

# An Ordinance

The following Ordinance governing the operation of Dairies and the Sale of Milk and Milk Products in the Town of Brevard, N. C., was passed on first reading Thursday, July 11, 1929.

## AN ORDINANCE

Defining "milk" and certain "Milk Products" "Milk Producer" "Pasteurization," etc. 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, providing for the publishing of milk grades, the construction of future dairies and milk plants, the enforcement of this ordinance and the fixing of penalties.

BE IT Ordained by the Board of Aldermen of the Town of Brevard, as follows:

### SECTION I.

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

**Milk.**

(a). Milk is hereby defined to be the whole, fresh, clean, lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within 15 days before and 5 days after calving, or such longer period as may be necessary to render the milk practically colostrum free; which contains not less than eight and one-half per cent (8 1/2 per cent) of solids not fat and not less than three and one-fourth per cent (3 1/4 per cent) of milk fat.

**Milk Fat or Butter Fat.**

(b). Milk fat or butter fat is the fat of milk and has a Reichert-Meisels number of not less than twenty-four (24) and a specific gravity of not less than 0.905 (40°C-40°C).

**Cream.**

(c). Cream, sweet cream, is that portion of milk, rich in milk fat, which rises to the surface of milk on standing or is separated from it by centrifugal force, is fresh and clean, and which contains not less than eighteen per cent (18 per cent) of milk fat. **Provided**, that cream having less than 18 per cent milk fat shall be known as Sub-standard Cream.

Cream having less than thirty per cent (30 per cent) milk fat shall be known as Light Cream.

Cream having more than thirty per cent (30 per cent) and less than forty per cent (40 per cent) milk fat shall be known as Heavy Cream, and cream having more than forty per cent (40 per cent) milk fat shall be known as Extra Heavy Cream.

Whipping Cream and Manufactured Cream are creams intended for whipping or manufacturing purposes, and the grades of same shall not be based on bacterial count.

**Skimmed Milk.**

(d). Skimmed milk is milk from which substantially all the milk fat has been removed.

**Adjusted Milk.**

(e). Adjusted milk is milk in which the percentage of milk fat has been adjusted by the addition or removal of cream or skimmed milk.

**Buttermilk.**

(f). Buttermilk is the product which remains when milk fat is removed from milk or cream, sweet or sour, in the process of churning. It contains not less than eight and five tenths per cent (8 5/10 per cent) of milk solids not fat.

**Cultured Buttermilk.**

(g). Cultured buttermilk is the product resulting from the souring or treatment by a lactic acid culture of milk or milk products.

(h). Evaporated Milk (unsweetened) is milk from which a considerable portion of water has been evaporated and which contains not less than twenty-five and five-tenths per cent (25 5/10 per cent) of milk solids and not less than seven and eight-tenths per cent (7 8/10 per cent) milk fat.

**Condensed Milk (Sweetened).**

(i). Condensed milk (sweetened) is milk from which a considerable portion of water has been evaporated, to which sugar has been added, and which contains not less than twenty-eight per cent (28 per cent) of milk solids and not less than eight per cent (8 per cent) milk fat.

**Condensed Skimmed Milk.**

(j). Condensed Skimmed Milk is skimmed milk from which a considerable portion of water has been evaporated, and which contains not less than twenty per cent (20 per cent) of milk solids.

**Powdered (Dried) Whole Milk.**

(k). Powdered whole milk is milk from which substantially all of the water has been removed, and which contains not less than twenty-six per cent (26 per cent) of milk fat, and not more than five per cent (5 per cent) of moisture.

**Powdered (Dried) Skimmed Milk.**

(l). Powdered skimmed milk is skimmed milk from which substantially all of the water has been removed, and which contains not more than five per cent (5 per cent) of moisture.

**Recombined Milk.**

(m). Recombined milk is a substance produced by recombining powdered whole milk, powdered skimmed milk, condensed or evaporated whole milk, or skimmed milk and milk fat, with water, and shall conform in milk fat percentage and bacterial counts to the provisions of this ordinance relating to milk.

### Milk Products.

(n). Milk products shall be taken to mean and include cream, skimmed milk, adjusted milk, buttermilk, cultured buttermilk, evaporated milk (unsweetened), condensed milk (sweetened), condensed skimmed milk, powdered whole milk, powdered skimmed milk and recombined milk.

