

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
BOARD ACTION SUMMARY

DEPT: Environmental Resources

BOARD AGENDA #: \*B-16

AGENDA DATE: June 13, 2017

**SUBJECT:**

Approval to Introduce and Waive the First Reading of an Ordinance Amending Stanislaus County Code Chapter 9.16 Milk Regulations

**BOARD ACTION AS FOLLOWS:**

No. 2017-305

On motion of Supervisor Withrow, Seconded by Supervisor Olsen

and approved by the following vote,

Ayes: Supervisors: Olsen, Withrow, Monteith, and Vice-Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: Chairman Chiesa

Abstaining: Supervisor: None

1)  Approved as recommended

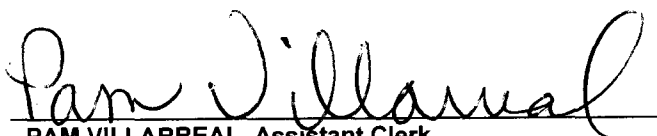
2)  Denied

3)  Approved as amended

4)  Other:

MOTION: INTRODUCED AND WAIVED THE FIRST READING OF ORDINANCE C.S. 1195

ATTEST:

  
PAM VILLARREAL, Assistant Clerk

File No. ORD-56-3

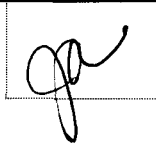
**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
AGENDA ITEM**

DEPT: Environmental Resources  
Urgent  Routine

BOARD AGENDA #: \*B-16

AGENDA DATE: June 13, 2017

CEO CONCURRENCE: *phc*



4/5 Vote Required: Yes  No

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**SUBJECT:**

Approval to Introduce and Waive the First Reading of an Ordinance Amending Stanislaus County Code Chapter 9.16 Milk Regulations

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**STAFF RECOMMENDATIONS:**

1. Introduce and waive the first reading of an ordinance amending Stanislaus County Code Chapter 9.16 on Milk Regulations.

**DISCUSSION:**

Stanislaus County Code 9.16 regulates the approved milk inspection service in the County and has not been updated since prior to 1982. The Department of Environmental Resources has reviewed the language and proposes changes that address updated standards, proper names of the State and Federal codes that regulate milk services, and current inspection fee language. In addition, changes are proposed to the section regarding the retail sales and/or distribution of milk by the dairy farm. Specifically, the previous language in the ordinance referred to temperatures and bacteriological standards that have since been updated by Federal and State codes and a new section has been added to address the permitting process for retail sales and or distribution by the dairy farm. The ordinance was amended to reference the Department's fee schedule, which is updated and approved by the Board of Supervisors annually. The recommended changes update the ordinance to ensure all Federal, State and local codes are properly represented.

Detailed below are the changes described in each section:

Section 9.16.010 Definitions

Definitions were added in order to define a milk product plant and single service containers, as these are new terms in the proposed updated language. The definition for "Dairy Farm" was also added to eliminate any confusion.

Section 9.16.030 Grading Standards

Recommended updates include adding the most current edition of the United States Public Health Service Grade A Pasteurized Milk Ordinance (PMO), as the Milk Inspection Service must conform to the Federal code, as well as the State code. Changes include language that clarifies that the standards which are most protective of public health will be followed. Updates also include lower temperature requirements and stricter bacteriological standards for Grade A cream and chocolate milk due to the standards in the California Food and Agricultural Code.

## Approval to Introduce and Waive the First Reading of an Ordinance Amending Stanislaus County Code Chapter 9.16 Milk Regulations

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### Section 9.16.040 Permit - Required

Language was added clarifying that any retail sales or distribution on a dairy requires compliance with all applicable County zoning regulations prior to the issuance of a permit. The timeframe was changed from the permit expiring one year from issuance to June 30<sup>th</sup> annually as that is the Department's recommended process.

### Section 9.16.050 Permit – Revocation

Language was removed to prevent duplication. "Agricultural Code of California" was removed since "provisions of this chapter" refers to all of the codes listed in the Milk and Dairy ordinance.

