

**Town of Northport
Local Food Sovereignty Ordinance**

Title

This ordinance is enacted pursuant to Title 7, M.R.S.A. Chp 8-F the Maine Food Sovereignty Act, and shall be known as the Town of Northport Local Food Sovereignty Ordinance. 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 Inspection Program.

Definitions:

The following definitions shall have the same meaning as set forth in Title 7 MRSA, §282 definitions

1. **Direct Producer to Consumer Transaction:**
Direct Producer to Consumer Transaction means a face to face transaction intended for human consumption involving food or food products at the site of production of those food or food products.
2. **Local Food:** Local Food means any food, food product, or drink that is grown, produced, or processed by Producers or Processors for human consumption as herein defined, who sell directly, face to face, with their patrons through farm or home based sales.
3. **Producer:** Producer means any farmer or gardener who grows any plant for food or drink or raises any animal for food or drink.
4. **Processor:** Processor means any individual who processes or prepares local food in a private home kitchen.
5. **Patron:** Patron means with regard to local food, the last person who:
 - a. Purchases for human consumption or consumes the local food;
 - b. Does not resell the local food, and
 - c. Has been informed the local food was produced in an uninspected, unlicensed establishment, and the local food has not been inspected by the applicable State agency.
6. **State Food Law:** State Food Law means any provision of Title 7, or Title 22, that regulates direct producer to consumer transactions.

Licensure and Inspection

Producers and processors in the Town of Northport are not subject to licensure or inspection provided:

1. Transactions are only between producers or processors and patrons at the site of production. This includes sales that:
 - a. Are made directly to a patron, face to face;
 - b. Occur at the site where the food product originated;
 - c. Patrons understand that the product is not manufactured under license from, or inspected by, the applicable State agency; and
 - d. Meat and poultry producers and processors are subject to all State and Federal licensing and inspection requirements, and are not exempt under this Ordinance for licensure or inspection.

44 **Compliance:**

- 45 1. All meat and poultry producers and processors shall comply with State and Federal meat and
46 poultry products inspection and licensing laws.
- 47 2. All individuals who grow, produce, process or prepares food or food products for other than direct
48 producer to consumer, face to face, transactions, shall grow, produce, process or prepare the food
49 or food products in compliance with all applicable State and Federal food safety laws, rules and
50 regulations.
- 51 3. All producers and processors found to be non-compliant with this Ordinance will be notified by
52 the Code Enforcement Officer, CEO, that they are non-compliant and at risk of State enforcement
53 action and penalties. The CEO shall give written notice to the producer or processor of their non-
54 compliant status.

55
56 **Severability:**

57 To the extent any provision of this Ordinance is deemed invalid by a court or competent jurisdiction,
58 such provision will be removed and the balance of the Ordinance shall remain valid.

59
60 **Enforcement:**

61 For any violation of this Ordinance, the Code Enforcement Officer shall send a Notice of Violation to the
62 violator and the Owner of the property in question, which shall describe the violation and demand
63 immediate compliance, with a copy sent to any State or Federal regulatory agency with authority to
64 inspect or regulate the product in question. To the extent that there is no preemption of prosecution
65 by State or Federal regulatory agencies, the Code Enforcement Officer may issue a civil citation for all
66 uncured violations, pursuant to Rule 80 H of the Maine Rules of Civil Procedure. Either before or after
67 enforcement action is taken, The Code Enforcement Officer is hereby authorized to conduct inspections
68 of any facility related to the growing, production, processing, sale, and/or gifting of local food to any
69 patron. To the extent entrance onto real property or into structures is unreasonably denied, the Code
70 Enforcement Officer may seek an Administrative Inspection Warrant pursuant to Rule 80 E of the Maine
71 Rules of Civil Procedure. A civil penalty of \$50 per violation enforceable by the Town shall be imposed,
72 and each day shall constitute a separate violation. For any Town prosecution in which a person or
73 entity is found to be in violation of this ordinance, the Court shall award the Town's reasonable
74 attorney fees for prosecution of the action. To the extent necessary to prohibit or limit current or
75 future violations of this Ordinance, the Town may seek injunctive relief.

76 **Effective:**

77 This Ordinance shall be effective immediately following its enactment by the legislative body of the
78 Town of Northport.

79

80

81 April 2018