

Stevens County Local Food Freedom Ordinance
Proposed and Presented by Stevens County Assembly
July 11, 2011

STEVENS COUNTY ORDINANCE NO. _____

BE IT ORDAINED BY STEVENS COUNTY: That the people of the State of Washington, domiciled on Stevens county, have unalienable and fundamental rights and among those rights are the rights to choose the local foods they produce; process or prepare; sell, purchase, or distribute; preserve and store for extended periods of time; and consume, for food or drink, for people or other life forms.

BE IT FURTHERED ORDAINED BY STEVENS COUNTY: That the purpose of this ordinance is to:

1. Protect the unalienable and fundamental rights of individuals, families, and groups of people, who produce, process or prepare local foods, and thereby;
 - A. Provide producers and processors unimpeded access to patrons who want to purchase local foods.
2. Protect the unalienable and fundamental rights of patrons to purchase local foods from producers and processors of local foods, and thereby;
 - A. Provide patrons with unimpeded access to producers and processors for the purpose of purchasing local foods.
3. Protect the unalienable and fundamental rights of citizens to preserve as much local food as they deem necessary for themselves and their families; and
4. Protect the unalienable and fundamental rights of citizens to store preserved local foods for extended periods of time, as deemed necessary for themselves and their families.
5. Enhance the local economy by promoting the production and processing; and the selling and purchasing of local foods, and thereby;
 - A. Support the local economic viability of local food producers and processors.
6. Protect our rural way of life and our community cultural and social events.
7. Preserve local farming knowledge and traditional food ways.
8. Support local open pollinated seed banks, and to grow, process, store, sell, purchase or exchange open pollinated seeds.

Section 1. Name: This ordinance may be cited as, "Stevens County Local Food Freedom Ordinance."

Section 2. Definitions: As used in this ordinance:

- A. "People" means natural born persons endowed with unalienable and fundamental rights and duties.
- B. "Citizens" means, the people of the State of Washington, domiciled on Stevens county.

- C. "Agriculture" means the cultivation of animals, plants, fungi and other life forms for food, fiber, and other products used to sustain life.
- D. "Local food" means the cultivation of plants, fungi, animals, fish, fowl, insects (such as the honey bee) and other life forms for food, drink, fiber, and other products used to sustain life, cultivated on the soil of Stevens county, for people and other life forms on Stevens county.
- E. "Producer" means an individual, a family, or a group of people, on Stevens county, that cultivate local foods.
- F. "Processor" means an individual, a family, or a group of people, on Stevens county, that process or prepares local foods for sale or distribution.
- G. "Patron" means an individual who purchases local foods from producers or processors.
- H. "Purchase" means the transmission of local foods (property) from producers or processors to patrons by a voluntary act and agreement (contract, and a verbal contract with one witness is as binding as a written contract), founded on a valuable consideration.
- I. "Community social event" means an event where people gather as part of a community for the benefit of those gathering, or for the community, such as a church or religious social, school event, neighborhood gathering, county fair, rodeo, farmers market, and other public events.
- J. "Food poisoning" is a result of eating contaminated food. Infectious organisms, including various bacteria, E. coli, viruses and parasites, or their toxins are the most common cause of contaminated food.
- K. "Food poisoning event" means when a few or more people seek medical help for symptoms of food poisoning within a 4 to 72 hour period.
- L. "Corporate farming" is a term that describes the business of agriculture, specifically, what is seen by some as the practices of would be mega-corporations involved in food production on a very large scale. It encompasses not only the farm itself, but also the entire chain of agriculture related business, including seed supply, agrichemicals, food processing, machinery, storage, transport, distribution, marketing, advertising, and retail sales.
- M. "Absolute rights" means those rights, "which are such as appertain and belong to particular men/[women], merely as individuals or single persons". Black's Law Dictionary, 4th ed. (BLD)
- N. "Civil rights" means rights appertaining to a person in virtue of his/her citizenship in a state. Rights are capable of being enforced or redressed in civil action. They are the rights of property, marriage, protection of the laws, freedom of contract, trial by jury, etc. (BLD)
- O. "Individual (personal) rights" means, "... the right to personal security, comprising those of life, limb, body, health, reputation, and the right of personal liberty." (BLD)
- P. "Natural rights" means "those rights which grow out of the nature of man/woman and depend upon personality, as distinguished from such as created by law and depend on civilized society." (BLD)

- Q. "Fundamental rights" means those absolute, civil, individual, and natural rights combined; the enumeration in this definition of certain rights shall not be construed to deny others retained by the people.
- R. Unalienable rights" means that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and property.