### Section 9.16.060 Sanitation requirements

Item F was added to clarify language that specifies requirements if milk products are sold or otherwise distributed on the farm and specifies that these retail sales are installed and operated as a milk products plant and fall under the jurisdiction of the California Department Food and Agriculture.

### Section 9.16.070 Storage temperature

Language was deleted that referred to retail establishments as these facilities are inspected by the Department of Environmental Resources and subject to regulations set forth in the California Retail Food Code. Language was added that is directly related to milk on the dairy farms or in transit.

### Section 9.16.080 Inspection Fees

Language was updated to remove the specific fees and to refer to the Department of Environmental Resources' fee schedule for the authority to levy fees for inspection services, and to clarify when payments are due and when penalties will be assessed. Language regarding exceptions was deleted as these are no longer valid.

In addition to the specific sections listed above, other miscellaneous wording changes were made to clarify the language of the ordinance.

Over the past several years, staff has been involved in discussions regarding concerns of sales of raw milk in the County with the County Public Health Officer, the Environmental Health Committee, which includes County Environmental Health Directors and Public Health Officers, and the California Department of Public Health. The concerns expressed were for the public health and safety of consumers of raw milk and recent issues that have occurred as a result of the raw milk industry. The consensus is that, at a minimum, the facilities must comply with the California Department of Food and Agriculture standards; however, concerns were also expressed by members of these committees that there have been multiple recalls of raw milk from milk product plants in California.

The changes in section 9.16.060(f) will impact the sales or distribution of raw milk on dairies as they will be required to operate as a milk products plant and will therefore fall under the jurisdiction of California Department of Food and Agriculture. The requirements related to operating as a milk products plant include but are not limited to, a cold box to store packaged finished product, automatic bottle filler in a clean room and dry storage for packaging

Approval to Introduce and Waive the First Reading of an Ordinance Amending Stanislaus County Code Chapter 9.16 Milk Regulations

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materials. The rooms must provide ample space for adequate cleaning throughout the facility and must comply with Chapter 6 Article 2 and 3 of the California Food and Ag Code.

On March 6, 2017, staff made a presentation of the draft ordinance changes to the Ag Advisory Board. Present at the Ag Advisory Board meeting were industry representatives who spoke out in support of the ordinance update.

Three local dairy associations were notified of the ordinance changes as well as creameries and dairies in Stanislaus County and the draft language of the ordinance changes were made available for review and comment. Staff have received no comments from the dairy associations, creameries or dairy owners.

**POLICY ISSUE:**

Approval by the Board of Supervisors is required to enact an ordinance, per Government Code §25120.

**FISCAL IMPACT:**

There is no fiscal impact associated with this item.

**BOARD OF SUPERVISORS' PRIORITY:**

Approval of this action supports the Board's priorities of A Healthy Community and the Efficient Delivery of Public Services, by promoting public health and safety by following sanitation guidelines and principles of the Federal and State Food and Agriculture Codes.

**STAFFING IMPACT:**

Existing Milk and Dairy Program staff will continue to enforce the provisions of this ordinance.

**CONTACT PERSON:**

Jami Aggers, Director of Environmental Resources.

209-525-6770

**ATTACHMENT(S):**

1. Ordinance to amend Stanislaus County Code 9.16 Milk Regulations

# Attachment 1

**ORDINANCE NO. C.S. \_\_\_\_\_**

**AN ORDINANCE AMENDING SECTION 9.16 "MILK REGULATIONS" TO MODIFY AND UPDATE REQUIREMENTS IN DAIRY ACTIVITIES IN STANISLAUS COUNTY**

The Board of Supervisors of the County of Stanislaus, State of California, do ordain as follows:

**Section 1.** Chapter 9.16 of the Stanislaus County code is amended to read as follows:

"9.16 MILK REGULATIONS

"9.16.010 Definitions.

