

TOWN OF SOUTH THOMASTON, MAINE



LOCAL FOOD SOVEREIGNTY ORDINANCE

Enacted June 20, 2023

SOUTH THOMASTON LOCAL FOOD SOVEREIGNTY ORDINANCE

Town of South Thomaston
Local Food Sovereignty Ordinance

Sec. 1 Short Title

This ordinance shall be known and may be cited as the “Local Food Sovereignty Ordinance.”

Sec. 2. Authority and Purpose.

This Ordinance is intended to provide residents 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. This Ordinance is enacted pursuant to 7 M.R.S. § 284 and the home rule authority granted to municipalities by 30-A M.R.S. § 3001.

Sec. 3. Definitions

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

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.

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 that are grown, produced, processed, or prepared for human consumption, including, but not limited to, vegetables, fruit, 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.

Home Consumption means consumed within a private home.

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.

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

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

State food law. “State food law” means any provision of Title 7 or Title 22 of the Maine Revised Statutes that regulates direct producer-to-consumer transactions.

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Site of production. "Site of production" means the premises 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. The term does not include a farmers' market, community social event, or other venue unless the market, social event or venue is itself the site of production of the food or food product.

Sec. 4. License and Inspection Exemptions

A. Notwithstanding any other provision of the Ordinances of this municipality to the contrary, producers, growers, and processors of food or food products in the municipality are exempt from licensure and inspection requirements contained in State food law (as defined above) with respect to their direct producer-to-consumer transactions conducted exclusively at the site of production of those food products.

B. Pursuant to 7 M.R.S. § 285, the exemption provided in section 4(A) above does not apply to any transactions involving meat, meat products, poultry, poultry products or shell food as those terms are defined in 22 M.R.S. and 12 M.R.S. All such transactions remain subject to federal and state inspection and licensing pursuant to Chapter 562-A of Title 22 and Title 12 of the Maine Revised Statutes and the rules adopted thereunder.

C. This Ordinance does not provide relief from Town of South Thomaston Land Use restrictions and permitting requirements. For example, any Commercial Use, Restaurant, or Home Occupation Business requires Planning Board approval/permitting.

5. Liability Protection; No Waiver of Municipal Immunity

With faith in our citizens' ability to educate themselves and make informed decisions, Producers and Processors of local food may enter into private agreements with consumers to waive any liability for the consumption of local food. Nothing in this Ordinance shall be construed as a waiver of the Town of South Thomaston's immunity from liability pursuant to the Maine Tort Claims Act of any other immunities or defenses available to the Town.


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.

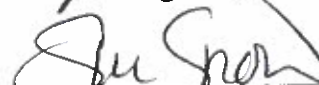
7. Effective Date.



John Spear



Jeff Northgraves




Sue Snow

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Approved at Annual Town Meeting on June 20, 2023.

Attest a true copy



Terri-Lynn Baines, Town Clerk

