



**GARDINER CITY COUNCIL
AGENDA ITEM INFORMATION SHEET**



Meeting Date	01/08/2020	Department	Code Enforcement
Agenda Item	4.14 Consider and Approve Food Sovereignty Ordinance to Send to First and Second Read		
Est. Cost	n/a		

Background Information	<p>At the December 4, 2019 City Council Meeting, the City Council evaluated two Food Sovereignty Ordinances. It was decided at that meeting that two changes be added to proposal #2. Those changes were:</p> <ol style="list-style-type: none"> 1. The locations at which direct producer to consumer transactions can occur have been expanded to include public or community activities or locations. 2. The amount of the fine for a violation of the ordinance provisions was filled in and set at \$100 to \$250 per violation. <p>Please see the attached proposal and memo from the Ordinance Review Committee in regards to these changes.</p>
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Requested Action	'I move to send the Food Sovereignty Ordinance to a First and Second Read on January 22, 2020 and February 5, 2020, respectively.'
City Manager and/or Finance Review	The City Manager recommends the above action.
Council Vote/ Action Taken	
Departmental Follow-Up	

City Clerk Use Only	1 st Reading _____	Advertised _____	EFFECTIVE DATE _____
	2 nd Reading _____	Advertised _____ w/in 15 Days	
	Final to Dept _____	Updated Book _____	Online _____

To: Christine Landes
City Council
From: Ordinance Review Committee
Subject: Food Sovereignty Ordinance
Date: December 17, 2019

Attached is a revised draft of Local Food Sovereignty provisions that can be added to the City's Code of Ordinances. The revised draft is based on Option 2 for an ordinance that was discussed by the Council at its December meeting. The draft sets up the provisions as a separate Chapter within the Code of Ordinances.

The revised draft includes two changes from Option 2 that the Council reviewed:

1. The locations at which direct producer to consumer transactions can occur have been expanded to include public or community activities or locations as suggested by the Council.
2. The amount of the fine for a violation of the ordinance provisions was filled in and set at \$100 to \$250 per violation. This was done as a holding place and the Council should review this and revise it as appropriate before adoption the provisions.

Revised Draft Amendment to the Code of Ordinances Dealing with Food Sovereignty

Amend the City of Gardiner's Code of Ordinances to create a new Chapter 11 Local Food Sovereignty to read as follows:

CHAPTER 11 Local Food Sovereignty

- SECTION 595. Authority and Purpose
596. Definitions
597. License and Inspection Exemptions
598. Notice Required
599 Enforcement; Violations
599A. Severability

Section 595. Authority and Purpose

This ordinance entitled "Local Food Sovereignty" is enacted pursuant to the City's home rule authority, as provided in 30-A M.R.S. § 3001, the Maine Constitution, Article VIII, Part Second, and 7 M.R.S. § 284, all as may be amended from time to time.

These provisions relating to local food sovereignty are intended to provide residents with increased access to local food, to support the ability of residents to produce, sell, purchase and consume locally produced foods, and to reduce governmental regulation of local foods to the extent permitted by and pursuant to 7 M.R.S. § 281 - § 286.

Section 596. Definitions

As used in this chapter, the following words have the meanings stated below:

596.1. Direct Producer-to-Consumer Transaction: A face-to-face transaction involving food or food products at the site of production of those foods or food products or at a farmers market or other public or community activity or location in the City of Gardiner if the person who produced or oversaw the production of the foods or food products is present during the transaction at the location of the transaction.

596.2. Food or Food Products: Food or food products intended for human consumption, including, but not limited to, milk or milk products, meat or meat products, poultry or poultry products, fish or fish products, seafood or seafood products, fresh produce, cider or juice, acidified foods, or canned fruits or vegetables.

596.3. State Food Law: Any provision of Title 7 or Title 22 of the Maine Revised Statutes that regulates direct producer-to-consumer transactions.

596.4. Site of Production: Any site of production pursuant to 7 M.R.S. § 281 et. seq, including the premise where a food or food product is grown, raised, processed, or produced such as a farm, home kitchen, farm-based kitchen or similar location controlled by the producer, grower or processor.

Section 597. License and Inspection Exemptions

597.1. Notwithstanding any other provisions of the ordinances of the City of Gardiner to the contrary, producers, growers, and processors of food or food products are exempt from State food law licensure and inspection requirements with respect to their direct producer-to-consumer transactions.

597.2. Pursuant to 7 M.R.S § 285, the exemption provided in **597.1** does not apply to any producer-to-consumer transactions involving meat, meat products, poultry, or poultry products as those terms are defined in 22 M.R.S § 2511. All such transactions remain subject to state inspections and licensing pursuant to Chapter 562-A of the Maine Revised Statutes and the rules adopted thereunder.

Section 598. Notice Required

Any producer, grower, or processor of food or food products exempted under **597.1** that offers those products for sale or by other transaction to the public at the site of production or at a farmers market or other public or community activity or location shall provide written notice to potential customers at the place of the transaction that the products so offered have been exempted from State food law licensure and inspection requirements. This notice may be provided by posters, handbills or product labeling.

Section 599. Enforcement; Violations

This ordinance shall be enforced by the Code Enforcement Officer. Violation of this ordinance shall be a civil violation subject to a fine of not less than \$100 dollars nor more than \$250 dollars 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 City may seek any other relief or remedy available, including but not limited to injunctive relief or abatement regarding any violation of this ordinance.

Section 599A. Severability

Should any section or provision of this chapter be declared to be invalid by a court of competent jurisdiction, such decision shall not invalidate any other section or provision of this chapter.