

# LOCAL LAWS & POLICIES THAT PROMOTE ACCESS TO HEALTHY FOOD: A FOOD SYSTEM CROSSWALK

## INTRODUCTION

The availability and accessibility of healthy food is largely determined by activities occurring across a community's food system. These activities are influenced and shaped in turn by local government laws and systems. The Healthy Food Policy Project<sup>1</sup> (the Project) seeks to elevate local laws that promote access to healthy food, and that also contribute to improved environmental conditions and/or foster strong local economies, with a particular focus on socially disadvantaged and marginalized groups.<sup>2</sup>

There are many legal policy options available to communities seeking to achieve these goals. To help local community leaders, advocates, researchers and others navigate through these alternatives, the Project has developed a crosswalk showing how food policy laws<sup>3</sup> intersect with components of the food system. Because food system definitions can vary, the Project developed working definitions (set forth below). We use six food system components (grow; process; distribute; get; make; and surplus/waste management). We provide examples of specific types of laws and policies that fall into each of these food system components; many types fall within more than one.



We also categorized these laws and policies by type of legal strategy, using the following categories:

- **Creates an educational/awareness campaign; provides information or teaches skills**
- **Creates a fund or allows a community to tap into an existing state or federal funding stream**
- **Requires something or sets a standard**
- **Creates an incentive for a change in practice or behavior—such as a tax break, or discount on a permit or licensing fee; provision of favorable marketing or other inducement**
- **Expressly allows something or creates an exemption**
- **Prohibits or discourages something**

For each type of law or policy identified, we include endnotes with links to real-world examples of that type of law.

**Note about the examples in the endnotes:** The endnotes provide a few examples of laws and do not include an exhaustive list of relevant laws. Many examples are repeated because they fall within more than one category. Also, a particular law may or may not be a good fit for other communities. To be most effective and minimize negative unintended consequences, laws and policies must be tailored to the community they are meant to serve.

Many of these example laws were found through the **Growing Food Connections Local Government Policy Database** (see <http://growingfoodconnections.org/>). We welcome suggestions for additional examples to include.



# GROW

The process of growing and harvesting fruits, vegetables, and other forms of produce by use of soil, hydroponic/ aquaponics/aquaculture, or pasture mediums; and raising or keeping animals and insects for food production or pollination; whether for personal or commercial purposes in urban, suburban, or rural areas (e.g. backyard to large farms). Includes protecting and providing access to resources needed to carry out this process, such as access to land.

TYPE OF LEGAL STRATEGY	SPECIFIC TYPE OF LAW/POLICY
<p>Creates an educational campaign; provides information or teaches skills</p>	<p>Comprehensive plans that include language about preserving agricultural lands<sup>4</sup> and calling for various measures to support local food production and access to healthy food<sup>5</sup></p> <p>Agricultural erosion plans, sustainability plans,<sup>6</sup> and other types of plans focused on protecting agricultural land, or supporting local food production<sup>7</sup></p> <p>Laws/resolutions that support educational campaigns and programs about local food sourcing, gardening, and related activities<sup>8</sup></p> <p>Laws that create programs to provide information about and/or resources to promote use of vacant land for community gardens, farms, or other productive uses<sup>9</sup></p>
<p>Creates a fund or allows a community to tap into an existing state or federal funding stream</p>	<p>Provides financial support and other resources for community gardens or other forms of community-based, small scale agriculture<sup>10</sup></p>
<p>Creates an incentive for a change in practice or behavior</p>	<p>Encourages procurement of local food<sup>11</sup></p> <p>Creates a framework for purchase or transfer of development rights programs directed at agricultural lands<sup>12</sup></p> <p>Provide tax credits, exemptions, or other benefits for agricultural producers, community garden organizers, etc.<sup>13</sup></p>
<p>Requires something or sets a standard</p>	<p>Zoning or licensing laws that establish rules or standards that allow for various forms of small-scale, community based agriculture, such as:</p> <ul style="list-style-type: none"> <li>· urban farms, community-supported agriculture, and gardens (backyard, community and market), including allowing accessory structures; composting; and related activities<sup>14</sup></li> <li>· laws that allow and establish rules for keeping of bees, chickens and other animals<sup>15</sup></li> </ul> <p>Allows and establishes rules for aquaculture<sup>16</sup></p> <p>Requires or encourages procurement of local food<sup>17</sup></p> <p>Zoning to preserve agricultural land<sup>18</sup></p>
<p>Expressly allows something or creates an exemption</p>	<p>Make publically owned or managed lands available for gardens, farms or farmers' markets<sup>19</sup></p> <p>Allows or facilitates small-scale, community-based agriculture (such as community gardens, keeping of chickens and bees, etc.) in as many places as possible<sup>20</sup></p> <p>Allows urban farms, community or market gardens within urban areas to engage in for-profit or commercial sales<sup>21</sup></p> <p>Creates city-operated farmers' markets<sup>22</sup></p>
<p>Prohibits or discourages something</p>	<p>Restricts use of neonicotinoids<sup>23</sup></p> <p>Other types of pesticide use regulation<sup>24</sup></p>



