Subchapter Three: Regulation of the Sale and Distribution of Milk and Cream for Human Consumption

4.03.010 Definitions.

The following definitions shall apply in the interpretation and enforcement of this Subchapter Three.

(a) *Agricultural Code* is Division 15, Parts 1, 2 and 3, inclusive, of the Agricultural Code of the State of California.

(b) *California Administrative Code* is Subchapter 1, Chapter 2, Title 3, of the California Administrative Code of the State of California.

(c) *Market milk* means milk which is supplied to the consumer in the natural fluid state, or which is prepared for human consumption without being converted into any other form or product. Except as otherwise provided in Para. 35811 of the Agricultural Code, *market milk* includes *market cream.*

(d) *Pasteurized* means that the milk or milk product has been subjected to a process which is described in Chapter 8 (commencing with Para. 34001) of Part 1, Division 15, of the Agricultural Code of the State of California or other process which has been demonstrated to be equally efficient and has been approved by the Division of Agriculture of the State of California.

(e) *Sell* includes *offer for sale, expose for sale, exchange, trade, distribute* or *barter.*

[*History*: formerly § 4.301; ORD. 296, 4/11/84; ORD. 638, 12/14/05]

4.03.020 Pasteurized Market Milk.

It shall be unlawful for any person to sell, offer for sale, distribute, or possess with intent to sell or distribute, any market milk for human consumption, unless such market milk conforms to the standards and requirements for market milk of Chapter 2 (commencing with Para. 35751) Part 2, Division 15, of the Agricultural Code, and the requirements of the California Administrative Code, and unless it has been pasteurized.

[*History*: formerly § 4.302; ORD. 296, 4/11/84; ORD. 638, 12/14/05]

4.03.030 Penalty.

Any person violating any of the provisions of this subchapter shall be guilty of a misdemeanor, which shall be punishable as set forth in section 1.05.010 et seq.

[*History*: formerly § 4.303; ORD. 296, 4/11/84; ORD. 638, 12/14/05, ORD. 643, 4/12/06]

4.03.040 Constitutionality.

If any section, subsection, sentence, clause or phrase of this Subchapter Three is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Subchapter Three. The Council hereby declares that it would have adopted Subchapter Three and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

[*History*: formerly §.4.304; ORD. 296, 4/11/84; ORD. 638, 12/14/05]