

Chapter 21 FARMER'S MARKETS*

*Cross reference(s)--Food and food handlers, Ch. 11; streets, sidewalks and other public places, Ch. 25.

Art. I. In General, §§ 21-1--21-15

Art. II. License, §§ 21-16--21-19

Art. III. On Private Property, §§ 21-20--21-22

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 Noon 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. 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; pasteurized 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

1 As defined in 22 M.R.S.A. § 2511

2 As defined in 7 M.R.S.A. § 2901-A

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.

(Code 1968, ch. 419; Ord. No. 231-80, 12-22-80; Ord. No. 369-91, § 1, 5-6-91; Ord. No. 83-93, § 2, 9-8-93; Ord. No. 161-00, 3-6-00; Ord. No. 284-05/06, 6-5-06; Ord. No. 166-06/07, 3-19-07; Ord. No. 196-07/08, 4-28-08; Ord. No. 78-10/11, 12-6-10 emergency passage)

Sec. 21-2. Stalls to be assigned.

The farmer's market coordinator shall assign a stall to each licensee for his or her exclusive use and the licensee shall use such stall and no other.

(Code 1968, Ch 419; Ord. No. 231-80, 12-22-80; Ord. No. 196-07/08, 4-28-08)

Sec. 21-3. Rules and regulations.

The city clerk is hereby authorized to promulgate from time to time such reasonable rules and regulations as may be required to implement this ordinance. The city clerk shall seek input from the Portland Farmers' Market Association when promulgating said rules and regulations and shall consider amendments to the rules upon request by the Association. Such rules shall become final upon approval by the city manager and kept on file in the city clerk's office.

(Ord. No. 196-07/08, 4-28-08; Ord. No. 265-10/11, 6-20-11)

Sec. 21-4. Reserved.

Sec. 21-5. Reserved.

Sec. 21-6. Reserved.

Sec. 21-7. Reserved.

Sec. 21-8. Reserved.

Sec. 21-9. Reserved.

Sec. 21-10. Reserved.

Sec. 21-11. Reserved.

Sec. 21-12. Reserved.

Sec. 21-13. Reserved.

Sec. 21-14. Reserved.

Sec. 21-15. Reserved.

ARTICLE II. LICENSE*

*Cross reference(s)--Licenses and permits generally, Ch. 15.

Sec. 21-16. Required.

No person shall sell fruit, vegetables, flowers, seedlings, plants, or any other item permitted in section 21-1 in a public market without a license from the city.

(Code 1968, § 419.2; Ord. No. 231-80, 12-22-80; Ord. No. 369-91, § 2, 5-6-91)

Sec. 21-17. Application.

In addition to the requirements of chapter 15, all applicants must first procure from the city council of the city or town where he or she resides and file with the clerk a certificate of qualifications to the effect that he or she resides in the town or owns or rents in the town property capable of being cultivated. Such applicant shall also certify in writing that any products offered for sale shall be of his or her own raising or that of some other person holding a public market license or that prior to display at the public market he or she will label any fruit, vegetables, flowers, seedlings and plants that are raised by anyone other than the licensee. No more than twenty-five (25) percent of the total amount of a licensee's sales at the public market shall result from the sale of any produce that is raised by someone other than the licensee. In no event shall any sales be permitted of any produce that was raised outside the state.

(Code 1968, § 419.2; Ord. No. 231-80, 12-22-80; Ord. No. 83-93, § 3, 9-8-93)

Sec. 21-17.1. Public liability insurance required.

No license for the sale at a public market of any item listed in section 21-1 shall be issued until the applicant has first filed with the clerk a certificate, in a form satisfactory to the corporation counsel, evidencing public liability insurance coverage in an amount not less than the maximum liability under applicable law and naming the city as an additional insured. The certificate shall also provide for notice to the clerk not less than thirty (30) days prior to any cancellation of insurance. The licensee shall maintain such insurance at all times while engaged in sales at a public market of any item listed in section 21-1.

(Ord. No. 369-91, § 3, 5-6-91)

Sec. 21-18. Revocation or suspension.

The clerk shall revoke the license of any person who has combined with any other licensee in the fixing or maintaining of a price, fraudulent use of weights or measures, or who intentionally and knowingly deprives another licensee of the use of the latter's designated stall in the market. In addition, the clerk may suspend or revoke the license of any person who violates any other section of this chapter or of chapter 15, or who violates the farmer's market rules and regulations promulgated by the city clerk in accordance with this chapter.

(Code 1968, § 419.6; Ord. No. 231-80, 12-22-80; Ord. No. 83-93, § 4, 9-8-93; Ord. No. 196-07/08, 4-28-08)

Sec. 21-19. General provisions to apply.

Except to the extent that this article contains a contrary provision, all provisions of chapter 15 shall be additional to the provisions of this article.

(Ord. No. 231-80, 12-22-80)

***Editor's Note:** Article III (On Private Property) §§ 21-20 thru 21-22 was repealed in its entirety per council order 196-07/08 passed on 4-28-08
