

~~CHAPTER 200.— MILK AND DAIRY PRODUCTS~~

~~FOOTNOTE(S):~~

~~—(10)—~~

~~**Charter reference**— Authority to regulate inspection of milk, Ch. 4, § 5(23).~~

~~**State Law reference**— Dairy products, M.S. Ch. 32~~

~~ARTICLE I.— GENERALLY~~

~~200.10.— Public health service ordinance adopted.~~

~~The production, transportation, processing, handling, sampling, examination, grading, labeling and sale of all milk and milk products sold for ultimate consumption within the jurisdiction of the city; the inspection of dairy herds, dairy farms and milk plants; the issuing and revocation of permits and/or licenses to milk producers, haulers, owners of receiving stations, cottage cheese plants, cottage cheese packaging plants, pasteurization plants, milk distributors and vehicles used in the transportation of milk and milk products; definition of milk and milk products, milk producers and pasteurization; prohibition of the sale of adulterated and misbranded milk and milk products; provision for the construction of dairy farms; milk receiving stations, and milk plants; the enforcement of the terms and requirements of this article; and the fixing of penalties hereunder, shall all be regulated in accordance with the provisions of Part II of the Grade A Pasteurized Milk Ordinance, 1978, recommendations of the United States Public Health Service, as the same shall be from time to time amended, including all footnotes thereof. Three (3) certified copies of said Grade A Pasteurized Milk Ordinance, 1978, recommendations of the United States Public Health Service, as the same shall be from time to time amended, shall be kept on file in the office of the city clerk and shall be made available upon request for use within said office to members of the public; provided that the following definitions be added thereto:~~

~~B-8. Cottage cheese. Cottage cheese is that product defined in the Code of Federal Regulations, Title 21, Section 133.128.~~

~~B-9. Dry curd cottage cheese. Dry curd cottage cheese is that product defined in the Code of Federal Regulations, Title 21, Section 133.129.~~

~~B-10. Lowfat cottage cheese. Lowfat cottage cheese is that product defined in the Code of Federal Regulations, Title 21, Section 133.131.~~

~~The term "milk" when used in these definitions means fresh, sweet milk, produced by healthy cows and which has been pasteurized before or during the manufacture of nonfat dry milk. It shall not contain buttermilk, preservative, neutralizing agents nor any other chemical, except vitamins as approved in the ordinance.~~

~~The terms "cottage cheese," "dry curd cottage cheese" and "creamed lowfat cottage cheese" shall be added to the first paragraph of definition N, Section 1 of the aforesaid Grade A~~

~~Pasteurized Milk Ordinance, 1978, recommendations of the United States Public Health Service which has been adopted hereby. (Code 1960, As Amend., § 730.010; 80 Or 212, § 1, 9-12-80)~~

~~200.20—200.30. Reserved.~~

## ~~ARTICLE II.—LICENSES, CERTIFICATES AND PERMITS~~

~~200.40.—Reserved.~~

**Editor's note**—Section 1 of 90 Or 204, adopted August 10, 1990, repealed § 200.40. Prior to such repeal, § 200.40 pertained to issuance of certificate of inspection and was derived from Code 1960, as amended, § 731.010, and Pet. No. 251270, § 23, adopted Jan. 12, 1990.

~~200.50.—Distributors' licenses.~~

~~No person shall sell within the city any pasteurized milk or milk products unless such milk or milk products have been pasteurized in a pasteurization plant for which a certificate of inspection has been secured. No person shall process the same within the city without first having obtained a milk pasteurization license.~~

- ~~(a) Application for a milk distributor's license shall be made to the licensing official. Such application shall be accompanied by the fee or fees herein set forth and established in Appendix J, License Fee Schedule, payable to the city finance officer. The license shall be issued or denied pursuant to section 259.30~~
- ~~(b) When any license is issued for a time less than the full license period, the license fee shall be prorated as provided by law.~~
- ~~(c) The licensing official shall keep a register of each license issued, the number thereof, the name of the person to whom the same is issued, the date when issued, and date of expiration, the amount paid therefor, and such other data as may be required.~~
- ~~(d) At the time of application for a milk distributor's license, in addition to the regular application form required by the licensing official, a form prescribed and furnished by the Minneapolis Health Department shall be filled in by the applicant and shall become a part of the permanent records of the health department. Such form shall be submitted to the licensing official and forwarded directly, upon submission, to the Minneapolis Health Department. (Code 1960, As Amend., § 731.020; Ord. of 10-11-74, § 1; 77 Or 147, § 1, 7-15-77; 80 Or 064, § 1, 4-25-80; 83 Or 096, § 1, 4-29-83; 86 Or 041, § 1, 3-14-86; 89 Or 177, § 1, 9-15-89; 90 Or 014, § 1, 1-26-90; 90 Or 204, § 2, 8-10-90; 91 Or 049, § 1, 3-29-91; 98 Or 046, § 1, 5-22-98; 2002 Or 023, § 1, 4-5-02; 2002 Or 100, § 1, 9-27-02; 2005 Or 113, § 1, 11-18-05; 2009 Or 124, § 1, 11-13-09; 2013 Or 142, § 1, 12-6-13)~~

~~200.60.—Reserved.~~

**Editor's note**—Section 3 of 90-Or-204, adopted August 10, 1990, repealed § 200.60. Said section pertained to license fees for cottage cheese distributors and was derived from Code 1960, as amended § 731.030; an ordinance of Oct. 11, 1974; 77-Or-147, § 1, adopted July 15, 1977; 86-Or-041, § 1, adopted March 16, 1986; 86-Or-117, § 1, adopted May 23, 1986; and 90-Or-014, § 1, adopted Jan. 26, 1990.

