

Order 78-10/11

Given first reading on 11/1/10 and postponed on 11/15/10

Public Hearing and Passage as amended 12/6/10 (8-0) (Coyne absent)

NICHOLAS M. MAVODONES (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
DANIEL S. SKOLNIK (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JOHN M. ANTON (A/L)
DORY RICHARDS WAXMAN (A/L)
JILL C. DUSON (A/L)

AMENDMENT TO PORTLAND CITY CODE
CHAPTER 21. FARMER'S MARKETS
ARTICLE I. IN GENERAL

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

*That Section 21-1 of the Portland City Code is hereby
amended to read as follows:*

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

Farmer's markets for the sale of local fruit, vegetables, flowers, seedlings and plants 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 Noon at Deering Oaks Park, on Farmer's Market Road and Jenny Lane, and Saturdays from 8:00 a.m. until 2:00 pm in community halls located in R-6 residential zones. 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

¹ As defined in 22 M.R.S.A. § 2511

² As defined in 7 M.R.S.A. § 2901-A

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.

BE IT FURTHER ORDAINED that these amendments are enacted as an Emergency, pursuant to Article II, Section 8 of the Portland City Charter.