

LOCAL FOOD AND COMMUNITY SELF-GOVERNANCE ORDINANCE

PREAMBLE

We, the People 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 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 Iowa to protect and promote unimpeded access to local foods.

SECTION 1 TITLE

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

SECTION 2 PURPOSE

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

1. Provide citizens with unimpeded access to local food;
2. Enhance the local economy by promoting the production and purchase of local agricultural products;
3. Protect access to farmers' markets, roadside stands, farm-based sales and direct producer to patron sales;
4. Support the economic viability of focal food producers and processors;
5. Preserve community social events where local foods are served or sold;
6. 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 to self-government, and under the authority recognized as belonging to the people 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. Iowa Constitution Article I Section 1. Rights of persons. All men and women are, by nature, free and equal, and have certain inalienable rights — among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness.
3. Iowa Constitution Article I Sec. 2. Political power. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right, at all times, to alter or reform the same, whenever the public good may require it.
4. Iowa Constitution Article I Sec. 25. Rights reserved. This enumeration of rights shall not be construed to impair or deny others, retained by the people.
5. Iowa Constitution Article III Sec. 38A. Municipal home rule. Municipal corporations are granted home rule power and authority, not inconsistent with the laws of the general assembly, to determine their local affairs and government, except that they shall not have power to levy any tax unless expressly authorized by the general assembly. The rule or proposition of law that a municipal corporation possesses and can exercise only those powers granted in express words is not a part of the law of this state.

SECTION 4 STATEMENTS OF LAW

1. Licensure/Inspection Exemptions
 - (a) Producers or processors of local foods are exempt from licensure and inspection provided that the transaction is only between the producer or processor and a patron when the food is sold for home consumption. This includes any producer or processor who sells his or her products at farmers' markets or roadside stands; sells his or her products through farm-based sales directly to a patron; or delivers his or her products directly to patrons.
 - (b) Producers or processors of local foods are exempt from licensure and inspection provided that their products are prepared for, consumed, or sold at a community social event.

2. Right to Access and Produce Food. Citizens possess the right to produce, process, sell, purchase, and consume local foods of their choosing.
3. Right to Self-Governance. All citizens 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. Right to Enforce. Citizens possess the right to adopt measures which prevent the violation of the rights enumerated in this Ordinance.

SECTION 5 STATEMENT OF LAW IMPLEMENTATION.

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

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.
2. Patron Liability Protection. Patrons 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

Any individual citizen 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 EFFECTIVE DATE

This Ordinance shall be effective immediately upon its enactment.

SECTION 8 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 9 REPEALER

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

SECTION 10 DEFINITIONS

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

Community social event. "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.

Home consumption. "Home consumption" means consumed within a private home.

Local Foods. "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.

Patron. "Patron" 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.

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

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