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12/04/12



**ORDINANCE NO.** \_\_\_\_\_

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES  
ORDAIN AS FOLLOWS:**

**WHEREAS**, the Board of Supervisors believes that the right to produce, process, sell, purchase and consume Local Foods promotes self-reliance, the preservation of Family Farms and Local Food traditions;

**WHEREAS**, the Board of Supervisors recognizes that Family Farms, sustainable agricultural practices and food processing by individuals and families offers stability to our rural way of life by enhancing the economic, environmental and social wealth of our community;

**WHEREAS**, the Board of Supervisors recognizes individual rights and responsibilities and we have faith in our citizens' ability to educate themselves and make informed decisions on a local level with respect to their buying habits when dealing with known members of the community engaged in the conduct of Family Farms and local processing facilities, and further find that the transparent and close relationship between patrons and their producers/processors in such a local system naturally initiates a self-regulating system; and,

**WHEREAS**, the Board of Supervisors finds that adoption of this ordinance is not a project for purposes of the California Environmental Quality Act in that it maintains the status quo and does not have the potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

**NOW, THEREFORE**, the Board of Supervisors of the County of El Dorado does **ORDAIN** as follows:

**Section 1. Name.** This Ordinance shall be known and may be cited as the "Local Food and Community Self-Governance Ordinance."

**Section 2. Authority.** This Ordinance is adopted pursuant to the authority granted by Article 11, Section 7 of the Constitution of the State of California.

**Section 3. Purpose.** The purpose of the Local Food and Community Self-Governing Ordinance is to:

- A. Provide citizens with access to Local Food unimpeded by local regulation.
- B. Enhance the local economy by promoting the production and purchase of local agricultural products.
- C. Protect access to Family Farm based sales and direct producer to patron sales.
- D. Support the economic viability of Local Food producers and processors.
- E. Preserve local knowledge and traditional food ways.

**Section 4. Statement of Principles.** This Ordinance is based on the following premises and principles:

A. **Right to Access and Produce Food.** El Dorado County citizens possess the right to produce, process, sell, purchase and consume Local Foods of their choosing.

**A.1 Right to Ownership:** El Dorado County citizens have the right to own livestock animals, in whole or in part, and keep them in accordance with Title 17 of the El Dorado County Code, zoning.

**Section 5. Definitions.** As used in this ordinance:

A. “Family Farm” means a farm located in El Dorado County which satisfies the following conditions: (1) it consists of one or more adjacent parcels; (2) the farm serves as the primary residence of the owner/operator of the farm; (3) the only sale of food or food products made by the farm is of food or food products grown on the farm, or produced or processed on the farm from food or food products grown on the farm; (4) all food or food products sold from the farm are sold directly to patrons for home consumption; (5) all sales are made on-site directly to patrons (no off-site facilities for sales); (6) the farm uses no motorist oriented sales devices such as storefronts or roadside stands; and, (7) the farm owner/operator engages in no off-site advertisement, media advertisement or advertisement by mailers or similar means, except that nothing herein shall be deemed to prohibit the owner or operator of a family farm from maintaining a website for the purpose of identifying the Family Farm.

B. “Home consumption” means consumed within a private home or personally by a patron.

C. “Livestock Boarding” means the housing, feeding, caring for and tending to livestock owned by another person(s), with or without compensation, which person(s) retains the right to receive (not purchase) all or a portion of the livestock’s produce (*e.g.* milk, eggs, wool, manure) for their own personal use and not for resale. The owners of the livestock shall have a direct ownership interest in the animal or animals. Livestock Boarding shall include the packaging and delivery of the products derived from such animals by the person housing such animal to the owner of that animal for the owner’s personal consumption or use.

D. “Local Foods” means any food or food product that is grown, produced or processed by individuals on a Family Farm within El Dorado County, which is sold directly to patrons through Family Farm-based sales, private agreement, or private food buying clubs. The point of sale of all Local Foods shall be the family farm where the Local Foods are grown, produced or processed.

E. “Patron” means an individual who is the person to purchase any Local Food product or preparation directly from an original processor or producer (one who is not reselling the Local Food product) and who does not resell the product or preparation.

F. "Private Food Buying Club" means an association of patrons who organize to purchase products directly from producers/processors.

G. “Processor” means an individual residing on a family farm in El Dorado County, who processes or prepares products of the soil or animals, grown or produced on that Family Farm by the processor, for food or drink, for sale only to patrons for home consumption. To qualify as a Processor, a person must comply with all of the conditions for establishment of a Family Farm.

H. “Producer” means any farmer or gardener, in El Dorado County, who grows any plant or animal for food or drink, on a Family Farm within El Dorado County, for sale only to patrons at the family farm where the Local Foods are grown, produced or processed. To qualify as a Producer, a person must comply with all of the conditions for establishment of a Family Farm.

