Legislation Details (With Text)

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File created:	9/21/2017		**In control:**	Committee on Legislative Oversight	
On agenda:			**Final action:**	12/14/2017	
Title:	Amending Chapter 6-300 of The Philadelphia Code, entitled "Food," by repealing Section 6-305 (relating to milk, milk products and milk derivatives); and making conforming amendments to other provisions of Chapter 6-300, all under certain terms and conditions.				
Sponsors:	Council President Clarke, Councilmember Green, Councilmember Taubenberger, Councilmember Johnson, Councilmember Henon, Councilmember Quiñones Sánchez				
Indexes:	FOOD				
Code sections:	6-300 - Food				
Attachments:	1. CertifiedCopy17079400.pdf				

Date	Ver.	Action By	Action	Result	Tally
1/3/2018	0	MAYOR	SIGNED		
12/14/2017	0	CITY COUNCIL	READ AND PASSED	Pass	17:0
12/7/2017	0	CITY COUNCIL	ORDERED PLACED ON THIS DAY`S FIRST READING CALENDAR		
12/7/2017	0	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL	Pass	
12/7/2017	0	CITY COUNCIL	READ AND ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
12/4/2017	0	Legislative Oversight Committee	HEARING NOTICES SENT		
12/4/2017	0	Legislative Oversight Committee	HEARING HELD		
12/4/2017	0	Legislative Oversight Committee	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
9/21/2017	0	CITY COUNCIL	Introduced and Referred	Pass	

Amending Chapter 6-300 of The Philadelphia Code, entitled “Food,” by repealing Section 6-305 (relating to milk, milk products and milk derivatives); and making conforming amendments to other provisions of Chapter 6-300, all under certain terms and conditions.

WHEREAS, On March 2, 2017, Philadelphia City Council adopted Resolution No. 170179, authorizing the creation of a “Special Committee on Regulatory Review and Reform” to identify archaic, superfluous, and confusing provisions in The Philadelphia Code and in departmental regulations; and to recommend revisions that streamline, clarify and enhance the City’s regulatory environment, for the purpose of accelerating the growth of well-paying jobs in Philadelphia while ensuring the safety and well-being of its residents; and

WHEREAS, The Special Committee on Regulatory Review and Reform has identified the provisions described in the title to this proposed Ordinance as non-essential and overdue for repeal; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

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SECTION 1. Chapter 6-300 of The Philadelphia Code is amended to read as follows:

CHAPTER 6-300. FOOD.

§ 6-301. Food Establishments.

* * *

(2) No person, except for the following exempt entities, shall conduct, maintain, or operate any food establishment selling food unless he has obtained a license as provided in § 6-503:

* * *

[(c) The establishments identified in subsection 6-305(1)(g);]

[(d)]*(c)* Operators of vending machines in connection with operation of the machines.

* * *

§ 6-305. [Milk, Milk Products and Milk Derivatives.] *Reserved.*

[(1) Licenses.

(a) No person shall conduct, maintain or operate a milk plant in the City unless he has obtained a license as provided in § 6-503.

(b) A separate license shall be obtained for each milk plant in the City which any person seeks to conduct, manage, or operate, except that with respect to vehicles conducted, operated, or maintained by any licensed milk plant, only one license need be obtained for all such vehicles in the City.

(c) No milk plant outside the City shall sell milk in the City without obtaining a license as provided in § 6-503, except that any such milk plant shipping milk for pasteurization to a milk plant licensed under § 6-305(1)(a) shall not be required to obtain such license; provided such plant is approved by the Department as in compliance with § 6-305(2)(a).

(d) No milk plant license shall be issued to any person unless his milk plant's supply of milk and milk products, the dairy farms where they are produced, the methods in which they are handled and transported, and the milk plants where they are handled meet the requirements of this Title and such regulations as the Board may prescribe to prevent contamination of milk or milk products or the growth of disease organisms.