"Words when used in this title, and in resolutions adopted thereto, shall have the following meanings:

"A. 'Milk Products Plant' means any place in which a person engages in the business of handling, receiving, manufacturing, freezing, processing, or packaging milk, or any product of milk, or engages in the business of manufacturing, freezing, or processing imitation ice cream or imitation ice milk.

"B. 'Single Service Container' means any container having milk or milk product-contact surface and used in the packaging, handling or storage of Grade "A" milk and/or milk products which is intended for one (1) use only.

"C. 'Dairy Farm' means any place or premises upon which milk is produced for sale or other distribution and where more than two (2) cows or water buffalo, or six (6) goats, sheep or other hooved mammal, are in lactation.

"9.16.020 Milk inspection department created.

"A milk inspection department of the county is created which shall conduct an approved milk inspection service in the county within an area, the boundaries of which are fixed by, and which is designated and assigned for that purpose by the Director of Agriculture of the state. The health officer of county, or his authorized agents or deputies, shall be in charge of the milk inspection department created in this section. Whenever the term "health officer" is used in this chapter, it refers to and means the health officer of the county.

"9.16.030 Grading standards.

"It is unlawful for any person, firm or corporation to sell, offer for sale, distribute or have in possession for sale or distribution, any milk, cream or fluid derivatives of milk for human consumption, unless such products conform to the standards of grading, and

requirements for the production of milk, cream and fluid derivatives of milk, established by (A) Divisions 15 of the California Food and Agricultural Code, (B) Title 3, Divisions 2, Chapter 1 of the California Code of Regulations, (C) the most current edition of the United States Public Health Service Grade A Pasteurized Milk Ordinance, and (D) the standards of grading and requirements established herein and set forth as follows:

"A. Grade A milk for pasteurization and Grade A Market Milk shall conform to those state and federal Bacteriological Standards which are most protective of public health.

"B. Cream. Grade A pasteurized cream shall contain not more than twenty thousand bacteria per milliliter at the time of delivery to the consumer. Unless pasteurization is commenced immediately after separation, Grade A cream for pasteurization shall be cooled to forty-five degrees Fahrenheit, or below, immediately after separation, and so maintained until the process of pasteurization begins.

"C. Skim Milk. Skim milk intended for human consumption in fluid form shall be derived from Grade A pasteurized milk, and may be pasteurized before or after separation.

"D. Chocolate Milk. Chocolate milk shall be made from Grade A milk. Chocolate dairy drink and similar chocolate drinks shall be made from Grade A milk, or skim milk derived from Grade A milk. Said products shall contain not more than fifteen thousand bacteria per milliliter or more than 10 coliform bacteria per milliliter at the time of delivery to the consumer, and shall be pasteurized after all ingredients have been added.

"9.16.040 Permit—Required.

"It is unlawful for any person, firm or corporation to engage in the production, processing or distribution of milk, cream or fluid derivatives of milk, to produce for sale, offer for sale, distribute or have in charge or possession for sale, any milk, cream or fluid derivatives of milk without first having obtained a permit from the health officer. Permits issued by the health officer pursuant to this section shall be valid for one year, and shall expire on June 30 of every year.

"A. All production, processing or distribution regulated under this section shall be subject to compliance with all applicable county zoning regulations prior to issuance of a permit from the health officer.

"9.16.050 Permit—Revocation.

"Permits issued under this chapter may be revoked by the health officer upon violation of any provision of this chapter. Permits issued under this chapter also may be revoked in any emergency when, in the judgment of the health officer, the milk or cream supply in question has become a menace to the public health. Before revocation of any permit issued the holder of such permit first shall be given a hearing before the health

officer, after at least twenty-four hours' notice in writing to appear at the time and place specified in said notice to show cause why such permit should not be revoked.

"9.16.060 Sanitation requirements.

"It is unlawful for any person, firm or corporation engaged in the production of milk, cream or fluid derivatives of milk to fail to observe and comply with the following regulations:

"A. Suitable equipment shall be provided for properly washing and sterilizing all dairy equipment. All milk handling equipment must be of a type and construction approved by the health officer.