### Pasteurization.

(o). The terms "pasteurization," "pasteurized," "pasteurize," and similar terms shall be taken to refer to the process of heating milk or milk products to a temperature of not less than one hundred and forty-two degrees (142 degrees), Fahrenheit, and holding at such temperature for not less than thirty (30) minutes in pasteurization apparatus approved by the Milk Inspector, the temperature and time being automatically recorded by a temperature and time recording device approved by the Milk Inspector.

### Adulterated Milk and Milk Products.

(p). Adulterated milk and milk products are milk and milk products defined in this Ordinance which do not conform with the definitions contained in this Ordinance.

### Milk Producer.

(q). A milk producer is any person, firm, or corporation who owns or controls one or more cows a part or all of the milk from which is for sale, or sold or delivered to another person, firm or corporation.

### Milk Distributor.

(r). A milk distributor is any person, firm, or corporation which has in possession, offers for sale, sells or delivers to another, any milk or milk products for consumption or manufacturing purposes.

### Dairy or Dairy Farm.

(s). A 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, firm, or corporation.

### Milk Plant.

(t). 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.

### Milk Inspector.

(u). The Milk Inspector shall be taken to mean the Milk Inspector of the Town of Brevard, in person, or his authorized representative.

### Average Bacterial Count.

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

### Grading Period.

(w). The grading period shall be such period of time as the Milk Inspector 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.

### Disinfectant.

(x). A disinfectant is any germicidal substance approved by the Milk Inspector.

### SECTION II.

The Sale of Adulterated or Misbranded Milk or Milk Products Prohibited.

No person, firm, association or corporation shall, within the Town of Brevard, 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 III.

It shall be unlawful for any person, firm, association, or corporation to bring into or receive into the Town of Brevard for sale or to sell or offer for sale therein, or to have on hand any milk or milk products, excepting evaporated milk, condensed milk, condensed skimmed milk, powdered whole milk and powdered skimmed milk, who does not possess an unrevoked permit from the Town of Brevard, and on whose vehicle or in whose place of business there does not appear in a conspicuous place a placard showing the permit number in figures at least three inches high and one and one-half inches wide.

Such a permit may be revoked by the Milk Inspector upon the violation by the holder of any of the terms of this or any other Health Ordinance of the Town of Brevard. **Provided**, that the holder of said permit shall, after complying with such revocation, have the right of appeal to the Board of Health.

Each and every dairyman shall be required to pay into the Town of Brevard treasury a sufficient sum per head each cow milked to defray the expenses of inspection; said sum to be paid to the Clerk and Tax Collector of the Town of Brevard monthly. In addition to this, they will be taxed with the cost of license plate each year.

### SECTION IV.

Labeling and Placarding.

All bottles, cans, packages, and other containers enclosing milk or any milk products defined in this Ordinance shall be plainly labeled or marked with: (1) the name of the contents as given in the definitions in this Ordinance; (2) the grade of the contents if said 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 percentage of milk fat if the package or other container encloses adjusted milk.

Every grocery store, restaurant, cafe, soda fountain or similar establishment selling or serving milk shall display in a place designated by the Milk Inspector a card furnished by the Milk Inspector, stating the grade of the milk at the time when delivered and whether same is raw or pasteurized.

### SECTION V.

Inspection of Dairy Farms and Milk Plants For The Purpose of Grading or Regrading.

At least once during each grading period the Milk Inspector shall inspect every dairy farm producing milk or cream for consumption within the Town of Brevard, and all milk plants whose milk or cream is intended for consumption within the Town of Brevard. In case the Milk Inspector discovers the violation of any item of sanitation, 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.

One copy of the inspection report shall be posted by the Milk Inspector in a conspicuous place upon an inside wall of one of the dairy farm or milk plant buildings and said inspection report shall not be removed by any person except the Milk Inspector. Another copy of the inspection report shall be filed with the records of the Health Department. In addition, a written notice shall be mailed to or left with the owner or manager in the case of violations.

### SECTION VI.

The Testing of Milk and Milk Products.

During each grading period at least four samples of milk or cream from each dairy farm and milk plant shall be tested by the Milk Inspector. 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 Milk Inspector may require. Said tests shall include the determination of the bacterial count made in conformity with the standard methods recommended by the American Public Health Association, and may include other chemical and physical determinations as the Milk Inspector may deem necessary for the detection of adulteration. Notices of bacterial counts shall be given to the producer or distributor concerned as soon as made, or to any interested person on request. Samples may be taken by the Milk Inspector 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 furnish the Milk Inspector, upon his request, the name of the milk distributor from whom their milk is obtained.

Should the market value of any single sample exceed twenty-five cents the Town of Brevard shall pay the distributor therefor.

### SECTION VII.

The Grading of Milk and Cream.

