Town of ISLAND FALLS
LOCAL FOOD SOVEREIGNTY ORDINANCE

LOCAL FOOD AND COMMUNITY SELF-GOVERNANCE ORDINANCE OF
2017 AN ORDINANCE TO PROTECT THE HEALTH AND INTEGRITY OF THE
LOCAL FOOD SYSTEM IN THE TOWN OF ISLAND FALLS, AROOSTOOK
COUNTY, MAINE.

Section 1.) Name.
This Ordinance shall be known and may be cited as the "Local Food and Commu-
nity Self-Governance Ordinance."

Section 2.) Definitions.
As used in this ordinance:

"Patron" means an individual who is the last person to purchase any product or
preparation directly from a processor or producer and who does not resell the prod-
uct or preparation.

"Home consumption" means consumed within a private home.

"Local Foods" means any food or food product that is grown, produced, or pro-
cessed by individuals who sell directly to their patrons through farm-based sales or
buying clubs, at farmers markets, roadside stands, fundraisers or at community so-
cial events.

"Processor" means any individual who process or prepares products of
the soil or animal for food or drink.

"Producer" means any farmer or gardener who grows any plant or animal for
food and drink.

"Community social event" means an event where people gather as part of a com-
munity for the benefit of those gathering, or for the community, including but not
limited to a church or religious social, school event, potluck, neighborhood gather-
ing, library meeting, traveling food sale, fundraiser, craft fair, farmers market and
other public events,
Section 3. Preamble and Purpose.

We, the people of the Town of Island Falls, Aroostook County, Maine have the right 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 offers stability to our rural way of life by enhancing the economic, environmental and social wealth of our community. As such, our right to a local food system requires us to assert our inherent right to self-government. We recognize the authority to protect that right as belonging to the Town of Island Falls. We have faith in our Citizens' ability to educate themselves and make informed decisions. We hold that federal and state regulations impede local food production and constitute a usurpation of our citizens' right to foods 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 are therefore duty bound under the Constitution of the State of Maine to protect and promote unimpeded access to local foods.

The purpose of the Local Food and Community Self-Governance Ordinance is to:

1. Provide citizens with unimpeded access to local food;
2. Enhance the local economy by promoting the production and purchase of local agricultural Products.
3. Protect access to farmers' markets, roadside stands, farm based sales and direct producer to patron sales;
4. Support of economic viability of local food producers and processors;
5. Preserve community social events where local foods are served or sold;
6. Preserve local knowledge and traditional food ways.

Section 4. Authority.

This Ordinance is adopted and enacted pursuant to the inherent, inalienable, and fundamental right of the citizens of the Town of Island Falls to self-government, and under the authority recognized as belonging to the people of the Town by all relevant state and federal laws including, but not limited to the following:

The Declaration of Independence of the United States of America, which declares that governments are instituted to secure peoples' rights, and that government derives its just powers from the consent of the governed.
Article 1, §2 of the Maine Constitution, which declares; "all power is inherent in the people; all free governments are founded in their authority and instituted for their benefit, [and that] they have therefore an unalienable and indefeasible right to institute government and to alter, reform, or totally change the same when their safety and happiness require it."

§3001 of Title 30-A of the Maine Revised Statutes, which grants municipalities all powers necessary to protect the health, safety, and welfare of the residents of the Town of Island Falls.

§1-A of Title 7 of the Maine Revised Statutes which states: "The survival of the family farm is of special concern to the people of the State, and the ability of the family farm to prosper, while producing an abundance of high quality food and fiber, deserves a place of high priority in the determination of public policy."

§1-B of Title 7 of the Maine Revised Statutes which states: "...The preservation of rural life and values in the State is the joint responsibility of all public agencies, local, state and federal, whose policies and programs substantially impact the economy and general welfare of people who reside in rural Maine, such as the development and implementation of programs that assist in the maintenance of family farms, and improve health and nutrition. The state agencies in addition to the department include, but are not limited to, the Department of Education, Department of Health and Human Services, Department of Labor and the Department of Agriculture, Conservation and Forestry.

