

**TOWN OF NAPLES**  
**FOOD SOVEREIGNTY ORDINANCE**  
Adopted June 25<sup>th</sup>, 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* 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* 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.

*Grower* means any individual who grows food or food products.

*Processor* means any individual who processes or prepares food or food products.

*Producer* means 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.

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

Notwithstanding any other provision of the Ordinances of the Town of Naples to the contrary, producers, growers, and processors of food or food products in the Town are exempt from licensure 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. 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. 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. 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. 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. Effective Date.**

This ordinance shall become effective upon its adoption.