



# Fresh Produce and Cottage Foods Sales as a Home Occupation within the City of Boulder:

## A Guide to Get Started

The Colorado Cottage Foods Act, a state law first enacted in 2012, allows small-scale residential preparation and sales of food products without state or county food licensing. On April 21, 2015, the city enacted Ordinance No. 8038 allowing for the residential sale of these state-defined cottage foods and as well as fresh produce upon compliance with the provisions of Chapter 6-17 of the Boulder Revised Code (BRC) and the application and issuance of a sales tax license. Residents wishing to engage in such businesses are advised to read the specific provisions of the city code and the referenced state and county provisions since they are periodically revised. The following is offered merely as a guide to get started. It is important to note that the city's rules for the sale of cottage foods and fresh produce apply only to retail sales made from your home (i.e., home occupations). The rules do not apply to, expand or limit rules applicable to selling food through other means, such as wholesales or sales made off premises (e.g., at a farmers market).

**Who Can Apply for a Home Based Business Sales Tax License?** Any owner or renter of residential property within the city may apply for a home based business sales tax license. No proof of residency is required.

### How Do I Apply for a Home Based Business Sales Tax License?

- Fill out, sign and turn in a Boulder *Business and Sales Tax Application*, which can be found at: <https://bouldercolorado.gov/tax-license/sales-and-use-tax>. The application can be mailed to City of Boulder Sales Tax, P.O. Box 791, Boulder, CO 80306.
- Review the home occupation rules and limitations applicable to sales of cottage foods and fresh produce, which are on the last page of the *Business and Sales Tax Application*.
- If you do not have a *Colorado State Sales Tax License*, write "State business tax license not applied for; untaxed item by state" in the space for "State Tax License #."
- Pay a one-time \$25 fee. Cash or checks are accepted at the city's sales tax counter and checks only if you are mailing in your application.
- Contact information for questions, forms and payment: Tax and License Office, 1777 Broadway; First floor of Municipal Building on southwest corner of Broadway and Canyon; Boulder, Colorado 80302 <https://bouldercolorado.gov/tax-license> or call (303)441-3050 (do not select an option).

### What are the Rules for Sales of Fresh Produce and Cottage Foods as a Home Occupation?

- **Hours:** Sales may only be conducted between 7 a.m. and dusk, and are allowed indoors or outdoors.
- **Sales Tax:** City sales tax collection is required but sales prices are determined by the seller.
- **Signs:** One sign is allowed per residence for no charge and without a permit so long as it is not more than two square feet in size. Moving or illuminated signs are not allowed.
- **Parking:** Additional parking spaces are not required however, parking and traffic generated by the home occupation must not exceed what is normal for the neighborhood.
- **Rules Specific to Fresh Produce Sales:**
  - Whole Produce - Defined as raw, whole produce items (herbs, fruits & vegetables) not altered beyond the minimum required for a harvest cut and for rinsing off soil and debris.
  - On Premise - Must be grown on the premises
  - Food Safety Training – No food safety training is required but growers are encouraged to follow good agricultural practices and good handling practices to avoid contamination of produce.
- **Rules Specific to Cottage Foods Sales:**
  - City Requirements - The total area used for processing cottage foods and for keeping bees or chickens cannot exceed one half of the first floor area of your dwelling unit.

- **State Requirements** - Seller must comply with all the requirements of the Cottage Food Act which are summarized below as they existed on May 1, 2015. It is essential to review the latest version of state law as these requirements may be expanded, qualified or contracted from time to time.
  - **Approved List** - A Cottage Food producer is permitted to sell only a limited range of foods that are non-potentially hazardous and that do not require refrigeration. Refer to a summary of the latest approved list for full details, available at: [https://www.colorado.gov/pacific/sites/default/files/Reg\\_DEHS\\_CottageFoodsAct\\_Brochure.pdf](https://www.colorado.gov/pacific/sites/default/files/Reg_DEHS_CottageFoodsAct_Brochure.pdf)
  - **Labeling** - Products must be labeled so that they can be traced to the seller. Labels must 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 must be new, and should include the origin of the eggs and the packing date. Old store-brand egg cartons cannot be reused for egg sales. 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."* Egg producers must comply with rules requiring refrigeration, transport, and washing.
  - **Food Safety Course Requirements** - Producers 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. A copy of the Food Safety Course Certificate must be displayed at the sales venue. The cost of training currently ranges cost from \$10 to \$120. View training options at <http://cofarmtomarket.com/value-added-products/cottage-foods/> For trainings in English, Español, 普通话, 한국어, Việt, and ASL, click on: [www.statefoodsafety.com](http://www.statefoodsafety.com) and see *"Food Handler Training"*
  - **Limit on Sales** –
    - Total annual net value of cottage food sales limited by state law, which, as of May 1, 2015, was \$5,000 per item (for example, \$5,000 for sale of honey, etc.)
    - Limit sales of whole, fresh chicken eggs to less than 250 dozen per month.
    - Cottage foods may not be sold wholesale but only retail, directly to the consumer.

## What other Boulder Regulations do I need to keep in mind?

- **Odors:** Boulder residents are prohibited from creating offensive odors that interfere with their neighbors' conduct of activities at their homes. Putrid odors from trash, compost, or animals are not allowed.
- **Noise:** Operating noisy machinery between the hours of 9PM and 7AM is prohibited in all Boulder neighborhoods. Animals making loud and persistent noises (for instance crowing) that disturb their neighbors' peace are prohibited.