At least once every six (6) months the Milk Inspector shall announce through the local press the grades of all milk and cream supplies delivered by all producers or distributors and ultimately consumed within the Town of Brevard. Said grades shall be based upon the following standards; the grading of cream being identical with the grading of milk, except that the permissible bacterial limits shall be multiplied five-fold in each case.

**Certified Milk.**

Certified Milk is milk which conforms with the requirements of the Amer. Asso. of Medical Milk Commission, and produced under the supervision of the Medical Society of Transylvania County.

**Grade "A" Raw Milk.**

Grade "A" Raw Milk is milk whose average bacterial count as determined under Section 6 of the Ordinance does not exceed 50,000 per cubic centimeter, and which is produced upon dairy farms conforming with all of the following items of sanitation:

**Cows, Tuberculosis and Other Diseases.**

(1). A physical examination and tuberculin test of all cows shall be made before any milk therefrom is sold, and at least once every twelve months thereafter by a veterinarian approved by the Milk Inspector. A certificate signed by the veterinarian, and filed with the Milk Inspector, 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 tuberculin test shall be branded with the letters "T." or "T.B." on the shoulder, hip, or jaw and removed at once and slaughtered under the direction of the Milk Inspector. Each letter in the brand shall be not less than two inches high and one and one-half inches wide. Herds showing reactions on any test shall be retested within six months, but not before the lapse of sixty days.

**Dairy Barns.**

**Lighting.**

(2). All dairy barns shall have at least three square feet of window space for each animal.

**Air Space.**

(3). All dairy barns shall have at least five hundred (500) cubic feet of air space per cow.

**Floors.**

(4). Floors and gutters of all dairy barns shall be constructed of concrete or other impervious and easily cleaned material approved by the Milk Inspector, and shall be graded to drain properly, and shall

be kept clean and in good repair.

**Walls and Ceilings.**

(5). The walls and ceilings of all dairy barns shall be whitewashed once each year or painted once every two years, or finished in a manner approved by the Milk Inspector, and shall be kept clean and in good repair. In case hay or other feed-stuffs are stored above the barn the ceiling shall be tight.

**Cow Yard.**

(6). All cow yards shall be graded and drained as well as practicable, and kept clean.

**Manure Disposal.**

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

**Milk House or Room.**

**Construction.**

(8). There shall be provided a separate milk house or milk room for the handling and storage of milk, provided with a tight floor constructed of cement or other impervious material and graded to provide proper drainage. The walls and ceilings of the milk house or room shall be of such construction as to permit easy cleaning and shall be painted at least once each year or finished in a manner approved by the Milk Inspector. The milk house or room shall be well lighted 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 so located and conducted as to prevent any contamination one to the other. The milk room shall not open directly into the barn or into any room used for sleeping or domestic purposes.

**Cleanliness and Flies.**

(9). 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.

**Toilet.**

(10). Every dairy farm shall be provided with a sanitary toilet constructed and operated in accordance with the regulations of the North Carolina State Board of Health.

**Water Supply.**

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

**Utensils.**

(12). All containers or utensils used in the handling or storage of milk or milk products must be 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-mouthed design approved by the Milk Inspector.

**Cleaning.**

(13). All containers and other utensils used in the handling and storing or transportation of milk and milk products must be thoroughly cleaned by rinsing with clean water after each usage, scrubbing in an alkaline solution, and rinsing with clean water.

**Sterilization.**

(14). All containers and other utensils used in the handling, storage, or transportation of milk or milk products shall between each usage be sterilized with steam.

**Storage.**

(15). All containers and other utensils used in the handling, storing, or transportation of milk or milk products shall be stored so as not to become contaminated until again used.

**Handling.**

(16). After sterilization 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.

**Milking.**

(17). The udders and teats of all milking cows shall be clean and sponged with a disinfectant immediately before milking.

**Flanks.**

(18). The flanks of all milking cows shall be kept free of visible dirt at the time of milking.

**Milkers' Hands.**

(19). Milkers' hands shall be clean, rinsed with a disinfectant, and dried with a clean towel immediately before milking. Should the milking operation be interrupted the milkers' hands must be re-disinfected. Wet hand milking is prohibited.

**Clean Clothing.**

(20). Milkers shall wear clean outer garments during milking.

**Milk Stools.**

(21). Milk Stools shall be kept clean.

**Removal of Milk.**

(22). Each pail of milk shall be removed immediately to the milk house. No milk shall be strained in the dairy barn.

