

ORDINANCE NO. 109

RELATING TO PERMISSION TO SELL, OR OFFER-
ING FOR SALE OF MILK OR CREAM WITHIN THE
TOWN OF SAN ANSELMO

The Board of Trustees of the Town of San Anselmo do
ordain as follows:

Section 1. No person shall sell, expose or offer for sale, in the Town of San Anselmo, any milk or cream without a permit so to do from the Board of Trustees of said Town, except as provided in Section 3 hereof.

Section 2. Application for such permit shall be made on a blank furnished by said Board and shall be accompanied by such information as said Board may require, of the premises which are used or intended to be used in connection with the production, storage and shipment of such milk or cream, and of the cows which are used, or intended to be used for the production of such milk or cream.

The Board shall, upon receipt of such application in due form, make or cause to be made, an examination of the premises and milk cows, and if after such examination the said Board shall approve of such premises, and cows, the Board of Trustees shall issue, without charge, such permit as is hereinbefore specified.

Section 3. It is hereby provided that no applicant shall be restrained from conducting business until his application has been acted upon by the Board of Trustees, but that no applicant whose application has been rejected shall be permitted to file a new application within ten days after the date of such rejection, and any such new application shall not be considered by the Board of Trustees unless accompanied by the payment of five dollars to the Town of San Anselmo; and it is provided further that any permit may be suspended or revoked at any time without previous notice by said Board, whenever in the judgment of the Board of Trustees the applicant neglects or refuses to comply with the provisions of this article.

Section 4. No person shall sell, exchange or deliver, in said Town, or have in his possession, with intent to sell, exchange or deliver, any milk or cream taken from any cow less than fifteen days before or ten days after calving, or from any cow which is suffering from any general or local disease, condition or injury, which is liable to render the milk or cream from said cow unwholesome, or from any cow insufficiently fed, or fed on any sustance liable to injuriously affect the milk or cream from such cow; and the presence, on any premises on which milk or cream is produced for sale in said Town, of any cow which is suffering from any general or local disease, condition or injury which is liable to render the milk or cream from said cow unwholesome, or of any cow which is insufficiently fed or has been fed on any substance liable to injuriously affect the quality of the milk or cream, shall be prima facie evidence of intent to sell such milk or cream and of producing, holding and offering such milk or cream for sale.

Section 5. No person shall in said Town sell any milk or cream, or hold or offer any milk or cream for sale, except in sealed bottles or other sealed receptacles, which is not clean and wholesome and free from foreign substances; provided that the provisions of this Section shall not apply to any such articles sold at any dairy or milk depot.

Section 6. No person shall, in the Town of San Anselmo, sell or exchange or expose or offer for sale or exchange, any milk or cream unless the same be pure, and free from preservatives; nor any milk from which a part of the cream has been removed, or milk containing less than three and one-half per centum of butter fat, unless the same be plainly marked and sold as skimmed milk.

Section 7. No person shall, in said Town, sell, exchange or deliver, or have in his custody or possession, with intent to sell, exchange or deliver, cream containing less than eighteen per centum of butter fat.

Section 8. Every person in said Town selling, exchanging or

delivering milk or cream, or having the same in his custody or possession to sell, exchange or deliver, shall furnish to said Board of Trustees, or its duly authorized representative, who shall apply to him for the purpose, a sample sufficient for the purpose of testing.

Section 9. No person shall sell, exchange, deliver or buy any cow to be used for the production of milk or cream for sale in said Town, knowing that such cow is unfit for that purpose by reason of disease or injury; and whenever any veterinary surgeon duly authorized by said Board of Trustees to act as its inspector, shall in the course of inspections made under authority of this act, find any cow on any premises on which milk or cream is produced for sale in the Town of San Anselmo in such condition as to be permanently unfit for the production of such milk or cream, he shall mark such cow so as to enable it to be permanently identified as inspected and condemned by said Board, and no person shall remove or deface such mark or cause any such mark to be removed or defaced without written authority from the said Board.

Section 10. No person suffering from any communicable disease, or who is liable to communicate any such disease to other persons, shall assist in or about the production of milk or cream for sale in said Town, or in or about the sale thereof. No person having power and authority to prevent shall knowingly permit any person aforesaid to work in or about the production or sale of milk.

Section 11. Every person holding a permit to sell milk or cream, or to hold, offer or produce milk or cream for sale in said Town, shall notify the Board of Trustees of the occurrence of any communicable disease whatsoever among the persons employed by him in connection with the business authorized by such permit, or among persons dwelling on premises where such business is conducted, and of the occurrence of any communicable disease among cattle on the premises on which the milk or cream sold by him is produced.

