

Order 304-15/16

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**CITY OF PORTLAND
IN THE CITY COUNCIL**

Effective 7/20/2016

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**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 11 FOOD AND FOOD HANDLERS
RE: FOOD TRUCKS AND COMMUNITY KITCHENS**

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

*That Article II, Sections 11-4 and 11-13 of the Portland
City Code are hereby amended to read as follows:*

Sec. 11-4. Amendments.

The Maine State Food Code 2013: Food Code adopted by
section 11-1 is amended and modified in the following respects.

(a) Section 1.201.10.B shall be amended as follows:

...

(b) Section 1.201.10.B shall be amended to add the
following:

*Base station shall mean a location used by a mobile
food service establishment for the disposal of
liquid/solid waste, re-filling of water tanks and the
storage of food, supplies, and equipment. A base
station is permissible for one or more of these
purposes. However, the preparation of food or ware
washing is not permissible unless it is a licensed
commercial kitchen. which shall be considered part of
the food service establishment for the purpose of
determining compliance with this article. The mobile
unit and base station shall comply with all of the
requirements of this article except those relating to
toilet facilities, and the additional requirements
herein set forth except as herein prescribed.*

Food pantries shall mean an organization or entity that acquires, stores and distributes food to the needy in their community. Food pantries are typically supported by community food drives, umbrella organizations, as well as grocery stores, local agriculture, food manufacturers and other distributors. All items are pre-packaged, properly labeled, and no food preparation occurs. If bulk food packages are divided, they shall be in properly labeled, food safe containers.

Food processing establishment shall mean a commercial establishment in which food is processed or otherwise prepared and packaged only for sale to food service establishments and other retail outlets.

Ice cream truck shall mean a motorized vehicle utilized for the sale of prewrapped or prepackaged ice cream or frozen yogurt or ice cream or frozen yogurt products or novelties.

Innholder shall mean and include any person offering to the public, generally, lodgings and food as the occasion requires where the person rents out four (4) or more rooms or cottages.

Mobile food service establishment shall mean and include only a food service establishment on wheels that transports and sells food;~~capable of movement over public or private ways which has all utilities and facilities contained within the unit regardless of whether it needs an outside power source or not which has no fixed location for the operation or transaction of business;~~ and which is moved ~~from one (1) location to a different location not less frequently than once every twelve (12) hours. in any twenty-four (24) hour period in order to serve persons otherwise present at such locations at such times.~~ For purposes of this ordinance, mobile food service establishments include ~~, but are not limited to,~~ pushcarts, food vending trucks/trailers and ice cream trucks. These

establishments shall meet the rules and regulations specific to their type.

...

Sec. 11-13. Commissary~~Community~~ kitchens.

(a) A commissary ~~community kitchen~~ shall mean a kitchen, licensed pursuant to this chapter, which~~that~~ is utilized by one~~two~~ or more entities to receive, store and prepare food for service off-site or delivery and does not qualify for any other City food service license. Examples include, but are not limited to, kitchens preparing food for catering, mobile units, meal delivery services, vending machines and central production for multiple establishments, such as chain restaurants. at differing times for preparation of food to serve to the public off-site.

(b) Not more than one entity may utilize the commissary~~community kitchen~~ at one time. Any time more than one entity is utilizing a kitchen licensed pursuant to this chapter, there must be a sufficient reasonable amount of time built in to the schedule for to ensure the kitchen is cleaning and sanitizing,~~ed~~ prior to the next use.

(c) Schedule and records: If the commissary is used by more than one entity, then a~~The~~ schedule of the use of the community kitchen shall be prominently displayed in a conspicuous location at all times and all associated records shall be available for review by the health inspector at all times.

~~(d) License required: Each entity utilizing a community kitchen shall procure a community kitchen license from the Department of Permitting and Inspections.~~