

ORDINANCE OF THE CITY OF BLOOMINGTON,
COUNTY OF MONROE, STATE OF INDIANA,
No. 8, 1950.

An Ordinance to Regulate the Production, Transportation, Processing, Handling, Sampling, Examination, Grading, Labeling, Regrading, and Sale of Milk and Milk Products; the Inspection of Dairy Herds, Dairies, and Milk Plants; the Issuing and Revocation of Permits to Milk Producers and Distributors; Permit Fees; Appointment of Inspectors and Sanitary Police; the Placarding of Restaurants and other Establishments Serving Milk or Milk Products and Repealing all Ordinances of Parts of Ordinances in Conflict Herewith, and Fixing Penalties.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA:

Section 1. The City Board of Health of the City of Bloomington, Indiana, hereinafter, in this Ordinance, referred to as Board of Health, shall have the supervision over the production, transportation, processing, handling, sampling, examination, grading, regrading, labeling, and sale of all milk and milk products sold for ultimate consumption within the City of Bloomington, Indiana, or within its police jurisdiction; the inspection of dairy herds, dairies, and milk plants; the issuing and revocation of permits to milk producers and distributors and the placarding of restaurants and other establishments serving milk or milk products.

Section 2. Grade A. Milk Ordinance. The Board of Health, in the performance of its duties under Section 1 of this Ordinance, shall adopt as the standards to be followed the provisions in paragraph HDP4G entitled "Certified Milk Identity" and paragraph HDP4H entitled "Grade A. Milk and Milk Products", of a regulation of the Indiana State Board of Health passed on September 13, 1945, entitled "Regulations Relating to Dairy Products, Including Definitions and Standards of Identity". For the purpose of interpreting the aforesaid requirements, the unabridged form of Public Health Bulletin No. 220 entitled "The 1939 Edition of the Milk Ordinance and Code Recommended by the United States Public Health Service", shall be use. Two certified copies of said Public Health bulleting No. 220 shall be placed on file in the Office of the City Clerk-Treasurer of the City of Bloomington, Indiana, for public inspection.

As used in this Ordinance, and notwithstanding the definition thereof elsewhere contained in the regulations as set out in the paragraph above of this Section 2, which said regulations were, by reference, incorporated in this Ordinance, no milk may be sold or distributed which contains less than 8% of solids not fat, and not less than 4% of milk fats provided, however, that a tolerance of one-tenth of one percent shall be allowed for regular fluid milk and two-yenths of one percent for homogenized fluid mild as determined by any standard method of testing the butterfat content of milk.

Section 3. The Sale of Adulterated, Misbranded or Ungraded Milk, or Milk Products, Prohibited. No person, firm or corporation shall, within the City of Bloomington, Indiana, or within 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 adulterated, misbranded, or ungraded. It shall be unlawful for any person, elsewhere than in a private home, to have in possession any adulterated, misbranded, or ungraded milk or milk product.

Section 4. Permits. It shall be unlawful for any person, firm or corporation to bring into, or receive into, the City of Bllomington, Indiana, 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 or milk products as defined in this Ordinance which does not possess a permit from the Board of Health and only a person, firm or corporation which complies with the requirements of this Ordinance shall be entitled

to receive and retain such a permit.

Such a permit may be suspended by the Board of Health after an opportunity for a hearing by the Board of Health, upon the violation by the holder of any such permit of any of the terms of this Ordinance. Any person, firm or corporation shall have the right to take an appeal from any decision of the Board of Health to the Monroe Circuit Court, as in other civil cases.

Section 5. Permit Fees. The permit fee for the sale or disposal of milk, or milk products, in the City of Bloomington, Indiana, shall be as follows:

(a) All milk, or milk products, processing plants located within the City of Bloomington, Indiana, or within its police jurisdiction, engaged in the processing and distribution of pasteurized fluid milk or milk products, shall pay a permit fee of two cents (2¢) per hundredweight on all milk, received for such purposes.

(b) All milk pasteurization plants located within the City of Bloomington, Indiana, or within its police jurisdiction, purchasing sweet cream for resale as pasteurized cream shall pay a permit fee of one-half cent ($\frac{1}{2}$ ¢) per pound butterfat on all cream received for such purposes.

