

## Chapter 21 FARMERS' MARKETS\*

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\*Cross reference(s)--Food and food handlers, Ch. 11; streets, sidewalks and other public places, Ch. 25.  
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**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. Sec. 21-1. Farmers' Market on City Property.**

The City Council may 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.

(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; Ord. No. 102-11/12, 2-6-12; Ord. No. 159-12/13, 4-22-13; Order 92-13/14, 11/19/2013; Ord. No. 111-17/18, 11-20-2017)

#### **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) Markets are limited to two days per week for six hours per day;

(c) Only the following items may be sold at the market:

1. Local fruit, vegetables, flowers, seedlings, plants and similar items;

2. The following additional items, 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. Raw fiber and spun fiber;
  - b. Meat and meat products and poultry and poultry products, as defined in 22 M.R.S.A. § 2511, provided that fresh meat, meat products, poultry, and poultry products are stored at or below forty (40) degrees Fahrenheit during transport to and display at the Farmers' Market, and provided that frozen meat, meat products, poultry and poultry products are stored such that they remain frozen during transport to and display at the Farmers' Market;
  - c. 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;
  - d. 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 labeled as **NOT PASTEURIZED** in accordance with 7 M.R.S.A. § 2902-B, and any amendments thereto. Failure to 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;
  - e. Farm-fresh eggs, provided that they are stored at or below forty-five (45) degrees Fahrenheit during transport to and display at the Farmers' Market;
  - f. Cheese, provided that it is stored at or below forty (40) degrees Fahrenheit during transport to and display at the Farmers' Market;
  - g. Honey, jams, jellies, pickles, relishes, maple syrup, and apple cider;

- 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. Malt liquor and wine, produced subject to the provisions of 7 M.R.S.A § 415, and any amendments thereto;
  - j. 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, 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, provided that the licensee also has a license from the Department of Agriculture 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 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.

(Ord. No. 111-17/18, 11-20-2017)

- Sec. 21-3. Reserved.**
- 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\***

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**Sec. 21-16. Reserved.**

**Sec. 21-17. Reserved.**

**Sec. 21-17.1. Reserved.**

**Sec. 21-18. Reserved.**

**Sec. 21-19. Reserved.**

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**\*Editor's Note:** Article II (License) was repealed in its entirety per council order 159-12/13 passed on 4-22-13. 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.  
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