# PROCESS

The function of turning fresh produce, honey, meat, fish, and other animal-related foods into forms ready for sale, including through restaurants (and other commercial settings), and including value-added processing that changes the physical form of the product (e.g., making berries into jam), and packaging.

TYPE OF LEGAL STRATEGY	SPECIFIC TYPE OF LAW/POLICY
Creates an educational campaign; provides information or teaches skills	Laws/resolutions that support educational campaigns and programs relating to small scale food production <sup>25</sup>
Creates an incentive for a change in practice or behavior	Requires disclosures of calorie content and/or other nutritional information on menus, menu boards, and vending machines <sup>26</sup> Requires warnings to be placed on packages or advertisements or other places for sugary drinks or high sodium foods <sup>27</sup>
Requires something or sets a standard	Establishes licensed community kitchens for use by small/new businesses and other commercial entities <sup>28</sup>
Expressly allows something or creates an exemption	Reduces food safety rule barriers to using/sampling fresh produce, minimally processed foods at farmers markets and similar food outlets <sup>29</sup> Promotes shared use of community kitchens (e.g., kitchens in schools and other community places) <sup>30</sup>



# DISTRIBUTE

The process of transporting and delivering food to wholesale, retail, institutional, and other food access points (such as food shelves, food pantries or food banks). Includes the use of marketing strategies, such as labeling, pricing, placement, promotions, “sell-by” and similar dates, and other marketing techniques; and includes decisions about what types of food will be made available to the consumer, such as procurement decisions.

TYPE OF LEGAL STRATEGY	SPECIFIC TYPE OF LAW/POLICY
Creates an educational campaign; provides information or teaches skills	Requires or encourages access to free, safe drinking water <sup>31</sup> Repeal local laws that set expiration/sell by dates inconsistent with state laws <sup>32</sup>
Creates a fund or allows a community to tap into an existing state or federal funding stream	Provides additional reimbursements for school meals, Child and Adult Care Food Program snacks and meals, and similar nutrition programs <sup>33</sup> Provides funding for healthy food financing initiatives <sup>34</sup>
Creates an incentive for a change in practice or behavior	Requires or encourages procurement of local food <sup>35</sup> Provide tax credits, exemptions, or other benefits for organic food retailers <sup>36</sup> Promotes participation in federal supplemental nutrition programs (e.g., SNAP or WIC) by food retailers <sup>37</sup> Encourage stores to carry a minimum stock of fresh or minimally processed produce and other staple foods, or to carry “healthy foods” specifically <sup>38</sup> Encourages application of nutrition standards to prepared foods sold by restaurants, mobile food vendors, and other retailers <sup>39</sup>



# DISTRIBUTE (continued)

TYPE OF LEGAL STRATEGY	SPECIFIC TYPE OF LAW/POLICY
Requires something or sets a standard	<p>Requires stores to carry a minimum stock of fresh or minimally processed produce and other staple foods, or to carry "healthy foods" specifically<sup>40</sup></p> <p>Requires certain food retailers to accept federal supplemental nutrition program payments (e.g., SNAP or WIC)<sup>41</sup></p> <p>Requires inclusion of culturally relevant foods in institutional food service, stores, food shelves, or other food outlets in a community<sup>42</sup></p> <p>Establishes nutrition standards for food served/sold on government property or government-sponsored events, including vending machines<sup>43</sup></p> <ul style="list-style-type: none"> <li>Including setting nutrition standards for food served to institutional populations (juvenile justice centers, corrections, mental health institutions, etc.)</li> </ul> <p>Requires healthy default options for beverages in restaurant kids' meals<sup>45</sup></p> <p>Establishes nutrition standards for food served in child care, school (going beyond USDA regulations), or out-of-school-time settings<sup>46</sup></p> <p>Requires access to free, safe drinking water<sup>47</sup></p>
Expressly allows something or creates an exemption	<p>Encourages establishment of farmers' markets/stands/carts<sup>48</sup></p> <p>Creates city-operated farmers' markets<sup>49</sup></p> <p>Facilitates establishment of mobile markets, mobile food shelves<sup>50</sup></p> <p>Reduces food safety rule barriers to selling/sampling fresh produce, minimally processed foods<sup>51</sup></p>
Prohibits or discourages something	<p>Increase taxes on foods of concern, such as sugar-sweetened beverage taxes<sup>52</sup></p> <p>Restricts container/portion size for foods of concern<sup>53</sup></p> <p>Prohibit use of restrictive covenants to discourage grocery stores<sup>54</sup></p> <p>Requires that only unsweetened water and milk may be included with restaurant children's meals<sup>55</sup></p>