(c) Fees referred to in (a) and (b) shall be paid on or before the 15th day of the month for the previous month, the first payment being due thirty (30) days after the effective date of this Ordinance. The original weight sheets and other records shall be made available once each month to the Board of Health for determination of these fees. All plants operating under the provisions of (a) and (b) above shall purchase milk by weight and not by volume. Any dairy selling direct to any dairy or dairies which purchasing dairy or dairies pay the permit fee on the hundredweight on the milk, or milk products, processed and sold shall not be required to pay any fees provided for under the terms of this Ordinance.

(d) Any person, firm or corporation holding a permit which is in force which has been issued by the board of health of any other municipality, or any other unit of government, operating under the standards required by this Ordinance shall be exempt from paying permit fees required either under sub-sections (a) or (b) of Section 5 of this Ordinance provided, however, that every such person, firm or corporation shall, in lieu of such permit fees from which they have been so exempted, pay a flat license fee of \$50.00 per year for each truck, or other vehicle, used in transporting or delivering milk or other dairy products to distributors or to ultimate consumers within the corporate limits of the City of Bloomington, Indiana, and if such vehicle shall be a motor vehicle it shall not exceed an over-all length of $23\frac{1}{2}$ feet, and every such truck or vehicle shall display a suitable license tag issued by the City of Bloomington, Indiana, evidencing the payment of such license, each such license to be issued to one definite vehicle only and such license shall not be transferable from one vehicle to another and the city Clerk-Treasurer shall issue such license tags upon direction from the Board of Health and at the time each such license tag is issued the said city Clerk-Treasurer shall make and keep a proper record of the vehicle to which each such license tag is to be attached and if such vehicle to which such license tag is to be attached shall be a motor vehicle the said city Clerk-Treasurer shall record the model, year, make, serial and motor number of the same.

(e) The permit fees or license fees paid under this Ordinance by any person, firm or corporation shall be in lieu of any and all other permit fees or license fees to which any such person, firm or corporation would have been required to pay for the conduct of the business permitted under this Ordinance had this Ordinance not been passed.

Section 6. From and after twelve (12) months from the date on which this Ordinance takes effect no milk, or milk products, shall be sold to the ultimate consumer or to restaurants, soda fountains, grocery stores or similar establishments within the City of Bloomington, Indiana, or within its police jurisdiction, except Grade A Pasteurized milk, or milk products, as defined in the standards required to be adopted by this Ordinance.

Section 7. It shall be the duty of the Mayor to employ a Milk Inspector, which appointment, however, must receive the approval of the Board of Health and the Indiana State Board of Health, which said Milk Inspector shall assist in the enforcement of this Ordinance and which said Milk Inspector shall be an authorized representative of the Board of Health to perform such duties of inspection and make such reports and perform such enforcement duties, all under the direction of the Board of Health, as may be necessary for the full enforcement of this Ordinance.

Such Milk Inspector shall be a person well qualified for the performance of his duties and shall be paid such sum as may be agreed upon by the Mayor and the Board of Health out of such funds as may hereafter be appropriated therefor by the Common Council of the City of Bloomington, Indiana.

Section 8. Any person, firm or corporation violating any provision of this Ordinance shall, upon conviction, be punished by a fine of not more than one hundred dollars (\$100.00) or imprisonment in the County jail for not more than thirty (30) days, or both such fine and imprisonment. Each and every day of violation shall constitute a separate offense under the terms of this Ordinance.

Section 9. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

This Ordinance shall be in full force and effect on and after its passage by the Common Council, its approval by the Mayor and its publication as provided by law.

Section 10. If any section, sub-division or clause of this Ordinance shall be held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Passed and Adopted by the Common Council of the City of Bloomington, Indiana, this 1st day of August, 1950.

/s/ Thos. L. Lemon
Mayor and Presiding Officer

ATTEST:

/s/ Carl O. Stewart
City Clerk-Treasurer

Presented to the Mayor of the City of Bloomington, Indiana, this 1st day of August, 1950, at the hour of 8:45 o'clock P. M.

/s/ Carl O. Stewart
City Clerk-Treasurer

Approved and signed by me this 1st day of August, 1950, at the hour of 8:45 o'clock P. M.

/s/ Thos. L. Lemon
Mayor of the City of Bloomington,
Indiana.

ATTEST:

/s/ Carl O. Stewart
City Clerk-Treasurer