

Order 166-06/07

Given first reading on 3/5/07

Public Hearing and Passed on 3/19/07 8-0 (Donoghue out)

NICHOLAS M. MAVODONES (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
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CITY OF PORTLAND
IN THE CITY COUNCIL

JAMES I. COHEN (5)
JAMES F. CLOUTIER (A/L)
JILL C. DUSON (A/L)
EDWARD J. SUSLOVIC (A/L)

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 21 (PUBLIC MARKETS)
SECTION 1 (DESIGNATION AND PRODUCTS SOLD)
RE: Sec. 21-1 DESIGNATION AND PRODUCTS SOLD**

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

That Chapter 21 (PUBLIC MARKETS), SECTION 1 (DESIGNATION AND PRODUCTS SOLD) is hereby amended to read as follows:

Sec 21-1. Designation and products sold.

The city council may designate by order the times and days during which certain public property may be used as a public market for the sale of fruit, vegetables, flowers, seedlings and plants. 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, provided that it is stored such that it remains frozen during transport to an display at the public market;¹pasteurized milk and milk products² stored in compliance with state law, 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, 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.

¹ As defined in 22 M.R.S.A. § 2511

²As defined in 7 M.R.S.A. § 2901-A