"B. Hooded milk buckets with small openings shall be used at all times.

"C. Milking stools shall be made of metal, or other impervious materials, and shall be kept in a clean and sanitary condition.

"D. Feed racks, water troughs, lanes and corrals shall be so constructed and made of such materials as to keep cows out of mud and manure during winter months.

"E. Cows' udders, flanks and hind legs shall be washed until clean before each milking.

"F. If milk products (pasteurized or unpasteurized) are sold or otherwise distributed directly to consumers by a dairy farm, then any and all such operations (including those using single service containers) may only operate as a milk products plant that is inspected by the California Department of Food and Agriculture, permitted under section 33171 of the California Food and Agricultural Code, installed and operated under the applicable provisions, and located in a place and manner acceptable to the California Department of Food and Agriculture. All such operations shall also comply with all applicable county zoning regulations.

"9.16.070 Storage temperature.

"For dairy farms, market milk shall be cooled as indicated by a recording thermometer to fifty degrees Fahrenheit or less within four hours of the commencement of the first milking and to forty-five degrees Fahrenheit or less within two hours of the completion of milking. The blend temperature after the first milking and subsequent milkings, or milk in transit on bulk milk tankers, shall not exceed fifty degrees Fahrenheit.

"9.16.080 Inspection fees.

"Inspection fees shall be charged in accordance with the Department of Environmental Resources Fee Schedule, as approved and adopted by the Stanislaus



County Board of Supervisors. The inspection fees are due and payable following each quarter on January twentieth, April twentieth, July twentieth, and October twentieth of each year."

**Section 2.** This ordinance shall take effect thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this \_\_\_\_\_, day of \_\_\_\_\_, 2017, by the following called vote:

AYES: Supervisors:

NOES: Supervisors:


ABSENT: Supervisors:

\_\_\_\_\_  
Vito Chiesa, Chairman of the Board of  
Supervisors of the County of  
Stanislaus, State of California

ATTEST:  
Elizabeth A. King  
Clerk of the Board of Supervisors of the  
County of Stanislaus, State of California

By \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
John Doering  
COUNTY COUNSEL

BY  \_\_\_\_\_  
Amanda DeHart  
Deputy County Counsel

STANISLAUS COUNTY  
ORDINANCE C.S. 1195

NOTICE IS HEREBY GIVEN that on June 27, 2017, at 9:00 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to consider the adoption and the waiving of the second reading of Ordinance C.S. 1195.

Ordinance C.S. 1195 amends Chapter 9.16 of the Stanislaus County Code relating to milk regulations to modify and update requirements in dairy activities in Stanislaus County.


NOTICE IS FURTHER GIVEN that a full copy of the proposed ordinance is available for review in the Clerk of the Board Office, 1010 10th Street, Suite 6700, Modesto, CA. For further information, contact Stanislaus County Department of Environmental Services at (209) 525-6770 or at 3800 Cornucopia Way, Suite C, Modesto, CA 95358.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: June 13, 2017

ATTEST: ELIZABETH A. KING, Clerk  
of the Board of Supervisors  
of the County of Stanislaus,  
State of California

BY:

  
\_\_\_\_\_  
Pam Villarreal, Assistant Clerk of the Board

**DECLARATION OF PUBLICATION  
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS  
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of THE MODESTO BEE, printed in the City of MODESTO, County of STANISLAUS, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of STANISLAUS, State of California, Under the date of February 25, 1951, Action No. 46453; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

Jun 22, 2017

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I certify (or declare) under penalty of perjury That the foregoing is true and correct and that This declaration was executed at

MODESTO, California on

June 22nd, 2017

(By Electronic Facsimile Signature)

  
\_\_\_\_\_

STANISLAUS COUNTY  
ORDINANCE C.S. 1195  
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BY ORDER OF THE BOARD OF SUPERVISORS. DATED: June 13, 2017.  
ATTEST: ELIZABETH A. KING, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Pam Villarreal, Asst. Clerk of the Board  
Pub Dates Jun 22, 2017