

## ARTICLE 13 LOCAL FOOD ORDINANCE

### Sec. 5-1301 Title

This Ordinance shall be known and may be cited as the "Local Food Ordinance."

### Sec. 5-1302 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. § 281-286.

### Sec. 5-1303 Purpose

The residents of Farmingdale, Kennebec 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.

The purpose of the Local Food 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 the 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 foodways.

### Sec. 5-1304 Definitions

As used in this ordinance:

1. 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.
2. 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 product or preparation.
3. Home consumption means consumed within a private home.
4. Local Foods means any food or food product that is grown, produced, or processed by individuals who sell directly to their patrons through farm-based sales or buying clubs, at farmer's markets, roadside stands, fundraisers or at community social events.

This definition does not include any products containing cannabis, cannabis-related products, or any federally controlled substances.

5. Processor means any individual who processes or prepares products of the soil or animals for food or drink.
6. Producer means any farmer or gardener who grows any plant or animal for food or drink.
7. Community social event means 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.

### **Sec. 5-1305 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 Farmingdale 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.

### **Sec. 5-1306 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.

### **Sec. 5-1307 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 of Farmingdale's immunity from liability pursuant to the Maine Tort Claims Act or any other immunities or defenses available to the Town.

### **Sec. 5-1308 Effective Date**

This Ordinance shall be effective immediately upon its enactment.

### **Sec. 5-1309 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.

Effective Date: Approved June 13, 2019 Town Meeting



