

NORTH BERWICK FOOD SOVEREIGNTY ORDINANCE

WHEREAS, the municipal officers and voters of the Town of North Berwick (the “Town”) support the rights of the residents of the Town to produce, process, sell, purchase, and consume local foods in order to promote self-reliance, the preservation of family farms, and local food traditions; and

WHEREAS, the Town recognizes that family farms, sustainable agricultural practices, and food processing by individuals, families, and non-corporate entities offer stability to a rural way of life by enhancing the economic, environmental, and social wealth of the community; and

WHEREAS, the Town desires to support food systems that respect human dignity and health; nourish individuals and the community; and sustain producers, processors, and the environment; and

WHEREAS, the Town desires to enact a local food self-governance ordinance pursuant to the Town’s home rule authority granted it by the Constitution of the State of Maine that facilitates the ability of individuals to acquire, produce, process, prepare, preserve, and consume the food of their own choosing for their own nourishment and sustenance; to barter, trade, and purchase food; and to save and exchange seed from the sources of their own choosing for their own physical health and well-being.

NOW, THEREFORE, BE IT ORDAINED by the voters of the Town of North Berwick, Maine, as follows:

§1. Title

This ordinance shall be known and may be cited as the “North Berwick Food Sovereignty Ordinance,” and is referred to herein as “the Ordinance.”

§2. Purpose

Pursuant to 7 M.R.S. § 283, it is the policy of this State to encourage food self-sufficiency for its citizens. The purpose of this Ordinance is to:

1. Preserve the ability of individuals and communities to save and exchange seed and to produce, process, sell, purchase, and consume locally produced foods;
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 the Town 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 facilitating 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, as defined in Section 4, below.

§3. Authority

This Ordinance is adopted and enacted pursuant to Article VIII, Part Second of the Constitution of the State of Maine, 30-A M.R.S. § 3001, and 7 M.R.S. § 284.

§4. Definitions

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

- A. DIRECT PRODUCER-TO-CONSUMER TRANSACTION:** A face-to-face transaction involving food or food products at the site of production of those food or food products.
- B. LOCAL FOOD:** Any food or food product that is grown, produced, processed, or prepared by individuals who exchange that food as part of a Direct Producer-to-Consumer Transaction.
- C. PROCESSOR:** An individual who processes or prepares products of the soil or animals for food or drink.
- D. PRODUCER:** A farmer or gardener who grows or raises any plant or animal for food or drink, whether for commercial sale or not.

§5. Statements of Law

- A. **Exemption from Licensure and Inspection.** In accordance with 7 M.R.S. § 284, the Producers and Processors of Local Food intended for Direct Producer-to-Consumer Transactions in the Town as defined, by Section 4 above, governed by this ordinance, shall be exempt from state licensure and inspection, and the State of Maine shall not enforce those state food laws, rules, or regulations with respect to Direct Producer-to-Consumer Transactions.
- B. **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 Products Inspection Program, Title 22, Chapter 562-A, of the Maine Revised Statutes and the rules adopted thereunder.
- C. **Liability Protection: No Waiver of Municipal Immunity.** Producers and Processors of Local Food may enter into private agreements with consumers to waive any liability for the consumption of Local Food. Nothing in this Ordinance shall be construed as a waiver of the Town's immunity from liability pursuant to the Maine Tort Claims Act or any other immunities or defenses otherwise available to the Town.

§6. Effective Date

This Ordinance shall be effective immediately upon its enactment.

§7. 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.