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such notice to be forwarded to said Board immediately after the person holding such permit shall become aware of the existence of any such disease aforesaid.

Section 12. No person shall, in said Town, use any wagon or other vehicle for the delivery of milk or cream unless such wagon or vehicle has painted on or affixed to the outside thereof, plainly and legibly, and so that the same may be easily read by passersby, the name of the dairy. No person shall use any wagon or other vehicle for the delivery of milk or cream, which is not clean and free from garbage or other material or thing liable to contaminate such milk or cream.

Section 13. The Board of Trustees is hereby authorized to make rules and regulations to secure the proper sanitation of all premises on which milk or cream is sold, held, offered or produced for sale, and to secure the proper care of such milk or cream, and to secure the isolation on such premises of cattle suffering from contagious disease.

Section 14. It shall be the duty of the Board of Trustees and of its duly authorized representatives to enforce the provisions of this article and of all regulations made by authority thereof. And said Board and representatives are hereby authorized, in the performance of such duty, to enter and inspect all places in said Town where milk or cream is sold, or held, offered or produced for sale, and to board and examine all wagons and other vehicles and to stop all wagons and other vehicles for that purpose, and to take bottles or samples of such milk or cream. No person shall interfere with any such representative in the performance of his official duty, nor hinder, prevent or refuse to permit any inspection or examination aforesaid.

Section 15. No person shall, in said Town, counterfeit, or make any imitation of, or publish, or have in his possession any counterfeit or imitation of any permit authorized by this article.

Section 16. The presence in or about the place of busi-

ness of any person dealing in milk or cream, or in or about any vehicle used by any such person for the delivery of the same, of any milk or cream which is forbidden by law to be sold shall be prima facie evidence of an intent on the part of such person to sell the same and of the fact that he is holding or offering the same for sale.

Section 17. Every person selling milk or cream in the Town of San Anselmo shall, upon request of the Board of Trustees, furnish said Board, on a blank to be supplied by it, with a list of the names of his customers and their places of residence by street, and with a list of dairymen who supply him with milk or cream and their addresses.

Section 18. Any person violating any of the provisions of this article, whether acting for himself or as the agent or servant of another person, or of a firm, company or corporation, or as an officer, agent, employee or representative of any municipal corporation or of the State, shall be punished by a fine of not less than five nor ~~more~~^{not} more than one hundred dollars, or by imprisonment for a term of not more than thirty days, or by both such fine and imprisonment. Each day that a violation of any of the provisions of this article shall continue, and each day that any thing forbidden by the terms hereof to be erected, constructed, maintained, operated or permitted, shall continue to exist or be maintained, operated or permitted, shall constitute a separate offense.

Section 19. The Board of Trustees hereby declares that there is immediate danger of the generation and spreading of disease in the Town of San Anselmo by the consumption of the milk now delivered to the various residents thereof, and that the immediate preservation of the public health and safety require the passage of this Ordinance relating to the sale and offering for sale of milk or cream; that, therefore, this Ordinance is declared to be, and is, an urgency measure as defined by that Act of the

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Legislature entitled, "An Act to Provide for Direct Legislation by Cities and Towns, including Initiative and Referendum," approved January 2nd, 1913, and is therefore not subject to the referendum provisions of said Act.

Section 20. This Ordinance shall take effect immediately.

Passed and adopted this 15th day of September, 1913, by the following vote:

Ayes: Trustees Wilson, Clegg, Kemp, Whitaker, & Bradin
Noes: None
Absent: None

Attest:

Arthur W. Shudley
Town Clerk.

E. Schuman
President of the Board of Trustees of the Town of San Anselmo.

The foregoing Ordinance is hereby approved, this 15th day of September, 1913.

E. Schuman
President of the Board of Trustees of the Town of San Anselmo.

STATE OF CALIFORNIA, }
COUNTY OF MARIN, } ss.
TOWN OF SAN ANSELMO. }

I, Arthur W. Shudley Town Clerk of the Town of San Anselmo and ex-officio Clerk of the Board of Trustees of said Town, hereby certify that the foregoing is a full, true and correct copy of an ordinance regularly and duly passed at a regular ad-journed meeting of the Board of Trustees of said Town not less than five days after the date of its introduction.

That the said ordinance was numbered 109 and entitled Relating to Permission to Re-meet etc.

That the said ordinance was thereafter duly posted in accordance with law and the order of said Board of Trustees in three conspicuous places in said Town.

In witness whereof, I have hereunto set my hand and affixed the Corporate Seal of the Town of San Anselmo, at the office of said Town on this 15th day of September, 1913.

Arthur W. Shudley
Town Clerk.

TOWN OF SAN ANSELMO.