WHEREAS, We find citizens have consumed local foods since Stevens county was created on January 20, 1863, and we survived; and

WHEREAS, We find that home canning and other food preservation methods, are a cultural tradition on Stevens county; and

WHEREAS, We find that home canning and other food preservation methods are a means and a method to sustain the lives of the people on Stevens county over extended periods of time; and

WHEREAS, We find that the purpose of home canning and other food preservation methods is to preserve and store harvested local foods from harvest season to harvest season, and for longer periods of time; and

WHEREAS, We find the citizens have traditionally stored as much preserved food as each (citizen) deemed necessary for themselves and their families; and

WHEREAS, We find the citizens have stored locally preserved foods for varying lengths of time as each (citizen) deemed necessary for themselves and their families; and

WHEREAS, We find that family farms, traditional agricultural practices, and processing or preparing local foods by individuals, families, or a group of people, offer stability to our rural way of life by enhancing the local economic, environmental and social wealth of our community, thus promoting self-reliance, the preservation of family farms, and local food traditions; and

WHEREAS, We find community cultural and social events are a historical part of Stevens county rural life style; and

WHEREAS, We find local foods cultivated; processed or prepared; and sold, purchased, or distributed on Stevens county, are a very low risk exposure to food poisoning; and

WHEREAS, We find community cultural and social events featuring local foods of producers and processors are a very low risk exposure to food poisoning; and

WHEREAS, We find a food poisoning event originating from local foods, cultivated, processed and prepared, on Stevens county are a local event; and

WHEREAS, We find the source of a local food poisoning event can be quickly identified and corrected; and

WHEREAS, We find corporate farming with multiple state distribution systems of their food products is a higher risk of exposure to food poisoning; and

WHEREAS, We find that food poisoning events originating from corporate farming food products are not local and often involve hundreds of people in multiple states; and

WHEREAS, We find the source of corporate farming food poisoning events are not quickly identified and corrected; and

WHEREAS, We find the history of government regulators, even with hundreds of food regulations on the books, shows they are incapable of protecting citizens from exposure to food poisoning events from foods produced by corporate farming; and

WHEREAS, We, the people of the State of Washington domiciled on Stevens county, declare:

1. The Tenth Amendment to the Constitution for the United States, states, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people”; and
2. That pursuant to Article 1, Section 8, of the Constitution for the United States, there is no power granted to the federal government to regulate local foods on Stevens county; and
3. The Ninth Amendment to the Constitution for the United States, states, “The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.”; and
4. That pursuant to the Ninth and Tenth Amendments to the Constitution for the United States, the power to regulate local foods on Stevens county is reserved to the State of Washington or the people of the State of Washington;

WHEREAS, We, the people of the State of Washington domiciled on Stevens county, declare:

1. Treaties do not override the Constitution for the United States of America (see *Reid v. Covert*, 354 U.S. 1 (1956) at 17, “This Court has regularly and uniformly recognized the supremacy of the Constitution over a treaty.”); and
2. That the object of treaties is the regulation of intercourse with foreign nations, and is external; and
3. That a treaty, in order to be valid, must be in strict conformity to the Constitution, as amended; and
4. That pursuant to Article 1, Section 8, of the Constitution for the United States, there is no power granted to the federal government to regulate local foods on Stevens county, therefore no treaty can regulate local foods on Stevens county.

WHEREAS, We find the Constitution for the State of Washington, article 1, section 30, states, “The enumeration in this Constitution of certain rights shall not be construed to deny others retained by the people.”; and

WHEREAS, We find the Constitution for the State of Washington, article 1, section 30, does not attempt to enumerate all the unalienable and fundamental rights of citizens; therefore, we find citizens retain the following unalienable and fundamental rights to:

1. Cultivate local foods of their choice; and
2. Process or prepare local foods of their choice; and
3. Sell, purchase, or distribute local foods of their choice; and
4. Choose local foods that nurtures their health and nourishes their bodies; and

5. Unimpeded access to a wide variety of local foods of their choice; and
6. Preserve as much local food as they deem necessary for themselves and their families; and
7. Store preserved local foods for extended periods of time, as deemed necessary for themselves and their families; and
8. Support local open pollinated seed banks, and to grow, process, store, sell, purchase or exchange open pollinated seeds, of their choice; and

WHEREAS, We find the Constitution for the State of Washington, article 1, section 29, states, "The provisions of this Constitution are mandatory, unless by express words they are declared to be otherwise."; and

WHEREAS, We find the Constitution for the State of Washington, article 1, section 1, states, "All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights."; and

WHEREAS, We find the preamble to the Constitution for the State of Washington, states, "We, the people of the State of Washington, grateful to the Supreme Ruler of the Universe for our liberties, do ordain this constitution; and

WHEREAS, We find the citizens absolute, individual, natural, and unalienable rights originate from a higher authority than the Constitution for the State of Washington; and

WHEREAS, We find the Constitution for the State of Washington, article 1, section 32, states, "A frequent recurrence to fundamental principles is essential to the security of individual right and the perpetuity of free government."

