

Order 126-15/16

Passage as an Emergency: 8-0 (Duson absent) on 12/21/2015

Effective 12/21/2015

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
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**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 21 FARMERS' MARKETS
RE: LOCATION**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

*1. That Chapter 21, Article I, In General, Section 21-1 of the
Portland City Code is hereby amended to read as follows:*

Sec. 21-1. Days, locations and products sold.

The City Council may permit by lease or license agreement the use of City property for the purpose of operating a Farmers' Market. The Farmers' Market may be held on Mondays and Wednesdays from 7:00 a.m. to 2:00 p.m. at Monument Square and Monument Way; ~~and~~ Saturdays from 7:00 a.m. to 12:00 p.m. at Deering Oaks Park, on Farmer's Market Road and Jenny Lane; ~~and Saturdays from 8:00 a.m. until 2:00 p.m. two days per week for six hours per day~~ in community halls located in R-6 residential zones, and in makers' market establishments in the IL-b zone, and in any zone where retail establishments, as defined in §14-47 of the Portland City Code, are a permitted use, subject to the provisions of that zone. In addition to the sale of local fruit, vegetables, flowers, seedlings and plants and other items, the following items may also be sold, provided that the product is produced, processed or manufactured in an establishment licensed by the department of agriculture to produce the item and that the seller has produced, processed or manufactured the item: raw fiber and spun fiber; fresh meat and meat products and fresh poultry and poultry products provided that they are stored at or below forty (40) degrees Fahrenheit during transport to and display at the public market and frozen meat and meat products, and frozen poultry and poultry products, as defined in 22 M.R.S.A. § 2511, and amendments thereto, provided that it is stored such that it remains frozen during transport to an display at the public market; pasteurized milk and milk products, as defined in 7 M.R.S.A. §2900, and any amendments thereto, stored in compliance with state law, and unpasteurized milk and unpasteurized milk products, stored in

compliance with state law which products must be labeled as **NOT PASTEURIZED** in accordance with 7 M.R.S.A. Sec. 2902-B, and any amendments thereto. Failure to or store in compliance with state law will result in an order to—immediately cease the sale of these unpasteurized products, or suspension or revocation of the farmers market license in accordance with Section 21-18 of the City Code; farm-fresh eggs, provided that they are stored at or below forty-five (45) degrees Fahrenheit during transport to and display at the public market; cheese provided that it is stored at or below forty (40) degrees Fahrenheit during transport to and display at the public market, honey, jams, jellies, pickles, relishes, maple syrup, apple cider, hard cider, as defined in 28-A M.R.S.A. § 2 and any amendments thereto, provided however that the producer has a farm winery license; malt liquor and wine, produced subject to the provisions of 7 M.R.S.A Sec. 415, and any amendments thereto; packaged herbs or herb blend mixtures and pesto. The following items may be sold, provided that the total amount of sales from all such items does not exceed forty-nine (49) percent of the total amount of sales made by the licensee at the public market: any other edible product that is a derivative of plants or produce grown by the licensee, provided that the licensee also has a license from the department of agriculture to produce the item. Any baked goods sold at a public market must be individually or collectively wrapped while displayed and sold. In no event shall any licensee sell at a public market any potentially hazardous foods, which includes any perishable food or food product not processed or stored in compliance with state law.

BE IT FURTHER ORDERED, that this amendment is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to make it effective immediately and allow the Winter Farmers' Market to operate in a new location on Cove Street.