(e) The fee for such license is $200. except that:

(.1) an establishment for the manufacture of frozen desserts only licensed under § 6-301(4) is not required to pay the fee.

(f) Any person applying for or holding a milk plant license shall permit the Department to inspect all establishments where the milk, or milk products, utilized by his milk plant are produced, and to

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examine all records relating to the inspection, laboratory examinations, procurement or disposition of such milk, or milk products, in order to determine whether such products meet the standards of the Board hereinafter prescribed.

(g) Any person holding a milk plant license as provided in this Section shall not be required to obtain the food establishment license provided in § 6-301, but shall conduct, maintain and operate his milk plant at all times in accordance with all other applicable provisions of § 6-301.

(2) Sale and Use.

(a) No milk, milk products, or milk derivatives produced outside the City shall be sold or brought into the City for human consumption unless produced under conditions which meet the requirements of this Title and such regulations as the Board may prescribe to prevent contamination or growth of disease organisms.

(b) No person shall sell, other than to a licensed milk plant or a food establishment for the manufacture of frozen desserts licensed under § 6-301(4)(e), for further processing, any milk, milk products or milk derivatives which have not been pasteurized or otherwise processed in a manner which the Board may by regulation declare to afford equivalent protection against contamination, except that certified milk may be sold.

(c) No person shall sell any milk or milk products other than in the unopened bottles, cartons, or packages in which they were placed at the licensed milk plant; except that in food establishments licensed under § 6-301(4)(a), homogenized milk and liquid milk products may be sold to the public for consumption as a beverage from a bulk milk dispensing machine or container which has been approved by the Department as complying with the regulations of the Board governing the construction and operation of such devices.

(3) Pasteurized Milk and Milk Products.

(a) Pasteurized milk and milk products shall be prepared from milk for pasteurization.

(b) Pasteurization of milk and milk products shall be accomplished in accordance with the regulations that the Board shall prescribe with regard to:

(.1) the structure, maintenance and cleanliness of the milk plant;

(.2) the construction, specifications, operation, maintenance, and control of all equipment utilized in the pasteurization, and processing of milk and milk products, including requirements for heating and cooling of milk, process controls and maintenance of records;

(.3) the cleanliness and bactericidal treatment of equipment and utensils;

(.4) the health and cleanliness of personnel;

(.5) the chemical, biological, bacteriological, and physical standards for milk;

(.6) the control of arthropods and rodents;

(.7) the water supply and the disposal of liquid and solid matter.

(c) Pasteurized milk and milk products, except cottage cheese, creamed cottage cheese and sour cream, shall be placed in their final containers in the milk plant where they are pasteurized, and shall be stored, transported and labeled in accordance with such regulations as the Board may prescribe to insure the maintenance of sanitary and wholesome quality of such products.

(4) Milk for Pasteurization.

(a) Milk for pasteurization shall be produced, transported and received in accordance with the regulations that the Board shall issue with regard to:

(.1) the health and cleanliness of the producing animals;

(.2) the structure, maintenance and cleanliness of the dairy farm, including character of the water supply and waste disposal thereof;

(.3) the health and cleanliness of personnel;

(.4) the construction, cleanliness and bactericidal treatment, handling and storage of utensils and equipment;

(.5) the cooling, transportation and receiving of milk;

(.6) the presence of colostrum;

(.7) the percentage of milk fats and solids contained therein;

(.8) the number and types of bacteria which may be present therein;

(.9) the chemical, biological, and bacteriological standards for milk, but nothing herein contained shall prohibit the addition of vitamin "D" to milk by the irradiation process.

(5) Certified Milk.

(a) Certified milk shall be milk which has been produced and handled in such a manner as to comply with the standards established by the regulations of the Board, based upon the "Methods and Standards for the Production and Distribution of Certified Milk" as adopted by the American Association of Medical Milk Commission, Inc.]

* * *

SECTION 2. This Ordinance shall be effective immediately.

Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.

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