

ORDINANCE NO. 39, 1923,  
BEING AN EMERGENCY ORDINANCE RELATING TO THE SALE OF MILK AND ITS  
PRODUCTS WITHIN THE CORPORATE LIMITS OF THE CITY OF FORT COLLINS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT COLLINS:

Section 1. No person shall sell or offer for sale, or cause to be sold or kept for sale, or given away, any milk or cream for human food within the corporate limits of the City of Fort Collins without having first obtained a license therefor as herein provided. No person shall ship or bring into the city by freight, express or otherwise, any milk or cream for sale without having a license so to do. Any person desiring such license shall make application in writing therefor to the City Council upon a form which shall be provided by the City Clerk in which shall be stated the name of the applicant, his residence and the location of the place to carry on the business. Accompanying such application shall be a report of the Food Inspector or his deputy showing that the place of business has been investigated, and having said Inspector's approval. Said application shall be accompanied by a fee of Twenty-five (\$25.00) Dollars, and all licenses issued under this ordinance shall expire on the thirty-first day of December in each year. Provided, however, that this ordinance shall not apply to hotels, restaurants or eating houses or other places of business that serve milk or cream to their customers, obtained from regularly licensed milk dealers, nor to merchants who purchase milk or cream from regularly licensed milk dealers for the purpose of re-selling the same, nor to persons residing in the City of Fort Collins who shall keep not to exceed one cow.

Section 2. Every person or corporation receiving a license under this ordinance shall keep the same in a conspicuous place in the room or place for which it was granted, and every person authorized to peddle milk or cream, or either of them, from a wagon or other vehicle shall cause

the name and the number of the license to be plainly printed in letters and figures at least one and one-half inches in height in a conspicuous place on the wagon or vehicle. In case the licensee shall ship milk or cream, or either of them, into the city by express or otherwise, the number of license shall be placed on every can and he shall keep the same plain and distinct during the time for which such license is in force.

Section 3 Every person licensed under the provisions of this ordinance who is engaged in carrying on the business of vending milk and cream or either of them, within the corporate limits of the City of Fort Collins shall keep all cans and other receptacles used in and about the handling of milk and cream or either of them and all refrigerators or compartments and stores or other places where milk and cream, or either of them is kept stored or handled in a scrupulously neat and clean condition and free from the presence or vicinity of any article or thing likely to contaminate or injuriously affect the quality or sweetness of the milk or cream and shall cause all bottles cans dippers or other receptacles in which milk or cream is kept to be sterilized with boiling water or live steam before using again and shall cause all bottles cans or dippers or other vessels used in or about the peddling or vending of milk and cream to be scalded or sterilized daily and all sterilizing and cleansing required by this section shall be done as the Food Inspector or his deputies may direct.

Section 4 No person shall deliver or bring into the City of Fort Collins for sale any milk or cream unless the same is contained in a can or receptacle sealed with a metal seal by the shipper thereof and such can or receptacle shall have such seal intact at the time it is brought into the City. No person shall sell, offer for sale or dispose of or deliver to any person any milk or cream or have any milk or cream in his possession with the intent to sell, offer for sale or deliver to any person which he knows or has reason to believe was received in

or brought into the City in a can or receptacle which did not have its seal intact

Section 5 It shall be the duty of the Food Inspector or his deputies to visit and inspect all places and vehicles in which milk and cream, or either of them, is sold or offered for sale, stored or kept or delivered and inspect all vessels cans receptacles packages refrigerators or compartments in stores or buildings platforms establishments, or places of any kind containing milk or cream, to ascertain the condition thereof with reference to cleanliness and sanitation and to cause the removal and abatement of any unfit, unclean or injurious conditions attending the keeping, storing or possession care, custody or control of any milk or cream at any and in all places \*

Section 6 The City Health Officer the Food Inspector or his deputies, or any police officer shall have the right and power to enter and have full access to all wagons railroad cars, or other vehicles of any kind used for the conveyance or delivery of milk or cream or any place where milk or cream is kept, bottled or stored for sale or consumption in the City of Fort Collins and shall have the right to take samples of milk and cream therefrom such samples not to exceed one quart for the purpose of inspecting, testing or analyzing the same

Section 7 No person licensed under this ordinance shall keep sell or offer for sale or have in his possession charge or control for sale within the corporate limits of the City of Fort Collins any milk which contains more than eighty-eight (88%) per cent of watery fluid or less than twelve (12%) per cent of total solids or less than three and four-tenths (3 4/10) of butter fat or more than 100,000 bacteria per cubic centimeter No person licensed under this ordinance shall keep, sell or offer for sale, or have in his possession, charge or control for sale within the corporate limits of the City of Fort Collins any cream which contains less than sixteen (16%) per cent of butter fat No butter shall

be sold or offered for sale within the corporate limits of the City of Fort Collins unless it has stamped thereon in plain letters and figures the name of the maker and the date of manufacture

