

Fresh Produce and Cottage Foods Sales Home Occupation

The Colorado Cottage Foods Act, passed in 2012, allows small-scale residential preparation and sales of food products without food licensing. The fresh produce and cottage food sales home occupation (at-home business) permit implements the Cottage Foods Act in Denver by allowing the retail sale of fresh produce and cottage foods produced by the seller on residentially zoned land. Produce includes herbs and whole, uncut fruits and vegetables that were grown by the person selling them. All cottage food products must be labeled so that they may be traced to the seller, must be sold directly to the consumer, and may not be sold for resale (wholesale). Produce grown at an urban farm, a community garden or on another person's land may also be sold at the grower's place of residence.

Who Can Apply for a Permit?

- Any owner or renter who lives in Denver may apply for a permit. No proof of residency is required.
- Denver properties have different home occupation rules, depending on their zone district. Learn more at www.denvergov.org/homebusiness.

How to Apply for a Permit

- Review the home occupation rules and limitations, found in *Section 11.9.2* of the Denver Zoning Code at www.denvergov.org/zoning
- Fill out, sign and turn in a *Home Occupation Application*, which can be found at: www.denvergov.org/homebusiness.
- Pay a one-time \$20 fee. Cash, check or credit cards are accepted at the City of Denver's Development Services permit counter; checks are accepted by mail

In Person	By Mail	By Email
Development Services Permit Counter (sign in at kiosk for "Commercial Zoning") Webb Municipal Building, 2 nd floor 201 West Colfax Avenue For current hours and more, visit www.DenverGov.org/DS	Development Services 201 West Colfax Avenue Dept. 205 Denver, CO 80202 <i>Permit may be issued several days after application is received</i>	Send your application form to: zoningreview@denvergov.org with "New zoning application" in the subject line. <i>Permit may be issued several days after application is received</i>
<i>Receive permit on the same day</i>		

What are the Rules for this Home Occupation?

- Sales may only be conducted between 7 a.m. and dusk.
- Sales allowed indoors or outdoors. Only temporary, portable furniture is allowed (example: tables, stands and umbrellas) for outdoor sales and must be taken inside between dusk and 7 a.m. daily.
- Sign rules for all home occupations apply. Signs must be flat, attached to a wall or window of the home, and cannot be more than 100 square inches in size. One sign is allowed per street front (one sign for most lots, two signs for a corner lot). No moving signs and no lit sign(s) are allowed.
- Home occupations do not require parking spaces. No sales tax is required and sales prices are determined by the seller.

Foods Allowed By the Colorado Cottage Foods Act

Foods Allowed for Sale	Foods NOT Allowed for Sale
Certain baked goods that don't require refrigeration (including dry cake mixes and granola bars)	Marijuana, or marijuana-infused food products
Candies (and prepackaged cotton candy)	Prepped, washed, cut and/or bagged fruits and vegetables or juices made from these ingredients
Teas	Baked goods such as cream, custard or meringue pies and cakes or pastries with cream cheese icing or filling; fresh pasta; sourdough bread starter
Herbs and spices	Fresh or dried meat or meat products including jerky
Nuts and seeds (including roasted coffee beans)	Canned fruit, vegetables, flavored oils, salsas
Jams, jellies, and preserves	Fish and shellfish products
Honey	Canned pickled or fermented products (e.g., corn relish, pickles, kimchi or kombucha)
Dehydrated produce	Raw seed sprouts
Whole, fresh eggs	Milk or dairy products including hard or soft cheeses or yogurt
	Ice or ice products
	Barbeque sauces, ketchups or mustards
	Focaccia-style breads with vegetables or cheeses

Requirements of the Colorado Cottage Foods Act

1. Food Safety Course Requirements

A producer must take a food safety course that includes basic food handling training and is comparable to, or is a course given by, the Colorado State University (CSU) Extension or a state, county, or district public health agency, and must maintain a status of good standing, including attending any additional classes if necessary.