# GET

Facilities, activities, practices, and systems that affect people's ability to obtain and consume healthy food including those that affect:

- The types of food access points available, including food stores of all varieties, restaurants, farmers' markets, feeding programs, food shelf/pantry or food bank locations. The accessibility of or to food access points, including density or number of outlets; accessibility by bicyclists and pedestrians; and proximity to transit routes and neighborhoods;
- What foods are available within access points, including standards or practices that impact the nutritional quality, cultural relevance, value, attractiveness, and other factors relating to appeal and health; and
- The affordability of food, including the application of federal nutrition programs such as SNAP and WIC.

TYPE OF LEGAL STRATEGY	SPECIFIC TYPE OF LAW/POLICY
Creates an educational campaign; provides information or teaches skills	<p>Requires warnings to be placed on packages or advertisements or other places for sugary drinks or high sodium foods<sup>56</sup></p> <p>Comprehensive plans, transportation plans, pedestrian master plans, food systems plans and other types of plans that address locations of healthy food outlets, and pedestrian/bicycle access to them<sup>57</sup></p> <p>Repeal local laws that set expiration/sell by dates inconsistent with state laws<sup>58</sup></p>



# GET (continued)

TYPE OF LEGAL STRATEGY	SPECIFIC TYPE OF LAW/POLICY
Creates a fund or allows a community to tap into an existing state or federal funding stream	<p>Provides additional reimbursements for school meals, Child and Adult Care Food Program snacks and meals, and similar nutrition programs<sup>59</sup></p> <p>Provides funding for healthy food financing initiatives<sup>60</sup></p>
Creates an incentive for a change in practice or behavior	<p>Increase taxes on foods of concern, such as sugar-sweetened beverage taxes<sup>61</sup></p> <p>Promotes participation in federal nutrition programs by food providers (CACFP, Summer Food Service Program; SNAP)<sup>62</sup></p> <p>Provides funding for healthy food financing initiatives<sup>63</sup></p> <p>Encourage stores to carry a minimum stock of fresh or minimally processed produce and other staple foods, or to carry “healthy foods” specifically<sup>64</sup></p> <p>Encourages restaurants to offer healthier kids meals<sup>65</sup></p> <p>Grant favorable status to healthy food retail outlets when making decisions about bus stops and other mass transit planning<sup>66</sup> or parking space requirements<sup>67</sup></p>
Requires something or sets a standard	<p>Requires grocery stores, restaurants, and food shelves/pantries to have bicycle parking, and/or be accessible to pedestrians<sup>68</sup></p> <p>Requires or encourages procurement of local food<sup>69</sup></p> <p>Requires inclusion of culturally relevant foods in institutional food service, stores, food shelves, or other food outlets in a community<sup>70</sup></p> <p>Establishes nutrition standards for food served/sold on government property or government-sponsored events, including vending machines<sup>71</sup></p> <p>Including setting nutrition standards for food served to institutional populations (juvenile justice centers, corrections, mental health institutions, etc.)<sup>72</sup></p> <p>Requires healthy default options for beverages in restaurant kids’ meals<sup>73</sup></p> <p>Establishes nutrition standards for food served in child care, school (going beyond USDA regulations), or out-of-school-time settings<sup>74</sup></p> <p>Requires access to free, safe drinking water<sup>75</sup></p> <p>Requires stores to carry a minimum stock of fresh or minimally processed produce and other staple foods, or to carry “healthy foods” specifically<sup>76</sup></p> <p>Requires disclosures of calorie content and/or other nutritional information on menus, menu boards, and vending machines<sup>77</sup></p> <p>Requires warnings to be placed on packages or advertisements or other places for sugary drinks or high sodium foods<sup>78</sup></p>
Expressly allows something or creates an exemption	<p>Provides bikeable/walkable routes or access to stores, farmers’ markets, food shelves<sup>79</sup></p> <p>Provides transit for disabled, elderly, or less mobile individuals to get to grocery stores, farmers’ markets, food shelves<sup>80</sup></p> <p>Exempts grocery bags from restrictions on carrying food on buses<sup>81</sup></p> <p>Encourages establishment of farmers’ markets/stands/carts<sup>82</sup></p> <p>Creates city-operated farmers markets<sup>83</sup></p> <p>Facilitates establishment of mobile markets, mobile food shelves<sup>84</sup></p> <p>Reduces food safety rule barriers to selling/sampling fresh produce, minimally processed foods<sup>85</sup></p> <p>Allows gleanings<sup>86</sup> or the creation of edible parks, forests or landscapes<sup>87</sup></p>
Prohibit/discourages something	<p>Increase taxes on foods of concern, such as sugar-sweetened beverage taxes<sup>88</sup></p> <p>Requires warnings to be placed on packages or advertisements or other places for sugary drinks or high sodium foods<sup>89</sup></p> <p>Restricts container/portion size for foods of concern<sup>90</sup></p>