§201-A of Title 7-A of the Maine Revised Statutes which states: "It is the policy of the State to encourage food self-sufficiency for its citizens. The department (Department of Agriculture, Conservation and Forestry) shall support policies that:

1. Local Control. Through local control preserve the abilities of communities to produce, process, sell, purchase, and consume locally produced foods.

2. Improved Health and Well-Being. Improve the health and well-being of citizens of this State by reducing hunger and increasing food security through improved access to wholesome, nutritious foods by supporting family farms and encouraging sustainable farming and fishing;

3. Self-reliance and personal responsibility. 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.
Section 5. Statements of Law.

Section 5.1. Licensure/Inspection Exemption. Producers or processors of local foods in the Town of Island Falls are exempt from licensure and inspection provided that the transaction is only between the producer or processor and a patron when the food is sold for home consumption. This includes any producer or processor who sells his or her products at farmers' markets or roadside stands; sells his or her products through farm-based sales directly to a patron; or delivers his or her products directly to patrons.

Section 5.1.a Licensure/Inspection Exemption. Producers or processors of local foods in the Town of Island Falls are exempt from licensure and inspection provided that their products are prepared for, consumed, or sold at a community social event.

Section 5.2. Right to Access and Produce Food. Island Falls' citizens possess the right to save and exchange seed; produce, process, sell, purchase and consume local foods of their choosing.

Section 5.3. Right to Self-Governance. All citizens of Island Falls possess 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.

Section 5.4. Right to Enforce. Island Falls' citizens possess the right to adopt measures which prevent the violation of the rights enumerated in this Ordinance.

Section 6. Statement of Law. Implementation. The following restrictions and provisions serve to implement the preceding statements of law.

Section 6.1. State and Federal Law. It shall be unlawful for any law or regulation adopted by the state or federal government to interfere with the rights recognized by this Ordinance. It shall be unlawful for any corporation to interfere with the rights recognized by this Ordinance. The term "corporation" shall mean any business entity organized under the laws of any state or country.
Section 6.2. Patron Liability Protection.
Patrons purchasing food for home consumption may enter into private agreements with those producers or processors of local foods to waive any liability for the consumption of that food, producers or processors of local foods shall be exempt from licensure and inspection requirements for that food as long as those agreements are in effect.

Section 7. Civil Enforcement.
The Town of Island Falls may enforce the provisions of this Ordinance through seeking equitable relief from a court of competent jurisdiction. Any individual citizen of the Town of Island Falls shall have standing to vindicate any rights secured by this ordinance which have been violated or which are threatened with violation, and may seek relief both in the form of injunctive and compensatory relief from a court of competent jurisdiction.

Section 8. Town Action against Pre-emption.
The foundation for making and adoption of this law is the peoples' fundamental and inalienable right to govern themselves, and thereby secure their rights to life, liberty, and the pursuit of happiness. Any attempt to use other units and levels of government to preempt, amend, alter or overturn this Ordinance or parts of this Ordinance shall require the Town to hold public meetings that explore the adoption of other measures that expand local control and the ability of citizens to protect their fundamental and inalienable right to self-government.

Section 9. Effect.
This Ordinance shall be effective immediately upon its enactment.

Section 10. Severability Clause.
To the extent any provision of this Ordinance is deemed invalid by a court of competent Jurisdiction, such provision will be removed from the Ordinance, and the balance of the Ordinance shall remain valid.

Section 11. Repealed.
All inconsistent provisions of prior Ordinances adopted by the Town of Island Falls are hereby repealed, but only to the extent necessary to remedy the inconsistency.

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.
Certified this 29th day of November 2017 by the undersigned municipal officers of the Town of Island Falls, to Carolyn M. Roy, Town Clerk.

Jeff Brooks  
Chair

Darrell Hartin  
Vice Chair

Anthony Bowers  
Selectman

Frank Porter  
Selectman

Frank Hill  
Selectman

Attest: A true copy of a policy entitled "Town of Island Falls Local Food Sovereignty Ordinance" as certified to me by the municipal officers of Island Falls on the 30th day of November, 2017.

Carolyn M. Roy  
Town Clerk

Date Enacted: 11/30/2017

POLICY CONTACT INFORMATION

For questions about this Local Food Sovereignty Ordinance, contact: Jutta Beyer at tmislandfalls@fairpoint.net