

Order 92-13/14

Passed 8-0 as an Emergency (Anton absent) on 11-19-13

EDWARD J. SUSLOVIC (MAYOR)  
KEVIN J. DONOGHUE (1)  
DAVID A. MARSHALL (2)  
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**CITY OF PORTLAND**  
IN THE CITY COUNCIL

JAMES I. COHEN (5)  
JOHN M. ANTON (A/L)  
JILL C. DUSON (A/L)  
NICHOLAS M. MAVODONES (A/L)

**AMENDMENTS TO PORTLAND CITY CODE  
CHAPTER 21 FARMER'S MARKETS  
SECTION 21-1**

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

1. *That Chapter 21 Article 1 Section 1 of the Portland City Code are hereby amended to read as follows:*

ARTICLE I. IN GENERAL

**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; ~~and~~ Saturdays from 7:00 a.m. to 1:00 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. in community halls located in R-6 residential zones and in makers' market establishments in the ILb zone, subject to the provisions of that zone. 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, unpasteurized

milk and unpasteurized milk products, stored in compliance with state law. In addition, these products will be labeled as **NOT PASTEURIZED** in accordance with 7 M.R.S.A. § 2902-B, and any amendments thereto. Failure to label 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. § 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 allow the Portland Farmers' Market to operate in the ILb Zone during its winter season beginning December 7, 2013.