

TOWN OF RANDOLPH, KENNEBEC COUNTY, MAINE

LOCAL FOOD AND COMMUNITY SELF-GOVERNANCE ORDINANCE

Section 1. Title

This ordinance, adopted by the Town of Randolph (hereinafter "the Town"), shall be known and may be cited as the "Local Food and Community Self-Governance Ordinance."

Section 2. Authority

Maine Revised Statutes (§3001 of Title 30-A) implements Home Rule and grants municipalities all powers necessary to protect the health, safety, and welfare of the residents of the Town where those powers have been conferred on the towns by the Legislature or not otherwise limited.

The Maine Food Sovereignty Act (§284 of Title 7, Chapter 8-F) states: "a municipality may adopt ordinances regarding direct producer-to-consumer transactions and the State shall recognize such ordinances by not enforcing those state food laws with respect to those direct producer-to-consumer transactions that are governed by the ordinance."

Section 3. Definitions

As used in this ordinance, unless the context otherwise indicates, the following terms have the meanings stated below:

- A. Community Social Event: An event where people gather as 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.
- B. Direct Consumer-to-Produce Transaction: An exchange of local food within a local food system between a producer or processor and a patron by barter, trade, or purchase on the property or premises owned, leased or rented by the producer or processor of the local food; 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.
- C. Local Food System: A food system that integrates food production, processing, consumption, direct producer-to-consumer transactions, and traditional food ways to

enhance the environmental, economic, social, and physical health of the municipality and its residents.

- D. Local Food: Any food or food product that is grown, produced, processed, or prepared by individuals who exchange that food directly with patrons.
- E. Patron: An informed individual who acquires local food directly from a processor or producer.
- F. Processor: An individual who processes or prepares products of the soil or animals for food or drink.
- G. Producer: A farmer or gardener who grows or raises any plant or animal for food or drink.
- H. Traditional Food Ways: The cultural, social, and economic practices related to the production and consumption of food and the conveying of knowledge regarding food production and preparation.

Section 4. Purpose

It is the policy of this State to encourage food self-sufficiency for its citizens. The purpose of the Local Food and Community Self-Governance Ordinance is to:

- A. Through local control, preserve the ability of individuals and communities to save and exchange seed, to produce, process, sell, purchase, and consume locally produced foods;
- B. Ensure the preservation of family farms and traditional food ways through small-scale farming, food production, and community social events;
- C. 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;
- D. 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;
- E. Enhance rural economic development and the environmental and social wealth of rural communities; and
- F. Protect access to local food through direct producer-to-consumer transactions.

Section 5. Statements of Law

- A. Right to Self-Governance. Citizens the Town have the right to a form of governance which recognizes that all power is inherent in the people, that all free governments are founded on the people's authority and consent.
- B. Right to Acquire and Produce Food. Citizens of the Town possess the right to save and exchange seed and to produce, process, sell, purchase, and consume local foods of their choosing.
- C. Exemption from Licensure and Inspection. The producers and processors of local food intended for direct producer-to-consumer transactions in the Town governed by this ordinance shall be exempt from state licensure and inspection. In accordance with Section 284 of the Maine Food Sovereignty Act, the State of Maine shall not enforce those state food laws, rules, or regulations with respect to those transactions as defined in Section 3. The transactions enumerated in Section 4 are governed by this ordinance and provide the context otherwise indicated as stated in Section 282 of the Maine Food Sovereignty Act
- D. Meat and Poultry. This ordinance is not applicable to any meat or poultry products that are required to be produced or processed in compliance with the Maine Meat and Poultry Inspection Program.
- E. Liability Protection. Producers and processors of local food may enter into private agreements with patrons to waive any liability for the consumption of local food.

This ordinance is applicable to shared animal ownership agreements in compliance with the federal acts as defined in Title 22, Chapter 562-A, §2511 of the Maine Revised Statutes and similar private contractual agreements, herd share agreements, and buying clubs.

Section 6. Civil Enforcement.

Any individual citizen of the Town shall have standing to enforce any rights secured by this ordinance which have been threatened or contested by any person, whether natural or juridical, and may seek relief both in the form of injunctive and compensatory relief from a court of competent jurisdiction.

Section 7. Effect

This ordinance shall take effect upon adoption by the Town of Randolph at its annual Town Meeting of July 24, 2019.

Section 8. Mutual Recognition and Inter-municipal Government Collaboration

The Town hereby recognizes producers and processors of local foods in other municipalities that have also adopted a Local Food and Community Self-Governance Ordinance. Those producers and processors of local foods from other municipalities operating under a similar ordinance may also operate under this ordinance.

Section 9. Severability Clause

To the extent any provision of this ordinance is deemed invalid by a court of competent jurisdiction, such provision will be removed and the balance of the ordinance shall remain valid.

Section 10. Repealed

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

Section 11. Human Rights and Constitutionality


Nothing in this ordinance shall be construed as authorizing any activities or actions that violate human rights protected by the U.S. Constitution or the Constitution of the State of Maine.

Adopted at Annual Town Meeting on 7/24/2019

TOWN OF RANDOLPH



Mark E. Roberts

Robert Henderson, Jr.

Matthew T. Drost

ATTESTED TO:



Lynn R. Mealey, Town Clerk