3-7-14 attachment

Hi Rosanne
Thanks for telling Ralph Morang about me
He did a nice article. Is this something that we could do in Eliot as part of our Charter
Thanks
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LOCAL FOOD AND COMMUNITY SELF-GOVERNANCE ORDINANCE

TOWN OF SEDGWICK, MAINE

PREAMBLE

We, the People of the Town of Sedgwick, Hancock 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 Sedgwick.

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.

SECTION 1: TITLE

This Ordinance shall be known and may be cited as "the Town of Sedgwick Local Food and Community Self-Governance Ordinance" (the "ordinance")."

SECTION 2: PURPOSE

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 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 food ways.

3: AUTHORITY

This Ordinance is adopted and enacted pursuant to the inherent, inalienable, and fundamental right of the citizens of the Town of Sedgwick 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:

1. 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.

2. Article I, §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."

3. §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 Sedgwick.

4. §211 of Title 7 of the Maine Revised Statutes, which states: "it is the policy of the State to encourage food self-sufficiency for the State."

SECTION 4: STATEMENTS OF LAW

4.1 Licensure/Inspection Exemptions

(1) Producers or processors of local foods in the Town of Sedgwick 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.

(2) Producers or processors of local foods in the Town of Sedgwick are exempt from licensure and inspection provided that their products are prepared for, consumed, or sold at a community social event.

4.2 Right to Access and Produce Food. Sedgwick citizens possess the right to produce, process, sell, purchase, and consume local foods of their choosing.

4.3 Right to Self-Governance. All citizens of Sedgwick possess the right to a form of governance which recognizes that all power is inherent in the people and that all free governments are founded on the people's authority and consent.

4.4 Right to Enforce. Sedgwick citizens possess the right to adopt measures which prevent the violation of the rights enumerated in this Ordinance.

SECTION 5: STATEMENT OF LAW IMPLEMENTATION.

The following restrictions and provisions serve to implement the preceding statements of law.

5.1 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.

5.2 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 6: CIVIL ENFORCEMENT

The Town of Sedgwick may enforce the provisions of this Ordinance through seeking equitable relief from a court of competent jurisdiction. Any individual citizen of the Town of Sedgwick 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 7: TOWN ACTION AGAINST PREEMPTION

The foundation for making and adopting 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. It is declared that those other measures may legitimately include the partial or complete separation of the Town from the other units and levels of government that attempt to preempt, amend, alter, or overturn this Ordinance.

SECTION 8: EFFECTIVE DATE

This Ordinance shall be effective immediately upon its enactment.

SECTION 9: SEVERABILITY

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 10: REPEALER

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

SECTION 11: DEFINITIONS

As used in this Ordinance, the following words and phrases shall have the meanings indicated:

Community social event. "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.

Home consumption. "Home consumption" means consumed within a private home.

Local Foods. "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 farmers markets, roadside stands, fundraisers or at community social events.

Patron. "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.

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

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