**Cooling.**

(23). Milk must be cooled within one hour after milking to 50 degrees Fahrenheit 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.

**Bottling and Capping.**

(24). Capping shall preferably be done by machine. In case capping is done by hand, the hands shall be disinfected in a manner approved by the Milk Inspector before the process of capping is begun and after each interruption. Caps not purchased in sanitary containers and kept therein until used shall be kept in dust-proof containers and shall be immersed in an approved disinfectant solution immediately before use.

**Personnel.**

**Health Certificates.**

(25). Every person whose work brings him or her in regular contact with the production, handling, storage, or transportation of milk or milk products shall hold a certificate from the Milk Inspector certifying to the fact that within twelve months laboratory and other examinations have been made indicating that said person is free of tuberculosis, that said person is not a carrier of typhoid fever, and that said person is free of any disease capable of being spread through milk supplies.

**Notification of Disease.**

(26). Notice shall be sent to the Milk Inspector within twenty-four hours by any milk producer or distributor upon whose dairy farm any case of sickness or any infectious, contagious, or communicable disease occurs.

**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, and which is produced upon dairy farms conforming with all of the items of sanitation requirements for Grade "A" Raw Milk except (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 six (6) degrees Fahrenheit. Item (14) shall apply except that boiling water may be substituted for steam.

**Grade "C" Raw Milk.**

Grade "C" Raw Milk is milk the average bacterial count of which at no time prior to delivery exceeds 1,000,000 per cubic centimeter, and which is produced upon dairy farms conforming with all of the items of sanitation required for Grade "B" Raw Milk except (1), (7), (12), (14), (23), (24), or (25): **Provided**, that cleanliness shall in no case be omitted.

**Grade "D" Raw Milk.**

Grade "D" Raw Milk is milk which does not meet the requirements of Grade "C" Raw Milk, and the average bacterial count of which does not exceed 5,000,000.

**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 of the following items of sanitation and the average bacterial count of which at no time after pasteurization and until delivery exceeds 50,000.

**Building and Equipment.**

**Floors.**

(1). The floors of all rooms in which milk is handled shall be smooth, impervious, properly drained, and provided with trapped drains and kept clean.

**Walls and Ceilings.**

(2). Walls and ceilings of rooms in which milk is handled or stored shall be frequently painted with a light-colored paint or finished in a manner approved by the Milk Inspector, and kept clean.

**Doors and Windows.**

(3). All openings into the outer air shall be effectively screened to prevent the access of flies. Doors shall be self-closing.

**Lighting and Ventilation.**

(4). All rooms shall be well lighted and ventilated.

**Protection From Contamination and Flies.**

(5). The various milk plant operations shall be so located and conducted as to prevent any contamination one to the other. All means necessary for the elimination of flies shall be used.

**Toilet Facilities.**

(6). Every milk plant shall be provided with toilet facilities conforming with the Ordinances of the Town of Brevard. 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. 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 constructed and operated in conformity with the regulations of the North Carolina State Board of Health.

**Water Supply.**

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

**Wash Room.**

(8). A wash room shall be provided, equipped with hot running water, soap, and sanitary towels of a type approved by the Milk Inspector. The use of a common towel is prohibited.

**Milk Piping.**

(9). Only "sanitary milk piping" of a type which can be easily cleaned with a brush shall be used.

**Construction of Equipment.**

(10). All equipment with which milk comes in contact shall be constructed in such manner as to be easily cleaned and shall be kept clean.

**Disposal of Wastes.**

(11). All wastes shall be disposed of in conformity with the requirements of the Milk Inspector.

**Methods.**

**Cleaning and Sterilization of Containers and Apparatus.**

(12). All milk containers and milk apparatus shall be thoroughly cleaned after each usage by rinsing with clean water, then scrubbing in an alkaline solution, and finally sterilized in a manner approved by the Milk Inspector.

**Storage of Containers.**

(13). After sterilization, all bottles, cans and other containers shall be stored in an inverted position in a clean place and protected from contamination.

**Handling of Containers and Apparatus.**

(14). Between sterilization 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.

**Storage of Caps.**

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

**Pasteurization.**

(16). Pasteurization shall be performed as described in the definition section of this Ordinance. The time and temperature record charts shall be preserved for a period of three months for the information of the Milk Inspector.

**Cooling.**

(17). All milk not pasteurized upon receipt shall be immediately cooled to a temperature of 50 degrees Fahrenheit or less and maintained thereat until pasteurized; and all pasteurized milk shall be immediately cooled to a temperature of 50 degrees Fahrenheit or less and maintained thereat until delivery