

# Prince George's County Council

## Agenda Item Summary

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**Meeting Date:** 11/20/2012  
**Reference No.:** CB-073-2012  
**Draft No.:** 2  
**Proposer(s):** County Executive  
**Sponsor(s):** Harrison, Davis, Franklin, Olson, Patterson, Toles, Turner  
**Item Title:** An Ordinance amending provisions of the Code concerning the regulations for Farmers Markets

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**Drafter:** Nathaniel Tutt/JoAnn Carter, DER  
**Resource Personnel:** Carol Bracaglia,DER  
Bill Edelen,DER  
Clarence Moseley,DER  
Wain Bledsoe,DER  
Mary Hampton,M-NCPPC

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### LEGISLATIVE HISTORY:

<b>Date Presented:</b>	9/18/2012	<b>Executive Action:</b>	
<b>Committee Referral:</b>	9/18/2012 - PZED	<b>Effective Date:</b>	1/7/2013
<b>Committee Action:</b>	10/3/2012 - FAV(A)		
<b>Date Introduced:</b>	10/16/2012		
<b>Public Hearing:</b>	11/20/2012 - 10:00 AM		
<b>Council Action (1)</b>	11/20/2012 - ENACTED		
<b>Council Votes:</b>	WC:A, DLD:-, MRF:A, AH:A, ML:A, EO:A, OP:A, IT:A, KT:A		
<b>Pass/Fail:</b>	P		
<b>Remarks:</b>			

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### AFFECTED CODE SECTIONS:

27-107.01, 27-261

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### COMMITTEE REPORTS:

#### PZED Committee Report

**Date 10/3/2012**

Committee Vote: Favorable with amendments, 4-0 (In favor: Council Members Franklin, Patterson, Olson, and Toles)

Staff gave an overview of the legislation and summarized written referral comments that were received. CB-73-2012 was transmitted by the County Executive's Office for the Council's consideration. The legislation amends the definition and regulations for farmer's markets.

The Department of Environmental Resources (DER) provided the following summary of the legislation in their agency response. "The requirement for vendors to be located only on properties owned by a public agency or not-for-profit organization restricts the opportunities for markets to develop organically in the areas that need them. In some communities, where access to fresh fruits and vegetables provided by local farms is needed desperately, this may not be an option. Commercial/private sites are an appropriate setting. Business leaders are

asking how to get farmers markets started at their sites. As long as we welcome smart development in the County, we should also welcome the opportunity for farmers markets to develop alongside.” In addition, Nathaniel Tutt, representing DER, addressed the committee indicating that the University of Maryland Extension Service contacted the Department regarding proposed changes to the Code that would facilitate the location of additional farmer’s markets in the County.

DER provided a revised draft (Draft-2) to address unintended consequences associated with Draft-1 which proposed to remove the limitation of a temporary permit for a farmer’s market to “no more than 50 days” and to add operations only “during the period from May 1 – November 1.” An additional concern was the effect of the proposed legislation on indoor winter markets.

The Office of Law reviewed CB-73-2012 and determined that it is in proper legislative form with no legal impediments to its enactment.

The committee voted favorable on the legislation with the following amendments:

On page 2, in Section 27-261, at the beginning of subsection (j)(1), strike the word “The” and add “Except as provided in Subsection (j)(8) of this Section”. In subsection (j)(2), the language “no more than 50 days” which was proposed to be removed in Draft-1, was reinserted. Also, a new subsection (j)(8) was added which reads: “A farmer’s market may operate inside a public or privately owned building with the written permission of the property owner during the months of December through March for a period not to exceed a total of thirty (30) days, provided the farmer’s market otherwise complies with the provisions of Section 27-107.01(a)(87.1) and Section 27-261(j) of this Code.”

A technical amendment was also made on page 1, line 1, to change “Act” to “Ordinance”.

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#### **BACKGROUND INFORMATION/FISCAL IMPACT:**

(Includes reason for proposal, as well as any unique statutory requirements)

For the purpose of amending provisions of the County Code allowing Farmer’s Markets to be located on private property and extend the timeframe. Providing alternative sources for fresh foods will have a positive impact on the health of the community and help sustain the County’s farm industry.

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#### **CODE INDEX TOPICS:**

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#### **INCLUSION FILES:**

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