

TOWN OF NAPLES
FOOD SOVEREIGNTY ORDINANCE
Adopted June 25th, 2020

§ 1. Title and authority.

This ordinance is titled the “Town of Naples Food Sovereignty Ordinance” and is enacted pursuant to the Town’s home rule authority, as provided in 30-A M.R.S. § 3001; the Constitution of Maine, Article VIII, Part Second; and 7 M.R.S. § 284, all as may be amended from time to time.

§ 2. Purpose; Construction.

The purposes of this ordinance are to ensure that residents of the Town of Naples are provided unimpeded access to local food or food products and to reduce governmental regulation of direct producer-to-consumer transactions of locally produced food or food products to the fullest extent permitted by law.

Nothing herein shall be construed to interfere with the implementation and/or enforcement of all provisions of the State of Maine’s meat and poultry products inspection and licensing program, Chapter 562-A of Title 22 of the Maine Revised Statutes and the rules adopted thereunder, both as may be amended from time to time.

§ 3. Definitions.

As used in this ordinance, the following terms shall have the following meanings:

Consumer means any individual who purchases or otherwise receives food or food products from a producer, grower or processor.

Direct producer-to-consumer transaction ~~shall be defined as it is in 7 M.R.S. § 282(1), as may be amended from time to time~~ means a face-to-face transaction involving food or food products at the site of production of those food or food products.

Food or food products ~~shall be defined as it is in 7 M.R.S. § 282(2), as may be amended from time to time~~ means 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, cider or juice, acidified foods or canned fruits or vegetables.

Individual ~~means a person or persons. Corporations, limited liability companies, trusts, and any other entity through which a persons or persons barter, sell, or trade food or food products~~

with consumers shall not be considered an “individual” for the purposes of this definition~~Grower means any individual who grows food or food products.~~

Processor means any individual who processes or prepares products of the earth, soil or animals for human consumption~~food or food products.~~

Producer means an individual who grows or raises any plant or animal for human consumption, whether for commercial sale or not~~any individual who produces food or food products.~~

~~Site of production means a premises controlled by the producer where food or food products are produced, such as a farm, homestead, or home kitchen. The term does not include a farmers' market, community social event, or other public venue that does not occur at the site of production.~~

~~State food law means any provision of Title 7 or Title 22 of the Maine Revised Statutes that regulates direct producer-to-consumer transactions except for the provisions within Title 22, Chapter 562-A of the Maine Revised Statutes, which continue to apply to any direct producer-to-consumer transaction involving meat, meat products, poultry or poultry products.~~

§ 4. Local Control of Direct Producer-to-Consumer Transactions.

~~Notwithstanding any other provision of the Ordinances of the Town of Naples to the contrary, pProducers, growers, and processors of food or food products exchanged in a direct producer-to-consumer transaction in the Town of Naples are exempt from State food law that would otherwise require licensure and inspection of the food or food products exchanged in a direct-producer-to-consumer transactionlicensure and inspection with respect to their direct producer to consumer transactions conducted exclusively at the site of production.~~

The exemption provided in this section shall not apply to any transactions involving meat, meat products, poultry or poultry products, as those terms are defined in 22 M.R.S. § 2511, as may be amended from time to time. All such transactions remain subject to state inspection and licensing pursuant to Chapter 562-A of Title 22 of the Maine Revised Statutes and the rules adopted thereunder, both as may be amended from time to time.

§ 5. Exemption Not CreatedEnforcement; Violations.

~~Section 4 of this Ordinance does not exempt producers and processors of food or food products from obtaining any permits or approvals otherwise required by the Town of Naples Land Use Ordinance for the use of land or structures within a particular land use district. This ordinance shall be enforced by the Code Enforcement Officer. Violation of this ordinance shall be a civil violation subject to a fine. The fine for a violation of this ordinance shall be not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) 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 Town may enjoin or abate any violation of this ordinance by appropriate action.~~

§ 6. Notice to Consumers

~~Any producer or processor of food or food products that is exempt from State food law pursuant to section 4 of this Ordinance shall provide written notice to consumers and potential consumers at the place the direct producer-to-consumer transaction occurs 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.

§ 6. § 7. Severability.

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

§ 7. § 8. Amendments.

Amendments to this ordinance may be made by a majority vote of the Town at any Town Meeting and shall take effect upon enactment unless otherwise specified.

§ 8. § 9. Effective Date.

This ordinance shall become effective upon its adoption.