

TOWN OF CHAPMAN

LOCAL FOOD AND COMMUNITY SELF-GOVERNANCE ORDINANCE

PREAMBLE

We, the People of the Town of Chapman, Aroostook County, Maine, have the right to produce, process, sell, purchase and consume local foods thus promoting self-reliance, the preservation of family farms, and local food traditions. We recognize that family farms, sustainable agricultural practices, and food processing by individuals, families and non-corporate entities offers stability to our rural way of life by enhancing the economic, environmental and social wealth of our community. As such, our right to a local food system requires us to assert our inherent right to self-government. We recognize the authority to protect that right as belonging to the Town of Chapman.

We have faith in our citizens' ability to educate themselves and make informed decisions. We hold that federal and state regulations impede local food production and constitute a usurpation of our citizens' right to foods of their choice. We support food that fundamentally respects human dignity and health, nourishes individuals and the community, and sustains producers, processors and the environment. We are therefore duty bound under the Constitution of the State of Maine to protect and promote unimpeded access to local foods.

SECTION 1: TITLE

This Ordinance shall be known and may be cited as the "Town of Chapman Local Food and Community Self-Governance Ordinance" (the "ordinance")."

SECTION 2: PURPOSE

The purpose of the Town of Chapman Local Food and Community Self-Governance Ordinance is to:

1. Provide citizens with improved access to local food;
2. Enhance the local economy by promoting the production and purchase of local agricultural products;
3. Protect access to roadside stands, farm-based sales and other direct producer-to-consumer sales;
4. Support the economic viability of local food producers and processors;
5. Preserve local knowledge and traditional food ways.

SECTION 3: AUTHORITY

This Ordinance is adopted and enacted pursuant to the inherent, inalienable, and fundamental right of the citizens of the Town of Chapman to self-government, and under the authority recognized as belonging to the people of the Town by all relevant state and federal laws including, but not limited to the following:

1. The Declaration of Independence of the United States of America, which declares that governments are instituted to secure peoples' rights, and that government derives its just powers from the consent of the governed.
2. Article I, §2 of the Constitution of Maine, which declares: "all power is inherent in the people; all free governments are founded in their authority and instituted for their benefit, [and that] they have therefore an unalienable and indefeasible right to institute government and to alter, reform, or totally change the same when their safety and happiness require it."
3. The Constitution of Maine, Article VIII, Part Second "Municipal Home Rule"
4. Title 30-A section 3001 of the Maine Revised Statutes, which grants municipalities all powers necessary to protect the health, safety and welfare of the residents of the Town of Chapman.
5. §211 of Title 7 of the Maine Revised Statutes, which states: "it is the policy of the State to encourage food self-sufficiency for the State."

SECTION 4: STATEMENTS OF LAW

4.1. Licensure/Inspection Exemptions

Except as provided herein, any food or food products grown, produced or processed in the Town of Chapman for a direct producer-to-consumer transaction are exempt from licensure and inspection.

4.2. Right to Access and Produce Food.

Chapman citizens possess the right to produce, process, sell, purchase, and consume local foods of their choosing.

4.3. Right to Self-Governance

All citizens of Chapman possess the right to a form of governance which recognizes that

all power is inherent in the people and that all free governments are founded on the people's authority and consent.

4.4. Right to Enforce

Chapman citizens possess the right to adopt measures which prevent the violation of the rights enumerated in this Ordinance.

4.5. Ordinance Limitations

Meat and poultry products shall be subject to licensing and inspection as provided by Title 22, chapter 562-A and the rules adopted thereunder.

Any individual who grows, produces, processes or prepares food or food products for purposes other than direct producer-to-consumer transactions shall grow, produce, process or prepare the food or food products in compliance with all applicable state and federal food safety laws, rules and regulations.

SECTION 5: STATEMENT OF LAW IMPLEMENTATION.

The following restrictions and provisions serve to implement the preceding statements of law.

5.1. State and Federal Law. It shall be unlawful for any law or regulation adopted by the state or federal government to interfere with the rights recognized by this Ordinance. It shall be unlawful for any corporation to interfere with the rights recognized by this Ordinance. The term "corporation" shall mean any business entity organized under the laws of any state or country.

5.2. Consumer Liability Protection. Consumers purchasing food for home consumption may enter into private agreements with those producers or processors of local foods to waive any liability for the consumption of that food. Producers or processors of local foods shall be exempt from licensure and inspection requirements for that food as long as those agreements are in effect.

SECTION 6: CIVIL ENFORCEMENT

The Town of Chapman may enforce the provisions of this Ordinance through seeking equitable relief from a court of competent jurisdiction. Any individual citizen of the Town of Chapman shall have standing to vindicate any rights secured by this Ordinance which have been violated or which are threatened with violation, and may seek relief both in the form of injunctive and compensatory relief from a court of competent jurisdiction.

SECTION 7: TOWN ACTION AGAINST PREEMPTION

The foundation for making and adopting this law is the peoples' fundamental and inalienable right to govern themselves, and thereby secure their rights to life, liberty, and the pursuit of happiness. Any attempt to use other units and levels of government to preempt, amend, alter or overturn this Ordinance or parts of this Ordinance shall require the Town to hold public meetings that explore the adoption of other measures that expand local control and the ability of citizens to protect their fundamental and inalienable right to self-government. It is declared that those other measures may legitimately include the partial or complete separation of the Town from the other units and levels of government that attempt to preempt, amend, alter, or overturn this Ordinance.

SECTION 8: EFFECTIVE DATE

This Ordinance shall be effective immediately upon its enactment.

SECTION 9: SEVERABILITY

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

SECTION 10: REPEALER

All inconsistent provisions of prior Ordinances adopted by the Town of Chapman are hereby repealed, but only to the extent necessary to remedy the inconsistency.

SECTION 11: DEFINITIONS

As used in this Ordinance, the following words and phrases shall have the meanings indicated:

1. **Direct producer-to-consumer transaction.** "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.
2. **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.
3. **Consumer.** "Consumer" means an individual who is the last person to purchase any product or preparation directly from a processor or producer and who does not resell the product or preparation.

4. **Processor.** “Processor” means any individual who processes or prepares products of the soil or animals for food or drink.
5. **Producer.** “Producer” means any farmer or gardener who grows any plant or animal for food or drink.

The Chapman Local Food and Community Self-Governance Ordinance

Adopted by Residents on March 26, 2018

Board of Selectmen:

Patricia Sutherland (Chair)

Charles Beaulieu II

Isaac Braley

Terrence Hanlon

Milford Maynard