

TOWN OF POWNAL
LOCAL FOOD SOVEREIGNTY & SELF- GOVERNANCE ORDINANCE

SECTION 1. Purpose, Authority & Title

WHEREAS, the municipal officers and voters of the Town of Pownal (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.

Title

This Ordinance shall be known and be cited as the “Town of Pownal Local Food Sovereignty & Self – Governance Ordinance,” and is referred to herein as “this Ordinance.”

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. Through local control, 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 residents of the Town of Pownal 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 2, below.

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.

SECTION 2. Definitions

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

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 and other public events.

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.

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.

Patron: means an individual who purchases any product or preparation directly from a processor or producer and who does not resell the product or preparation.

Processor: An individual who processes or prepares products of the earth, soil, or animals for food or drink.

Producer: A farmer or gardener who grows or raises any plant or animal for food or drink, whether for commercial sale or not.

SECTION 3. 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 of Pownal 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.

SECTION 4. Meat & 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.

SECTION 5. Enforcement & Violations

This ordinance shall be enforced by the Code Enforcement Officer. Violations of this ordinance shall be a civil violation subject to a fine. This fine for a violation of this ordinance shall be not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each offense. Each act of violation and every day that any such violation shall occur shall constitute a separate offense. In addition to the fines provided herein, the Town may enjoin or abate any violation of this ordinance by appropriate action.

SECTION 6. Effective Date

This Ordinance shall be effective July 1, 2019 after an affirmative vote at the Annual Town Meeting.

SECTION 7. Severability

To the extent any provision of this Ordinance is deemed invalid by a court of competent jurisdiction, the balance of the Ordinance shall remain valid.