Section 8 No person shall sell or offer for sale within the corporate limits of the City of Fort Collins, any milk from which the cream or any part thereof shall have been taken unless such milk shall be offered for sale and sold by such person as "skim milk," and unless the cans or other receptacles containing such milk shall have painted or printed on the outside thereof the words "Skim Milk" in plain black letters to be kept plainly visible at all times and no such person shall sell, offer for sale or deliver any skim milk containing less than eight and eight-tenths (8 8%) per cent of total solids other than butter fat

Section 9 Whoever by himself, or by his servant or agent or as agent or servant or employee of any other person sells or offers for sale or delivers within the corporate limits of the City of Fort Collins any milk, cream or bettermilk or skim milk for human food which is unclean, diluted impure unwholesome adulterated or not of the standard provided<sup>x</sup> for by this ordinance, or milk or cream produced from sick or diseased cows or from cows kept in an unclean filthy or unhealthy condition or cows fed any garbage swill, refuse or other improper foods or milk or cream that has been exposed or contaminated or affected by discharges or exhalations of any human being or animal, sick or infected, shall upon conviction be fined as hereinafter provided

Section 10 All milk or cream from sick or diseased cows or cows fed on slops, or that may injuriously affect or be detrimental to life and health shall upon discovery thereof be confiscated or forfeited by or under the direction of the Food Inspector or his deputies

Section 11 Every person owning, keeping or in possession charge or control of any cow stable or dairy where milk cows are stabled or kept, or from which milk is sold within the corporate limits of the City of Fort Collins shall have such stable or dairy cleaned daily

in a thorough manner and the accumulations of manure shall be kept in a tight covered box or receptacle and such manure shall be removed as often as once a week, and shall maintain the premises thereof free from refuse matter or ofial

Section 12 All dairy cows which produce milk for the market of the City of Fort Collins shall be free from all disease that would in any way affect the milk, such as Tuberculosis Anthrax Lumpy Jaw Garget Cowpox Enteritis, Septic Metritis Suppurative processes, Pneumonia, Parturient apoplexy Malignant Catarrh and the words "Dairy Cow" are hereby defined to include the private cow from which milk is sold No cow shall be used in any dairy which supplies milk for private consumption or use, or for sale within the corporate limits of the City of Fort Collins unless such cow has been tested with tuberculin for tuberculosis by a licenses veterinarian approved by the Food Inspector and no milk shall be sold within the corporate limits of the City of Fort Collins from any dairy unless a certificate from the inspecting veterinarian shall have been filed with the City Clerk showing that all cows in said dairy have been tested and are free from all the diseases mentioned herein and this inspection and certificate shall be made and issued upon date of inspection without expense to the owner but such owner shall file the certificate with the City Clerk within ten days after the same is issued Such certificate shall be filed at least once a year and at such other times as the Food Inspector or his deputies shall direct No milk shall be sold or offered for sale or given away within the corporate limits of the City of Fort Collins from any cow not so examined Additional certificates shall be immediately filed for cows added to any dairy, and it shall be the duty of the City Clerk to keep a permanent record of all such certificates Cows found to be affected with any of the foregoing diseases shall be marked or branded for identification by the Food Inspector or his deputies, in such manner as to make the same complete and certain No milk shall be sold or given away from a cow which shall calve within fifteen days or has calved within five days nor until

such milk shall become normal. If any cow is sick or diseased, the owner thereof shall not offer for sale or give away any milk therefrom and shall notify the Food Inspector at once of the fact of such sickness or disease. The Food Inspector or his deputies shall have power to compel the isolation from the herd of cows suffering from contagious diseases. No milk or cream shall be sold, given away or delivered which shall be produced from any house or premises where there is a communicable disease affecting the cows of those in charge of same.

Section 13 It shall be unlawful for any person suffering with scarlet fever, diphtheria, tuberculosis or other contagious/disease or who has been knowingly exposed to any such disease within a period of ten days to handle, transport, deliver milk or to serve as a milker or milkman. And it shall be unlawful for any person to use any bottle, can or other vessel in the sale, distribution or delivery of milk or cream which has been handled by any person sick with or infected with scarlet fever, diphtheria or other contagious or infectious disease. All sickness of either the family or employees, of whatever nature must be reported to the Health Department within twenty-four hours and failure to report a contagious disease shall be cause for a forfeiture of the license. It shall be unlawful for any person to serve milk, cream, buttermilk, or skim milk in bottles to any dwelling that has in it any contagious disease or that is placarded by the Department of Health for contagious disease until such placard has been removed by the proper authorities provided, however, that milk may be emptied in a separate vessel furnished by such person or family.

