

CHAPTER 602
LOCAL FOOD AND COMMUNITY
SELF-GOVERNANCE ORDINANCE
TOWN OF GRAY MAINE

SECTION 602.1 – EMERGENCY PREAMBLE

WHEREAS, there is currently an outbreak of novel coronavirus disease 2019 (“COVID-19”), a respiratory illness, first detected in Wuhan City, Hubei Province, China, which continues to expand to a growing number of international locations, including the United States; and

WHEREAS, on March 15, 2020, Governor Janet Mills declared a state of civil emergency, due to the effect of the COVID-19 pandemic on the State of Maine, its people, and its economy, which remains in effect as of today’s date; and

WHEREAS, the COVID-19 pandemic has caused widespread interruptions in the production, distribution, and availability of food and food products to the citizens of the State of Maine, including those residing in the Town of Gray, and

WHEREAS, the COVID-19 pandemic has also caused severe strain on the ability of small farmers and other food producers to continue marketing and selling their products to the general public, including those farmers and food producers operating within the Town of Gray; and

WHEREAS, it is in the judgment of the Gray Town Council that citizens of the Town of Gray should have, to the extent allowable under existing law, in particular the Maine Food Sovereignty Act, 7 M.R.S. § 281, *et seq.*, the ability to acquire food and food products produced within the Town in an efficient and safe manner, particularly during the COVID-19 pandemic; and

WHEREAS, it is in the judgment of the Gray Town Council that the immediate adoption of the Local Food and Community Self-Governance Ordinance will further these objectives; and

WHEREAS, in the judgment of the Gray Town Council, the foregoing facts create a public emergency within the meaning of Section 14(D) of the Town of Gray Charter, thereby making this Ordinance immediately necessary for the preservation of life, health, property and public safety;

NOW THEREFORE, pursuant to Section 14(D) of the Town of Gray Charter, the Gray Town Council hereby ordains that the Town of Gray Local Food Community Self-Governance Ordinance be adopted to read as follows:

SECTION 602.2 – TITLE AND AUTHORITY

This Ordinance shall be known and be cited as the “Town of Gray Local Food and Community Self-Governance Ordinance” and is adopted 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.

SECTION 602.3 – PURPOSE

This Ordinance protects the right of the people of Gray to produce, process, sell, purchase, and consume local foods, thus promoting self-reliance, the preservation of family farms, and local food traditions. Family farms, sustainable agricultural practices, and food processing by individuals, families, and non-corporate entities enhance the economic, environmental, and social wealth of our community.

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

- A. Protect access to local food through direct producer-to-consumer transactions;
- B. Through local control, preserve the ability of individuals and communities to save and exchange seed, and to produce, process, sell, purchase, and consume locally produced foods;
- C. Ensure the preservation of family farms and traditional foodways through small-scale farming and food production;
- D. Improve the health and well-being of citizens of Gray by increasing access to locally produced foods;
- E. Ensure the ability of individuals, families and other entities to prepare, process, advertise, and sell foods directly to customers intended solely for consumption by the customers or their families; and
- F. Enhance rural economic development and the environmental and the social wellbeing of the community.

SECTION 602.4 – DEFINITIONS

- A. **DIRECT PRODUCER-TO-CONSUMER TRANSACTION:** a face-to-face transaction involving food or food products at the site of production of those food or food products. The Town of Gray also recognizes face-to-face transactions involving food or food products that take place at farmers markets and community events, and that are delivered by the producer to be direct producer-to-consumer transactions as that term may be used within this Ordinance.
- B. **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, cider or juice, acidified foods or canned fruits or vegetables.
- C. **HERDSHARE AGREEMENT:** a contractual arrangement between a farmer and an owner of livestock - the shareholder or member - through which the shareholder is able to obtain raw milk, meat, offal and other profits of the livestock proportionate to the shareholder's interest in the herd.
- D. **BUYING CLUB:** a club organized to pool members' collective buying power, enabling them to make purchases at lower prices than are generally available, or to purchase goods that might be difficult to obtain independently.
- E. **LOCAL FOOD SYSTEM:** a food system that integrates food production, processing, consumption, direct producer-to-consumer transactions, and traditional foodways to enhance the environmental, economic, social, and physical health of the Town of Gray and its residents.
- F. **LOCAL FOOD:** any food or food product that is grown, produced, processed, or prepared by individuals who exchange that food directly with patrons.
- G. **PATRON:** an informed individual who, based on information provided about the product (e.g., whether it is organic, ingredients, raw, gluten free, etc.) acquires local food directly from a processor or producer.
- H. **PROCESSOR:** an individual who processes or prepares products of the soil or animals for food or drink.
- I. **PRODUCER:** a farmer or gardener who grows or raises any plant or animal for food or drink.
- J. **SITE OF PRODUCTION:** the premises controlled by the producer where food or food products are produced, such as a farm, homestead, or home kitchen.
- K. **TRADITIONAL FOODWAYS:** the cultural, social, and economic practices related to the production and consumption of food and the conveying of knowledge regarding food production and preparation.

SECTION 602.5 – RIGHT TO ACQUIRE AND PRODUCE FOOD

Citizens of the Town possess the right to save and exchange seed and to produce, process, sell, purchase, and consume local foods of their choosing.

SECTION 602.6 – RECOGNITION OF OUTSIDE PRODUCERS AND PROCESSORS

The Town hereby recognizes producers and processors of local foods that produce or process food or food products in other municipalities and that sell such food or food products in direct producer to consumer transactions within the Town of Gray. Those producers and processors of local foods from other municipalities must operate under this ordinance while engaging in transactions within the Town of Gray.

SECTION 602.7 – EXEMPTION FROM LICENSURE AND INSPECTION

- A. In accordance with 7 M.R.S. § 284, the producers and processors of local food sold, bought, or otherwise transferred in direct producer-to-consumer transactions occurring at a site of production within the Town shall be exempt from state licensure and inspection and the State of Maine shall not enforce those state food laws, rules, or regulations with respect to such transactions.
- B. Subject to the exclusions contained in Section 602.7, below, or as otherwise prohibited by state law, direct producer-to-consumer transactions exempted from regulation by this Ordinance shall include the sale of, among other things, raw milk or other dairy products purchased by a patron as part of a herdshare agreement, buyer's club, or other alternative purchasing arrangement.

SECTION 602.8 – MEAT AND POULTRY

Pursuant to 7 M.R.S. § 285, this Ordinance does not exempt the transfer, sale, purchase, or other such transactions involving any meat, meat products, poultry, or poultry from state and/or federal regulation, regardless of the location of or participants in such transfers.

SECTION 602.9 – SEVERABILITY CLAUSE

Should any provision of this ordinance be declared invalid for any reason, such declaration shall not affect the validity of other provisions or of this Ordinance as a whole, it being the legislative intent that the provisions of this Ordinance shall be severable and remain valid notwithstanding such declaration.

SECTION 602.10 – EFFECTIVE DATE; EXPIRATION

- A. In view of the emergency cited in the Emergency Preamble, this Ordinance shall be effective immediately upon adoption by the Gray Town Council on July 21, 2020.
- B. Pursuant to Section 14(D) of the Gray Town Charter, this Ordinance shall expire on October 15, 2020, unless otherwise reenacted prior to that date.

SECTION 602.11 – REPEALER

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