



Community Development Department
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Memorandum

Date: February 1, 2017
To: Town Council
From: Amanda L. Stearns, Community Development Director
Cc: Nathan Poore, Town Manager
Re: Code of Ordinances Amendments to Permit Farmers' Markets
Introduction by Ordinance Committee

The Ordinance Committee voted on January 26, 2017 to forward a package of amendments to the Council for introduction. The development of regulation to permit farmers' markets is in the 2017 Council Work Plan.

History and Current Regulation

The Town has worked with the Cumberland Farmers Market Association to allow the market to operate both in the summer and winter for some years. Although the Code of Ordinances does not provide any specific language permitting the market, the Town has used its discretion in permitting the market on town land. During 2016, the Town Council decided to develop regulation to allow this market as well as the potential for other markets.

Ordinance Committee Work

The committee has met throughout the year and developed a framework to guide staff in the development of language. The committee identified a few key factors that are important to any regulation:

- Allow for flexibility to the greatest extent possible.
- Allow in any area of town.
- Have a reasonable review process that would assure the Town of a safe and functional market.
- Respect statutory language concerning farmers' markets as well as current market practice through the Maine Federation of Farmers' Markets.
- Collect fees to help with administrative costs of the application process.
- Work with the current market to get input and feedback.

To that end the resulting amendments provide for:

- Markets to be permitted in all zoning districts and on town land.
- Markets are defined by referencing the state definition.
- Markets to be regulated by license agreement with the Council, not regulated through zoning as they are temporary uses of land.
- Applications to be reviewed by key departments for public safety, sanitation, emergency access and neighborhood impact. Application process to be administered by the Community Development Department.
- An annual renewable license with reduced fees. License is issued to the market organization and based on the number of vendors to be present. Vendors are exempt from food service or victualers licenses.

The following amended and new ordinance language is required:

- Sec. 8-153 amended to exempt vendors from a food service license.
- Sec. 8-250 amended to exempt vendors from a victualers license.
- New Art. II-8-14 Farmers' Market ordinance
- Sec. 14-121 amended to permit farmers markets in town parks or public grounds and to allow certain alcoholic products to be sold in sealed containers.
- Sec. 19-1-2 Delete the zoning definition of farmers' market.
- Sec. 19-19 Remove farmers' market from West Falmouth Crossing district as a permitted use.
- Sec. 19-23.1 Remove farmers' market from Tidewater district as a permitted use.
- Fee Schedule – amend the fee schedule to add fees for license agreement and annual renewal.

Several of the amendments are outside zoning and do not require an MRA hearing. It is recommended to move the entire package together so that it is reviewed and heard together. This will assist the public, Council and Planning Board in the review process.