 8. -Standards and Specifications Kept on File in Health Office.**

The health officer shall keep on file in his office for public inspection printed copies and all amendments thereto of the Standard Methods of Milk Analysis of the American Public Health Association, and the printed provisions of the Association of Official Agricultural Chemists.

**Section 9. Supplementary Regrading.**

At any time between regular announcements of milk grades any producer or distributor may, make application for regrading his product.

In case the applicants existing low grade is due to failure to meet the bacteriological or temperature requirements said application must be supported by at least two examinations made subsequent to the end of the previous grading period and indicating that the quality of the applicant's output has improved since the last grading announcement and conforms with the requirements of a higher grade. The samples upon which the said analysis are made may be brought to the health department laboratory by the applicant.

Upon the receipt of a satisfactory application the health officer shall make at least four examinations upon samples collected by the health officer of the applicant's output within a period of not less than two weeks and not more than three weeks of the date of the application. The health officer shall award a higher grade immediately in case the said four analysis indicate the necessary quality.

In case the applicant's existing low grade is due to a violation, of an item of sanitation other than bacterial count said application must be accompanied by a statement to the effect that the violated item of sanitation has been conformed with. Within two weeks of the receipt of such an application the health officer shall make a reinspection of the applicant's establishment, and, in case the findings justify, shall award a regrade.

At any time between regular announcements of milk grades the health officer shall lower the grade of any milk producer or distributor if, as a result of inspection or milk analysis, a lower grade shall be justified in accordance with the terms of this ordinance.

**Section 10. Transferring or Dipping Milk.**

No milk producer or distributor shall transfer milk or milk products, or milk bottle caps, from one container to another upon the street or in any vehicle or store, or in any place except a bottling or milk room especially used for that purpose, except as may be especially permitted by the health officer in the case of milk being delivered in bulk. The sale of dip, pump or faucet milk is hereby expressly prohibited. It shall be unlawful for hotels, soda fountains, restaurants and similar establishments to sell or serve any milk except in the original container in which it was received from the producer or distributor, provided that this requirement shall not apply to mixed milk drinks.

All bottled pasteurized milk shall be bottled in the plant in which it is pasteurized. The delivery of milk to and the collection of milk containers from quarantined residences shall be subject to the special requirements of the Health Officer.

**Section 11. Milk and Cream from Points Beyond the Limits of Inspection of the City of Albany.**

Milk and cream from points beyond the limits of inspection of the City of Albany may not be sold in the City of Albany unless produced and/or pasteurized under grading provisions identical with those of this ordinance, except as may be authorized by the health officer.

**Section 12. Vehicles.**

All vehicles used for delivery to or in the City of Albany, or its police jurisdiction, shall be so constructed as to protect the milk from the sun, flies, dust and from contamination. Such vehicles shall be kept clean while used in transporting milk products. No substance capable of contaminating milk or milk products shall be transported with milk or milk products in such manner as to permit contamination.

**Section 13. Denaturing Misgraded Products.**

The health officer may denature with rennet or some harmless coloring matter any milk or milk products found misgraded with respect to grading or sold without a permit, provided that if the conditions warrant the milk or milk products may be destroyed.

**Section 14. Repasteurization Prohibited.**

No milk or milk products shall be pasteurized more than once, except as may be specially permitted by the health officer.

**Section 15. Future Dairies and Milk Plants.**

All dairies and milk plants from which milk is supplied to the City of Albany, which are hereafter constructed, shall conform in their construction to the requirements of the health officer, which shall not be less than the Grade "A" requirements of this ordinance.

**Section 16. -Penalty.**

Any person who shall violate any provision of this ordinance upon conviction thereof in the Recorder's Court shall be fined not more than One Hundred Dollars (\$100.00), or by imprisonment for a period not to exceed fifty days, or both, at the discretion of the Court, each and every violation of this

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provisions of this ordinance shall constitute a separate offence.

**Section 17. Repeal and Date of Effect.**

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall not be effective until October 1st, 1930.

**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.

**Section 19. Enforcement Officer.**

The Council of the City of Albany, Oregon, is hereby authorized to appoint such officer or officers as may be required for the purpose of enforcing the provisions of this ordinance, which said officer shall have full power and authority of a health officer, as contemplated by the terms of this ordinance.

Passed by the Council April 9, 1930.

Approved by the Mayor April 9, 1930.

VIRGIL L. CALAVAN,  
Mayor.

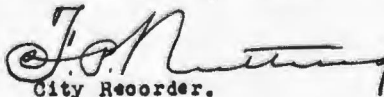
Attest:

F.P. Nutting,  
City Recorder.

STATE OF OREGON,  
County of Linn,        ss.

I, F.P. Nutting, Recorder of the City of Albany, Linn County, Oregon, do hereby certify that the foregoing and annexed copy of Ordinance No. 1328 has been by me carefully compared with the original Ordinance Bill No. 1436, now on file in this office, and that it is a true and correct copy of all of said Ordinance Bill No. 1436, passed by the Council and approved by the Mayor on April 9, 1930.

Witness my hand and official signature and the seal of the City of Albany ~~14~~ this 12th day of April, 1930.

  
City Recorder.