Section 14 All milk or cream sold for human food in quantities of less than one gallon shall be delivered in glass milk bottles, and all such milk or cream shall be bottled in the place provided by licensee for such purpose, and shall not be re-bottled or re-capped after removal therefrom. The dairy building regularly used for this purpose shall at all times be kept in a clean and sanitary condition. Milk bottles, milk cans and cream bot les shall be used for no other purpose than as receptacles

for milk or cream

Section 15 Any person, firm or corporation consuming or taking milk, cream, buttermilk, or skim milk from any can, bottle or other receptacle shall immediately after such consumption or taking clean such can, bottle or other receptacle with clean water

Section 16 If at the time of application for a license under the provisions of this ordinance less than six months of the current license year shall have expired, the applicant shall be required to pay the full annual license fee of Twenty-five (\$25 00) Dollars and if at the time of such application more than six months of the current license year shall have expired, the applicant shall be required to pay twelve dollars and fifty cents (\$12 50) for such license and no license shall be issued under the provisions of this ordinance for any period or part of any license year for less than twelve dollars and fifty cents (\$12 50)

Section 17 The Food Inspector is hereby authorized and empowered to formulate such rules and regulations not inconsistent with the provisions of this ordinance necessary to procure a standard of milk and cream required by the provisions of this ordinance, and it shall be unlawful for any person to fail, neglect or refuse to comply with such rules and regulations

Section 18 Upon a sworn complaint being filed with the City Council of any licensee having violated any of the terms and provisions of this ordinance, it shall be the duty of the City Clerk to notify such licensee to appear before the City Council for a hearing on such complaint and in the event the complaint is sustained it shall be lawful for the City Council to revoke the license of such licensee and such revocation shall not in any way release the licensee from prosecution under this ordinance and fine and conviction as herein provided

Section 19 All milk and cream sold in bottles within the corporate limits of the City of Fort Collins shall be capped with caps bearing in plain letters the name and address of the milk dealer selling the same,

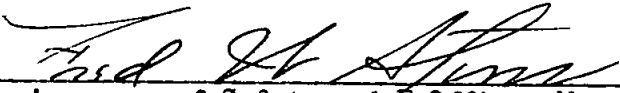
also the true contents of the bottle and the serving of milk in any hotel, restaurant or eating house within the corporate limits of the City of Fort Collins shall constitute a sale of milk under the ordinance and subject to all the provisions and no milk shall be so served except it be in bottles direct from the producer without the caps having been removed provided, however, that this section of the ordinance shall not apply to dispensaries serving milk in connection with soda fountains, *as to mixed drinks only,*

Section 20 Any person, firm or corporation who shall violate any of the provisions of this ordinance shall upon conviction be fined in any sum not less than Ten (\$10 00) Dollars nor more than One Hundred (\$100 00) Dollars and costs of suit

Section 21 All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed

Section 22 In the opinion of the City Council an emergency exists for the preservation of the public health, peace and safety and this ordinance shall take effect upon its passage and publication under and by virtue of the authority contained in Sections 6 and 7 of Article IV of the City Charter

Introduced read at length and adopted by the unanimous vote of all the members of the City Council this 15th day of December, A D 1923

  
Commissioner of Safety and ExOfficio Mayor

ATTEST

  
City Clerk

STATE OF COLORADO )  
                                      ) SS  
COUNTY OF LARIMER )

I, A J ROSELOW, City Clerk of the City of Fort Collins, do hereby certify and declare that the foregoing ordinance, consisting of twenty-two (22) sections was duly proposed and read at length at a regular meeting of the City Council, held on the 15th day of December, A D 1923, and was duly adopted and ordered published in the Fort Collins Express-Courier a daily newspaper and the official newspaper of the City of Fort Collins by the unanimous vote of all members of the Council, as an emergency ordinance, in accordance with the provisions of Sections 6 and 7 of Article IV of the City Charter and thereafter, to-wit the 17<sup>th</sup> day of December A D 1923 said Ordinance No 39 was duly published in the Fort Collins Express-Courier a daily newspaper published in the City of Fort Collins Colorado



IN WITNESS WHEREOF I have hereunto set my hand and affixed  
the seal of said City, this 17<sup>th</sup> day of December A D 1923

  
\_\_\_\_\_  
City Clerk