



MERRYMEETING
FOOD COUNCIL

EXPLANATION OF MUNICIPAL ORDINANCE CONSTRUCTION

Please find below a brief explanation of the purpose of the sections typically found in a municipal ordinance. While the sections below are what are “typically” found, there is no set form or template. Any drafter of a municipal ordinance should look at other ordinances within that municipality and should adopt that format accordingly.

Additionally, pursuant to the March 25, 2019 memo from Senate President Troy Jackson and Representative Craig Hickman regarding the legislative intent of the Maine Food Sovereignty Act (the “MFSA”), they state that have seen a “narrowing of the purpose and intent of the MFSA” and that it is a “permissive statute that ought to be freely construed.” With that said, as groups attempt to draft and present an ordinance in their community, there may be additional sections they wish to include.

TITLE: The title section is where the municipality describes the name given to the ordinance and how it will be referenced in the overall municipal code of ordinances and in future municipal documents.

PREAMBLE: Many ordinances do not include a preamble. A preamble typically states the history behind the ordinance or the reason it is being enacted. The Purpose section (discussed below) may cover many of the same topics that would be found in a Preamble.

AUTHORITY AND PURPOSE/PURPOSE: This section should reference what statute (state or federal) grants the municipality the authority to pass the ordinance. The purpose section is meant to explain to the public the intention of the ordinance.

DEFINITIONS: Depending on the municipality and whether the ordinance is a standalone one (rather than a section of a larger ordinance), the definitions section will typically define terms found within the specific ordinance while also including a general reference to definitions in other ordinances of that municipality (for example citing back to the zoning or land use ordinance for certain terms).

STATEMENTS OF LAW/LICENSING PROCEDURES/INTERPRETATION OF THE

ORDINANCE: This section is where the essence of the ordinance is found. Here, it lists the specific rights that relate to food sovereignty. This section can also contain any licensing/application procedures or costs and the standards (if any) that must be met to obtain a license. This section should also describe who makes decisions on applications.

ENFORCEMENT: If there are licenses/procedures that need to be followed as part of the ordinance, this section would describe what constitutes a violation of the ordinance, who has the authority to enforce the ordinance and any associated penalties/fees.

SEVERABILITY CLAUSE: Explains what happens if a section of the ordinance is found invalid by a court.

INCONSISTENT/CONFLICTING ORDINANCE CLAUSE/REPEALER: This section can state that the ordinance supersedes or is controlling in the event it conflicts with other municipal ordinances, or repeals any prior ordinances on the same or similar topics. In the alternative, it can also state that other municipal ordinances have precedence.

EFFECTIVE DATE: The date in which the ordinance goes into effect.