NOW THEREFORE BE IT RESOLVED, ETC.,

That citizens have unalienable and fundamental rights and among those rights are the rights to choose the local foods they produce; process or prepare; sell, purchase, or distribute; preserve and store for extended periods of time; and consume, for food or drink, for people or other life forms.

ENFORCEMENT CLAUSE;

- (A)(1) The people of the State of Washington domiciled on Stevens county, declare that any law enacted by the congress of the United States; any federal regulation, rule, or policy promulgated; any executive order issued by the president of the United States; and any court decision; that seeks, purports, or is otherwise intended to regulate, in any way, the unalienable and fundamental rights of the people on Stevens county to choose the local foods they produce; process or prepare; sell, purchase, or distribute; preserve and store for extended periods of time; and consume, for food or drink, for people or other life forms, is not authorized by the Constitution for the United States of America; and
- (2) The people of the State of Washington domiciled on Stevens county, declare the federal laws, etc., referred to in subsection (A)(1):
 - (a) Are invalid on Stevens county; and
 - (b) Will not be recognized by Stevens county; and
 - (c) Are specifically rejected by Stevens county; and

- (d) Are null and void, having no effect on Stevens county.
- (B)(1) The people of the State of Washington domiciled on Stevens county, declare that any treaty that seeks, purports, or is otherwise intended to regulate, in any way, the unalienable and fundamental rights of the people on Stevens county to choose the local foods they produce; process or prepare; sell, purchase, or distribute; preserve and store for extended periods of time; and consume, for food or drink, for people or other life forms, is not authorized by the Constitution for the United States of America; and
- (2) The people of the State of Washington domiciled on Stevens county, declare that any treaty referred to in subsection (B)(1):
- (a) Is invalid on Stevens county; and
 - (b) Will not be recognized by Stevens county; and
 - (c) Is specifically rejected by Stevens county; and
 - (d) Is null and void, having no effect on Stevens county.
- (C)(1) The people of the State of Washington domiciled on Stevens county, declare that any Washington state law, statute or regulation, that seeks, purports, or is otherwise intended to regulate, in any way, the unalienable and fundamental rights of the people on Stevens county to choose the local foods they produce; process or prepare; sell, purchase, or distribute; preserve and store for extended periods of time; and consume, for food or drink, for people or other life forms, is not authorized by the Constitution for the State of Washington; and
- (2) The people of the State of Washington domiciled on Stevens county, declare that any Washington state law, statute or regulation, referred to in subsection (C)(1):
- (a) Is invalid on Stevens county; and
 - (b) Will not be recognized by Stevens county; and
 - (c) Is specifically rejected by Stevens county; and
 - (d) Is null and void, having no effect on Stevens county.
- (D)(1) Public employees employed at the federal, state, or local levels, including, but not limited to, agents of the Federal Bureau of Investigation, Department of Homeland Security, Food and Drug Administration, Washington state Patrol, sheriff's departments, and municipal and county police will not enforce or attempt to enforce the federal laws, etc., referred to in (A) subsections (1) and (2); or treaties referred in (B) subsections (1) and (2); or Washington state laws, etc., referred in (C) subsections (1) and (2); and
- (2) A violation of subsection (D)(1) is a class B felony (as defined at RCW 9A.20.021(1)(b)) and is punishable by confinement in a state correctional institution for a term fixed by the court not to exceed ten (10) years, or by a fine in an amount fixed by the court not to exceed twenty thousand dollars (\$20,000), or by both such confinement and fine; and
- (3) An aggrieved party may bring a private action against a person who violates the provisions of subsection (D)(1).

(E)(1) The Stevens County Commissioners, Sheriff, and Prosecuting Attorney, are hereby directed to protect and defend, and neither arrest nor prosecute, citizens for exercising the above stated unalienable and fundamental rights to local foods; and

(2) The people of the State of Washington, domiciled on Stevens county, are hereby directed to claim, exercise and defend, in a court of competent jurisdiction, all their unalienable and fundamental rights.

Section 3: Effective Date: This ordinance shall take effect upon passage.