## Where can I go for more information?

- [https://www.colorado.gov/pacific/sites/default/files/Reg\\_DEHS\\_CottageFoodsAct\\_Brochure.pdf](https://www.colorado.gov/pacific/sites/default/files/Reg_DEHS_CottageFoodsAct_Brochure.pdf)
- <http://cofarmtomarket.com/value-added-products/cottage-foods/>
- [http://farmtotable.colostate.edu/prepare-cottage-foods.php#.VV4UC5NM\\_sE](http://farmtotable.colostate.edu/prepare-cottage-foods.php#.VV4UC5NM_sE)

# Best Agricultural Practices for Planting, Growing, and Harvesting Fresh Produce

## Best Practice #1: Reduce Fresh Produce Contamination

### Planting & Production

- Think about the growing site - previous use, topography, and wind patterns.
- Soil contaminants on produce typically come from soil and dust that sticks to the outside of the plant, and are not from uptake by plant roots.
- In older neighborhoods, you can help to prevent contamination from deteriorating lead-based paint by locating your garden away from houses, garages, and sheds. Also, consider using raised beds with new topsoil, or adding soil amendments like compost.
- Treat manure and bio-solids 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

- Wash produce completely.
- 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](http://www.farmtotable.colostate.edu).

## Best Practice #2: Test the Soil

Soil testing is not required but is strongly advised. To work with CSU Extension to test your soil, including for the possible presence of metals, follow this link: <http://www.soiltestinglab.colostate.edu/>

## Best Practice #3: Protect and Conserve Water

- Install a back-flow preventer on your irrigation system to prevent your irrigation water from polluting your drinking water.
- Consider converting to drip irrigation, to get the most efficient and economical use of your water.
- Monitor your system regularly for leaks and breaks and repair them promptly.
- Eliminate excess water and fertilizer runoff from your garden, minimizing impacts to neighbors and the environment.
- Consider signing up for a FREE Slow-The-Flow commercial water assessment from the Center for ReSource Conservation. <http://conservationcenter.org/slow-the-flow-business/commercial-water-use-assessment/>

Questions about soil safety? Learn more at United States Environmental Protection Agency (EPA): [www.epa.gov/brownfields/urbanag/pdf/bf\\_urban\\_ag.pdf](http://www.epa.gov/brownfields/urbanag/pdf/bf_urban_ag.pdf)

General yard, garden and horticulture questions? Contact the CSU Boulder Extension office at (303) 678-6238 to speak with a horticulture agent or visit the website at <http://www.extension.colostate.edu/boulder/>

# Good Neighbor Tips for Fresh-Produce & Cottage-Food Producers



## PARKING AND TRAFFIC

- The vast majority of neighborhood complaints are caused by parking and traffic. Recognizing that you have little control over your patrons driving and parking habits, here are some things that may help:
  - If possible, provide a safe on-site parking space for patrons stopping to pick up product.
  - Consider putting a “KidAlert” sign out on the days you are selling product. \$28 from local retailers.
  - Ask your patrons to drive slowly and to not turn around in neighboring driveways.
  - Offer to repair any damage which your patrons may cause to your neighbor’s frontage with their creative parking maneuvers.

## COMMUNICATION AND GOODWILL

- Get to know all your neighbors and exchange emails and phone numbers so lines of communication are easy and open. Consider setting up a neighborhood email-tree. Inform them about your business, hours, season, and special events. Tell them to inform you about any problems, so that you can fix them immediately.
- Consider an annual Holiday gift of product to your neighbors, or a Welcome-to-the-Neighborhood gift.
- Offer a significant “Good-Neighbor Discount” on product to neighboring properties.
- If you have the means, ability and inclination, consider hosting an annual neighborhood party.



## ENVIRONMENTAL ISSUES

- Don’t run noisy machinery before 7AM or after 9PM. 8AM and 8PM is better.
- Minimize odors wafting to adjacent properties.
- Consider bear proofing your site so bears won’t come back for a second visit. Compost piles, fruit trees, hives and chicken coops all attract bears. Electric fences, “unwelcome mats,” and radios tuned to talk shows are all effective deterrents. More information at <http://cpw.state.co.us/learn/Pages/LivingwithWildlifeWildBears.aspx>

## GARDENS

- Be thoughtful of your neighbors when locating your compost pile, and manage it so as to minimize odors.
- Ways to minimize odors from manure include using aged manure rather than fresh, applying manure only in winter, or tilling manure in promptly.
- Wrangle your water resources responsibly to prevent run-off to neighboring properties.



## BEEES

- Be thoughtful of your neighbors when locating your hives. Consider your neighbors’ outdoor activities, and avoid disrupting them.
- Provide a water source for your bees. Change the water every 48 hours to kill mosquito larva.
- Have a plan and equipment ready to promptly hive any swarms that your hives may throw.
- Manage your bees so as to encourage a docile nature, re-queening as needed.



## CHICKENS

- Crowing roosters violate Boulder’s noise ordinances. Consider a NO ROOSTERS policy.
- Store feed in rodent-proof containers. Consider a rodent-control program such as a cat, poison, or traps.
- Clean your chicken coop frequently, with an added annual “deep cleaning”. Dispose of dead animals pronto.
- Be thoughtful of your neighbors when locating your chicken coop. Consider screening your coop from close neighbors.
- Careful coop construction and a coat of paint can help eliminate aesthetic complaints about your chickens.
- Good fences make good neighbors: sturdy welded wire (NOT chicken wire) with small holes, buried into the ground, will keep your critters from escaping into your neighbor’s yard, and keep predators out.
- Consider teaching neighborhood kids about your chickens and inviting kids to bring treats for them.
- Have a clear plan for sick or aged hens that no longer lay. It is legal to slaughter your own chickens, but some folks may passionately object and report you for animal cruelty. Be discrete and humane.

