

CHAPTER 7

HEALTH AND SANITATION

ARTICLE III. MILK, CREAM, AND MILK PRODUCTS

Sec. 7-300. LICENSE REQUIRED.

No person, hotel, store, restaurant or other public eating place shall sell or offer for sale within the City of Montpelier milk or cream for human consumption unless first licensed therefore as hereinafter provided. No license shall be required, however, for a hotel, store, restaurant or other public eating place when all of the milk and cream there sold is acquired from a person already licensed under the provisions of this ordinance.

Sec. 7-301. LICENSE APPLICATION.

Applications for license to sell milk within the City of Montpelier shall be in writing upon a form furnished by the City and shall be filed with the City Clerk and shall state:

- (a) The name and address of applicant and if applicant is a partnership or corporation, the names and addresses of its officers and directors or partners.
- (b) The location of the principal plant, farm or facility at or from which such proposed operation is to be conducted.
- (c) A brief description of the proposed business or operations.
- (d) The approximate amounts of milk and cream proposed to be sold within the city and the grades or designations thereof, which grades and designations shall be in conformity with the regulations relating to milk and cream issued under and in accordance with Chapter 221 of the Vermont Statutes, Revision of 1947 and amendments thereto.
- (e) The names of the producers and handlers of all such milk or cream proposed to be sold whether acquired directly or indirectly from such producers.

Such application shall be accompanied by the original or a certified copy of a license granted by the Commissioner of Agriculture of the State of Vermont authorizing such applicant to sell milk or cream to consumers in Vermont, where such applicant is required to be licensed under the Laws of Vermont.

Sec. 7-302. LICENSE GRANTED BY CITY COUNCIL.

Such license shall be granted unless the City Council shall find that the sale of such milk or cream would be in violation of this ordinance or would be dangerous to the public health of the City of Montpelier. Such license may be revoked at any time without obligation by the City if the license fails to comply with the requirements of this ordinance or if after giving the licensee an opportunity to be heard the City Council shall determine that the sale of the milk authorized by such license would be dangerous to the public health. Such license shall be automatically revoked upon the suspension or revocation of any required license granted by the Commissioner of Agriculture of the State of Vermont.

Sec. 7-303. LICENSE FEE.

The fee for such license shall be fifteen dollars (\$15.00), except for a person, partnership, unincorporated association or corporation required to be licensed under the provisions of Chapter 220 of the Vermont Statutes, Revision of 1947, as amended, the license fee shall be fifty dollars (\$50.00).

Sec. 7-304. EXCLUSION OF DAIRY PRODUCTS.

The City Council may order any licensee to exclude for a specific period the milk or cream from any dairy farm or other source if such milk or cream is not produced or handled in compliance with the regulations issued under and in accordance with State or Federal Law, at the time of such production or handling or if such producer or handler refuses to allow inspection by authorized persons as provided hereunder or if for any reason it shall appear that the sale of such milk or cream within the city of Montpelier would be dangerous to the public health.

Sec. 7-305. INSPECTION.

The Health Officer of the City of Montpelier, the City Council or any member thereof or any agent or agents designated by the City Council or the Health Officer shall at all reasonable times have access for purposes of inspection to any dairy, dairy farm, milk plant or facilities where milk or cream is produced or handled for sale within the city.

Sec. 7-306. COVERED CONTAINERS.

No person shall sell or offer for sale within the City of Montpelier milk or cream unless each bottle or container of less than one gallon capacity in which such milk or cream is sold or offered for sale shall have the pouring surfaces thereof completely covered by a so-called "cover cap" or other suitable cap or caps at such time or in such manner so that after such bottle or container is filled such pouring surfaces shall not be exposed.

Sec. 7-307. PASTEURIZATION.

No person shall sell or offer for sale within the City of Montpelier for human consumption milk or cream, unless such milk or cream shall have first been pasteurized in accordance with the regulations and standards set up from time to time under and in accordance with the State and Federal Law, except such milk or cream as is sold in wholesale lots to local distributors and which is later subjected to pasteurization as above set forth.

CHARTER REFERENCE: Power to regulate and license selling, supplying and delivering of milk, cream and dairy products, T. 3, Sec. 17 (LII), 1955 Charter.

STATE LAW REFERENCE: Municipal Licensing, V.S.A. T. 6, Sec. 2727.

Sec's. 7-308 to 7-399. Reserved.

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