- Many courses and training options are available and range in cost from \$10 to \$120.
- View training options at www.cofarmtomarket.com/value-added-products/cottage-foods.
- For trainings in English, Español, 普通话, 한국어, Việt, and ASL, click on: www.statefoodsafety.com and see "Food Handler Training"

2. Labeling Requirements

Products must have a label and be traceable to the seller. Labels should include:

- The name of the product, the producer's name address, telephone number and email, where the food was prepared or grown, the date the food was produced and a complete list of ingredients.
- The disclaimer: *"This product was produced in a home kitchen that is not subject to state licensure or inspection and that may also process common food allergens such as tree nuts, peanuts, eggs, soy, wheat, milk, fish and crustacean shellfish. This product is not intended for resale."*
- Egg cartons should include the origin of the eggs and the packing date. Unless the eggs were treated to prevent salmonella, the label must include the following: *"Safe handling instructions: To prevent illness from bacteria, keep eggs refrigerated, cook eggs until yolks are firm, and cook any foods containing eggs thoroughly. These eggs do not come from a government-approved source."*

3. Sales Limits

- Total net value of sales must be limited to \$5,000 per item (for example, \$5,000 per spinach, etc).
- Limit sales of whole, fresh chicken eggs to less than 250 dozen per month.

For more information: Visit the Denver Sustainable Food Policy Council at www.denversfpc.com, the Denver Development Services' home business page at www.denvergov.org/homebusiness, or call 311.



Best Practices for Planting, Growing, and Harvesting Fresh Produce

The Denver Sustainable Food Policy Council is a City of Denver Board and Commission

Best Practice #1: Reduce Fresh Produce Contamination

Planting & Production

- Think about the growing site - previous use, topography, and wind patterns.
- Treat manure and biosolids before putting them on a growing area because they contain harmful microorganisms. Store manure as far away as practical from production and handling areas.
- Keep animals and manure away from growing areas. Pets and domestic animals should be kept separate from produce growing areas, production facilities, and surface water used for irrigation.
- Think about the safety of water used - municipal drinking water is the safest source and can be applied at any time using any method.

Harvest

- Have sanitary toilet facilities readily accessible.
- Remove as much soil from produce as practical before selling.
- Do not harvest or handle produce if you have diarrhea, vomiting, fever, or infected wounds.
- Do not use tobacco products in growing areas.
- Use cleanable containers such as plastic baskets, plastic bowls, or coolers.
- Clean all containers, scissors, and other harvesting tools with warm, soapy water prior to harvest.
- Sanitize tools with a solution of 1 teaspoon bleach per quart of water, allow to stand for several minutes, rinse with water, and air dry.

Post-Harvest

- Keep harvest containers covered.
- Handle produce carefully during any loading or unloading to prevent damage.
- Transport produce only in a clean vehicle.
- Do not allow washed produce to contact the floor or soil.
- Use only potable water for washing, waxing or cooling harvested produce.
- Keep areas inside and outside packing areas clean and free of pests.
- Ensure toilet, hand washing and personal hygiene practices are followed during harvest and post-harvest.

For more information about safe produce handling, please visit the Colorado Farm to Table Food Safety website at www.farmtotable.colostate.edu.



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Best Practice #2: Test the Soil

Soil testing is not required but is strongly advised.

Soil test kits are available in the following locations:

- Colorado State University (CSU) Denver Extension office, 888 East Iliff Avenue, Denver.
- City and County of Denver, Webb Municipal Building, 201 W Colfax Ave, Denver. Kits may be picked up at the same time the home occupation permit is acquired.

To work with CSU Extension to test your soil, including for the possible presence of metals, follow the steps below.

1. Follow this link: www.soiltestinglab.colostate.edu
2. Choose the link and instructions for "Horticultural Applications for Gardeners." The first two pages are essentially an order form.
3. Answer all the questions on the form to assist CSU in interpreting the results of the soil test.
4. Many owners will want to request the "Routine + Chromium, Molybdenum, Cadmium, Lead" analyses. The total cost is \$41.
5. Follow the instructions on the third page, which are very thorough, to collect the composite sample and mail it to CSU.

Question about soil safety? Learn more at United States Environmental Protection Agency (EPA):
www.epa.gov/brownfields/urbanag/pdf/bf_urban_ag.pdf

Concerns about a Superfund or other EPA-governed site? Call the Colorado Department of Public Health and Environment (CDPHE) at 303-692-3411 for more information. CDPHE has access to a complex database and can provide information for specific addresses affected by these sites.

General yard, garden and horticulture questions? Contact the CSU Denver Extension office at (720) 913-5270 to speak with a horticulture agent or visit the website at www.denver.colostate.edu.