

Order 111-17/18

Passage as an Emergency: 8-0 (Thibodeau absent) on 11/20/2017

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**CITY OF PORTLAND
IN THE CITY COUNCIL**

Effective 11/20/2017

DAVID H. BRENERMAN (5)
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**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 15 AND CHAPTER 21
RE: FARMERS' MARKETS**

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

1. *That Chapter 15, Section 15-12 of the Portland City Code is hereby amended to read as follows:*

Sec. 15-12. Fees and expiration dates.

(a) Unless specified elsewhere in this Code, fees for licenses issued pursuant to this Code and the expiration date of each license shall be as follows:

Location in Code	Description	Fee	Expiration Date
Ch. 3, Art. II	Bottle clubs (must obtain FSE and special entertainment if applicable)	\$895.00	June 30
...			
<u>Ch. 21</u>	<u>Farmers' Markets on Private Property</u>	<u>\$25 per vendor</u>	<u>March 31</u>
...			

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

CHAPTER 21 FARMERS' MARKETS

Sec. 21-1. ~~Days, locations and products sold~~ Farmers' Market on City Property.

The City Council may ~~permit~~ authorize the City manager to enter into a lease or license agreement for 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; Saturdays from 7:00 a.m. to 2:00 p.m. at Deering Oaks Park, on Farmer's Market Road and Jenny Lane;~~

Sec. 21-2. Farmers' Market on Private Property.

Farmers' Markets may take place on private property, where allowed as a permitted, accessory, or conditional use under Chapter 14, and subject to the following additional conditions, subject to approval by City staff:

(a) The operator of the Farmers' Market must first obtain a license from the Business Licensing Office, which shall include an evaluation of the sufficiency of the parking facilities for the Farmers' Market;

(b) Farmers' Markets are limited to ~~and~~ two days per week for six hours per day; ~~in community halls located in R-6 residential zones, 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.~~

(c) Only the following items may be sold at the market: ~~In addition to the sale of~~

1. ~~L~~ocal fruit, vegetables, flowers, seedlings, ~~and~~ plants and ~~other similar~~ items;

2. ~~, ~~t~~~~The following additional 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:

a. ~~R~~aw fiber and spun fiber;

b. ~~fresh m~~Meat and meat products and ~~fresh~~ poultry and poultry products, as defined in 22 M.R.S.A. § 2511, provided that they fresh meat, meat products, poultry, and poultry products are stored at or below forty (40) degrees Fahrenheit during transport to and display at the public Farmers' Mmarket, and provided that ~~and~~ frozen

~~meat, meat products 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~~ are stored such that ~~they~~ it remains frozen during transport to and display at the Farmers' public Market;

c. ~~P~~pasteurized milk and milk products, as defined in 7 M.R.S.A. § 2900, and any amendments thereto, provided that they are stored in compliance with state law; ~~and~~

d. ~~u~~Unpasteurized milk and unpasteurized milk products, as defined in 7 M.R.S.A. § 2900, provided that they are stored in compliance with state law, and are ~~which products must be~~ labeled as **NOT PASTEURIZED** in accordance with 7 M.R.S.A. ~~§~~ See. 2902-B, and any amendments thereto. Failure to ~~or~~ store or label these products 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~~;

e. ~~F~~farm-fresh eggs, provided that they are stored at or below forty-five (45) degrees Fahrenheit during transport to and display at the public Farmers' Market;

f. ~~e~~Cheese, provided that it is stored at or below forty (40) degrees Fahrenheit during transport to and display at the public Farmers' Market; ~~and~~

g. ~~h~~Honey, jams, jellies, pickles, relishes, maple syrup, and apple cider; ~~and~~

h. ~~h~~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;

i. ~~m~~Malt liquor and wine, produced subject to the provisions of 7 M.R.S.A. ~~§~~ See. 415, and any amendments thereto;

j. ~~P~~packaged herbs or herb blend mixtures and pesto; and

k. Similar items, at the discretion of the Permitting and Inspections Director or his or her designee; and

3. Any other edible product that is a derivative of plants or produce grown by the licensee, ~~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 aAgriculture to produce the item, and provided that ~~Any~~ baked goods sold at a public market must be individually or collectively wrapped while displayed and sold; and

(d) 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 sold at a Farmers' Market.

BE IT FURTHER ORDAINED that these amendments are enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to allow the Winter Farmers' Market to open in its new location as soon as possible.