~~200.70.—Vehicle licenses.~~

~~(a) No person shall use or operate on any public highway in the city any vehicle used for the delivery of milk, or its products, or groceries and milk, without first having obtained a license in the manner hereinafter provided, except those vehicles exempt under Minnesota Statutes. This shall not be construed to apply to any retail grocery store vehicle delivering milk, its products, or groceries and milk, to city homes or places of business during the ordinary course of the delivery system operated by the grocery store. The application for such license shall be made to the licensing official and shall be accompanied by the fee or fees hereinafter set forth, payable to the city finance officer. The license shall be issued or denied pursuant to section 259.30. Licenses shall be transferable from one (1) approved vehicle to another, owned by the same owner, at any time upon the payment of the requisite transfer fee.~~

~~(b) No license shall be issued or renewal of an issued license granted unless and until the person applying for such license shall first execute or obtain and file with the licensing official, for each vehicle, a policy or policies in an insurance company authorized to do business in the State of Minnesota, insuring such person, the lessees or licensees of such person, against loss in the sum of at least twenty five thousand dollars (\$25,000.00) for injury or death of any one (1) person in any one (1) accident, and (subject to said limit for one (1) person) to a limit of not less than fifty thousand dollars (\$50,000.00) for injury or death of two (2) or more persons in any one (1) accident, resulting from the negligent operation, ownership, use or defective condition of any such milk delivery or grocery and milk delivery vehicle. If the licensee operates more than one (1) vehicle he may file one (1) policy of insurance covering all such vehicles, which policy of insurance shall, however, insure or indemnify each vehicle in the amounts hereinabove stated. Every insurance policy or policies insuring milk delivery or grocery and milk delivery vehicles, in addition to the foregoing provisions, shall also contain a provision insuring such person in the sum of at least five thousand dollars (\$5,000.00) against loss or damage to the property of any person or persons in any one (1) accident resulting from the negligent operation, ownership, use or defective condition of any such milk delivery or grocery and milk delivery vehicle.~~

~~(c) Whenever any license is issued for a term less than the full license period, the license fee shall be prorated.~~

~~(d) At the time any vehicle license is issued, the person to whom the license is so issued shall be furnished by the licensing official with one (1) decal for each such vehicle, and such decal shall show thereon a number, the name of the city, and the year when such license expires. The licensee shall at all times display such decal conspicuously on the vehicle as prescribed by the Minneapolis Health Department.~~

~~(e) The licensing official shall keep a register of each license issued by said department, the number thereof, the name of the person to whom the same is issued, the date when issued,~~

~~the date of the expiration of same, the amount paid therefor, and such other data as may be required.~~

- ~~(f) For each milk delivery vehicle the annual license fee shall be as established in Appendix J, License Fee Schedule.~~
- ~~(g) For each grocery and milk delivery vehicle the annual license fees shall be as established in Appendix J, License Fee Schedule.~~
- ~~(h) Every licensee hereunder, and every person delivering milk or groceries and milk, shall display and keep displayed at all times in a prominent place on each outer side of any vehicle used for such deliveries, the name of the licensee which shall be printed in plain letters not less than four (4) inches in height, and keep such printed name in such condition that it may be at all times readily distinguishable. It shall be unlawful to display any name on the outside of the vehicle except that of the licensee and/or his registered trade name. Code 1960, As Amend., § 731.040; Ord. of 10-11-74, § 1; 77-Or-147, § 1, 7-15-77; 86-Or-187, § 1, 8-8-86; 89-Or-177, § 2, 9-15-89; 90-Or-014, § 1, 1-26-90; 91-Or-049, § 1, 3-29-91; 98-Or-046, § 1, 5-22-98; 2002-Or-023, § 1, 4-5-02; 2002-Or-100, § 2, 9-27-02; 2005-Or-113, § 2, 11-18-05; 2009-Or-124, § 2, 11-13-09; 2013-Or-142, § 2, 12-6-13)~~

~~200.80. When licenses expire.~~

~~Licenses issued under this chapter shall expire on February first of each year. (2009-Or-124, § 3, 11-13-09)~~

~~200.90—200.120. Reserved.~~

**Editor's note**—Sections 4—8 of 90-Or-204, adopted August 10, 1990, repealed §§ 200.80—200.120 hereof. Prior to repeal, said sections pertained to receiving station license, cottage cheese plant license, cottage cheese packaging license, certificate of inspection outside city, and compliance rating required, and were derived from Code 1960, as amended, §§ 731.050—731.076; an ordinance of Oct. 11, 1974, § 1; 77-Or-147, § 1, adopted July 15, 1977; 80-Or-065, § 1, adopted April 25, 1980; 80-Or-066, § 1, adopted April 25, 1980; 83-Or-096, § 2, adopted April 29, 1983; 86-Or-041, § 1, adopted March 14, 1986; Pet. No. 251270, § 24, adopted Jan. 12, 1990; and 90-Or-014, § 1, adopted Jan. 26, 1990.

~~200.130—200.170. Reserved.~~

**Editor's note**—Sections 3—7 of 89-Or-177, adopted Sept. 15, 1989, repealed §§ 200.130—200.170 hereof. Prior to repeal, said sections pertained to Grade A milk inspection fees, determination of weight, reports required, payment of inspection fees, and inspection of books, and were derived from Code 1960, as amended, §§ 731.080—731.120; Ordinance of Dec. 12, 1975, § 1; and 77-Or-147, § 1, adopted July 15, 1977.