

CHAPTER 110: MILK AND MILK PRODUCTS

Section

110.01 Adoption of the Milk Ordinance and Code; Exceptions

§ 110.01 ADOPTION OF THE MILK ORDINANCE AND CODE; EXCEPTIONS.

(A) The production, transportation, processing, handling, sampling, examination, grading, labeling, regrading, and sale of all milk and milk products sold for ultimate consumption within the city or its police jurisdiction; the inspection of daily 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 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 City Clerk. These regulations are adopted and made a part of the code as if fully set out herein.

(B) Exceptions. In the unabridged form the following rules shall apply.

(1) "CITY OF" in the unabridged form shall be understood to refer to the City of Morehead.

(2) All parentheses marks enclosing words referring to degrading shall be understood to be deleted.

(3) In Section 7, item 1r, of the unabridged ordinance, either Plan A, or Plan B, approved by the BAI for the eradication of brucellosis shall be in effect within three (3) years.

(4) That sections 3, 8, 16 and 17 of the unabridged ordinance shall be replaced respectively by divisions (a), (b), and (c) below:

(a) From and after six (6) 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 grade A pasteurized; provided that when any milk distributor fails to qualify for the above grades, the Board of Health 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.

(b) A. PERMITS. It shall be unlawful for any person to bring into, send into, or receive into the city or its police jurisdiction, for sale or to sell, or offer for sale therein, or to have in storage where milk or milk products are sold or served, any milk products defined in this ordinance, who does not possess a permit from the Rowan County Health Department.

1. Every milk producer, milk hauler, milk

distributor, and operator of a milk plant shall secure a permit. Only a person who complies with the requirements of this ordinance shall be entitled to receive and retain such a permit. The permits provided for herein shall not be issued unless an inspection has been made by the Rowan County Health Department and the Rowan County Health Department has report from the State Department of Health as to the rating of such plant if located outside of the county and the rating is at least ninety percent (90%), and the person who seeks the permit shall be found to be in full compliance with the provisions hereof. Permits shall not be transferable with respect to persons or locations.

2. Such a permit may be temporarily suspended by the Rowan County Health Department upon violation by the holder of any of the terms of this ordinance, or for interference with Rowan County Health Department in the performance of its duties, or may be revoked after an opportunity for a hearing by the Health Department upon serious or repeated violations.

(c) Any person who shall violate any provision of this chapter shall be guilty of a misdemeanor, and upon conviction, fined not less than ten dollars (\$10.00) and not more than five hundred dollars (\$500.00). Each and every violation of the provisions of this ordinance shall constitute a separate offense.

(5) In paragraph (K) of Section 1, the words "cottage cheese" and "creamed cottage cheese" shall be deleted.
(Am. Ord. 15:99, passed 5-10-99)