

**LOCAL FOOD SOVEREIGNTY ORDINANCE
OF THE
TOWN OF CASTINE, MAINE**



Gordon B. MacArthur

Roberta I. Boczkiewicz

Daniel M. Leader

ATTEST: THIS IS A TRUE DOCUMENT.

DATE: _____

SIGNATURE: _____
Susan M. Macomber

AFFIX SEAL

Sec. 1 Short Title.

This Ordinance, adopted by the Town of Castine (hereinafter "the Town") shall be known and may be cited as the "Local Food Sovereignty Ordinance."

Sec. 2. Preamble.

We, the People of the Town, desire to produce, process, sell, purchase, and consume local foods; thus promoting self-reliance, the preservation of family farms, and local food traditions. We recognize that family farms, sustainable agricultural practices; and food processing by individuals, families, and non-corporate entities offer stability to our rural way of life by enhancing the economic, environmental, and social wealth of our community.

We have faith in our citizens' ability to educate themselves and make informed decisions. We hold that certain regulations unnecessarily impede local food production and constitute a usurpation of our citizens' right to food of their choice. We support food that fundamentally respects human dignity and health; nourishes individuals and the community; and sustains producers, processors, and the environment. We therefore wish to protect and promote reasonably unimpeded access to local foods. All individuals have a natural, inherent, and unalienable right to food, including the right to save and exchange seeds and the right to grow, raise, harvest, produce and consume food of their own choosing for their own nourishment and sustenance, bodily health and well-being.

Sec. 3. Purpose. The purpose of the Ordinance is to:

1. Provide residents increased access to local food, to support the ability of residents to produce, sell, purchase and consume locally produced foods, and to reduce governmental regulation of local foods to the extent permitted by and pursuant to the Maine Food Sovereignty Act, 7 M.R.S. §§ 281-86;
2. Ensure the preservation of family farms and traditional foodways through small-scale farming, food production, and community social events;
3. Improve the health and well-being of citizens of this State by reducing hunger and increasing food security through unimpeded access to wholesome, nutritious foods by encouraging ecological farming;
4. Promote self-reliance and personal responsibility by ensuring the ability of individuals, families, and other entities to prepare, process, advertise, and sell foods directly to customers intended solely for consumption by the customers or their families;
5. Enhance rural economic development and the environmental and social wealth of rural communities; and
6. Protect access to local food through direct producer-to-consumer transactions.

Sec. 4. Authority.

This Ordinance is adopted pursuant to Article I, Section 25, and Article VIII, Part Second, Section 1 of the Maine Constitution; 30-A M.R.S.A. §§ 3001-3014; and 7 M.R.S.A. §§ 281-86.

Sec. 5. Definitions.

As used in this Ordinance, the following terms have the meanings stated below:

Community Social Event.

An event where people gather as a part of a community for the benefit of those gathering or for the community, including, but not limited to a church or religious social, school event, potluck, neighborhood gathering, library meeting, traveling food sale, fundraiser, craft fair, farmers' market, agricultural fair, and other public events.

Direct producer-to-consumer transaction.

"Direct producer-to-consumer transaction" means an exchange of food or food products directly between a food producer and a consumer by barter, trade or purchase on the property or premises owned, leased or rented by the food producer; at roadside stands, fundraisers, farmers' markets and community social events; or through buying clubs, deliveries or community-supported agriculture programs, herd-share agreements and other private arrangements.

Food or food products.

"Food or food products" means food or food products that are grown, produced, processed or prepared for human consumption, including, but not limited to, vegetables, fruit, milk or milk products, meat or meat products, poultry or poultry products, fish or fish products, seafood or seafood products, cider or juice, acidified foods or canned fruits or vegetables.

Patron.

An individual who acquires food or food products directly from a processor or producer.

Processor.

An individual who processes or prepares products of the soil or animals for food or food products.

Producer.

A farmer or gardener who grows or raises any plant or animal for food or food products.

State food law.

"State food law" means any provision of Title 7 or Title 22 of the Maine Revised Statutes that regulates direct producer-to-consumer transactions.

Traditional Foodways.

The cultural, social, and economic practices related to the production and consumption of food and the conveying of knowledge regarding food production and preparation.

Sec. 6. License and Inspection Exemptions.

A. Notwithstanding any other provision of the Ordinances of this municipality to the contrary, and to the fullest extent provided for by 7 M.R.S.A. § 284, producers, growers, and processors of food or food products in the Town are exempt from State food law licensure and inspection requirements with respect to their direct producer-to-consumer transactions.

B. Pursuant to 7 M.R.S. § 285, the exemption provided in section 5(A) above does not apply to any transactions involving meat, meat products, poultry or poultry products, as those terms are defined in 22 M.R.S. § 2511. All such transactions remain subject to state inspection and licensing pursuant to Chapter 562-A of Title 22 of the Maine Revised Statutes and the rules adopted thereunder.

This Ordinance shall not be construed to exempt producers, growers, and processors of food or food products from otherwise generally applicable provisions of Town ordinance, including but not limited to the Castine Zoning Ordinance.

Sec. 7. Liability Protection.

To the extent otherwise permitted by law, producers and processors of food and food products may enter into private agreements with patrons to waive any liability for the consumption of that food or food products.

Sec. 8. Repealer.

All provisions of prior ordinances adopted by the Town inconsistent to this Ordinance are hereby repealed, but only to the extent necessary to remedy the inconsistency.

Sec. 9. Severability.

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any section, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such unconstitutionality, invalidity, or unenforceability does not affect the validity of any remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance.

Sec. 10. Effective Date.

This Ordinance shall become effective upon its adoption by the Town.