**Section 6. Licensure/inspection Exemption.** The County of El Dorado shall not adopt any ordinance, resolution or regulation providing for licensing or inspection of the growing, production and processing of Local Foods on Family Farms in the County of El Dorado. The growing, production and processing of Local Foods on Family Farms in the County of El Dorado are exempt from any existing County licensing and inspection requirements, provided that that the Family Farms meet the definition contained in Section 5 of this ordinance. This exemption from licensing and inspection applies only to the activity of growing, producing and processing Local Foods. It is not intended to exempt the property on which it is conducted from generalized permitting or inspection requirements such as building permits, nor is it intended to exempt

activities conducted on the property other than growing, producing or processing Local Foods from any regulation of the Ordinance code of the County of El Dorado. Notwithstanding the provisions of this Ordinance, the growing, production and processing of Local Foods on Family Farms shall be subject to all of the provisions of: Title 5 (Business Taxes, Licenses and Regulations); Title 6 (Animals); Chapter 8.12 (Pear Blight Control), Chapter 8.14 (Vine Mealybug Regulations), Chapter 8.16 (Pear Psylla Control), Chapter 8.18 (Apple Maggot Protection), Chapter 8.19 (Pierce's Disease;GWSS Complex), Chapter 8.28 (Grape Phylloxera Control), of Title 8; Title 9, (Public Peace, Morals and Welfare); Title 17, (Zoning), of the Ordinance Code of the County of El Dorado) and, any lawfully issued order of the County Agricultural Commissioner or other duly authorized official of the County of El Dorado. Nothing in this Ordinance shall prevent a duly authorized official of the County of El Dorado from conducting an inspection of a Family Farm where reasonable cause exists to believe that a health hazard exists on the property, including in the sale, preparation or processing of food on the farm

**Section 7. No Prohibition on Livestock Boarding.** The County of El Dorado shall not adopt any ordinance, resolution or regulation prohibiting the practice of Livestock Boarding in the County of El Dorado. This exemption from licensing and inspection applies only to the activity of Livestock Boarding. It is not intended to exempt the property on which it is conducted from generalized permitting or inspection requirements such as building permits, nor is it intended to exempt activities conducted on the property other than Livestock Boarding from any regulation of the Ordinance code of the County of El Dorado. Notwithstanding the provisions of this Ordinance, Livestock Boarding shall be subject to all of the provisions of: Title 5 (Business Taxes, Licenses and Regulations); Title 6 (Animals); Title 9, (Public Peace, Morals and Welfare); Title 17, (Zoning), of the Ordinance Code of the County of El Dorado) and, any lawfully issued order of the County Agricultural Commissioner or other duly authorized official of the County of El Dorado.

**Section 8. Relationship to State.** The Board of Supervisors expresses its strong desire that Local Food Producers and Processors be allowed to conduct their activities without licensure or inspection by state agencies. The County will oppose, through lobbying and other lawful means, the adoption of state legislation or regulations which impose licensing or inspection requirements upon Local Food Producers or Processors in the County of El Dorado. The County may, in appropriate cases, seek to litigate the validity of such legislation or regulations.

However, it is not the intent of this Ordinance to attempt to abrogate or negate the effectiveness of federal or state law in the County of El Dorado. This Ordinance shall not apply to any ordinance, resolution or regulation adopted for the purpose of complying with federal or state law. Nor shall this Ordinance be interpreted to interfere with the performance by any county official of duties and responsibilities delegated to him or her under federal or state law.

**Section 9. Civil Enforcement.** The County of El Dorado may enforce the provisions of this Ordinance through seeking equitable relief from a court of competent jurisdiction. Any individual citizen of the County of El Dorado 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 relief from a court of competent jurisdiction.

**Section 10. Effect.** This Ordinance shall be effective thirty (30) days after its adoption.

**Section 11. Severability Clause.** 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.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the \_\_\_\_ day of \_\_\_\_\_, 2012, by the following vote of said Board:

Ayes:

**ATTEST**  
**JAMES S. MITRISIN**  
Clerk of the Board of Supervisors

Noes:  
Absent:

By \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Chair, Board of Supervisors

**APPROVED AS TO FORM**  
**LOUIS B. GREEN**  
**COUNTY COUNSEL**

\_\_\_\_\_

**I CERTIFY THAT:**  
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

**Date** \_\_\_\_\_  
**ATTEST:** JAMES S. MITRISIN, Clerk of the Board of Supervisors  
of the County of El Dorado, State of California.

By \_\_\_\_\_  
Deputy Clerk