# MAKE

Baking, boiling, bottling, canning, cooking, and otherwise making food for private consumption, family gatherings, and other non-commercial purposes.

TYPE OF LEGAL STRATEGY	SPECIFIC TYPE OF LAW/POLICY
Creates an incentive for a change in practice or behavior	Promotes shared use of community kitchens (e.g., kitchens in schools and other community places) <sup>91</sup>
Requires something or sets a standard	Establishes licensed community kitchens for use by small/new businesses and other commercial entities <sup>92</sup>
Expressly allows something or creates an exemption	Reduces food safety rule barriers to using/sampling fresh produce, minimally processed foods <sup>93</sup>



# SURPLUS/WASTE MANAGEMENT

The process of food recovery, including gleaning; and minimizing, composting, and recycling of food waste or surplus.

TYPE OF LEGAL STRATEGY	SPECIFIC TYPE OF LAW/POLICY
Creates an educational campaign; provides information or teaches skills	Repeal local laws that set expiration/sell by dates inconsistent with state laws <sup>94</sup>
Creates a fund or allows a community to tap into an existing state or federal funding stream	Allocates funds for composting and recycling efforts <sup>95</sup>
Requires something or sets a standard	Establishes standards for curbside pick-up of food waste <sup>96</sup>
Expressly allows something or creates an exemption	Allows gleaning <sup>97</sup> or the creation of edible parks, forests or landscapes <sup>98</sup> Establishes curbside pick-up service for food waste <sup>99</sup>
Prohibit/discourages something	Establishes a fee for waste collection and management <sup>100</sup>

## ABOUT THE HEALTHY FOOD POLICY PROJECT (HFPP)

The HFPP identifies and elevates local laws that seek to promote access to healthy food, and also contribute to strong local economies, an improved environment, and health equity, with a focus on socially disadvantaged and marginalized groups. HFPP is a four-year collaboration of Vermont Law School's Center for Agriculture and Food Systems, the Public Health Law Center, and the Rudd Center for Food Policy and Obesity at the University of Connecticut. **This project is funded by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture.**

## ACKNOWLEDGEMENTS

The HFPP thanks Marisa Jones with the Safe Routes to School National Partnership and our Advisory Committee for their review of an earlier draft of this document. The HFPP Advisory Committee members are: Emily Broad Leib with the Harvard Food Law and Policy Clinic; Pakou Hang with the Hmong American Farmers Association; Dr. David Procter with the Rural Grocery Initiative at Kansas State University; Dr. Samina Raja with Growing Food Connections at the University of Buffalo; and Kathryn Lynch Underwood with the Detroit Planning Commission. The HFPP also thanks student Law Clerks Darrell Hill and Arielle Sloan for their invaluable assistance in creating this resource.

<sup>1</sup>The Healthy Food Policy Project (HFPP) is a two year project funded by the [USDA National Agricultural Library](#), and led by [Vermont Law School's Center for Agriculture and Food Systems](#) in collaboration with the [Public Health Law Center at Mitchell Hamline School of Law](#) and the [Rudd Center for Food Policy and Obesity at the University of Connecticut](#). The project's mission is to advance the field of knowledge about local laws and policies that improve access to healthy food and also promote health equity, support local economies, and/or foster improved environmental outcomes.

<sup>2</sup>For this Project, we defined "healthy food" as "food that is minimally processed; fresh, frozen, or canned produce that has little, if any, added sugar, salt, or fat; food that is culturally relevant; food that meets evidence-based nutrition standards; food that is both nutritious and safe to eat."

<sup>3</sup>The Healthy Food Policy Project focuses on written laws and governmental policies formally adopted or passed by a town, city, county or similar government entity. These include ordinances, resolutions, and codified laws, as well as formal planning documents such as comprehensive plans. The Project is not focusing on school district policies because much research about those types of policies is already available.

<sup>4</sup>CITY OF ST. CLOUD, MINN., [2015 COMPREHENSIVE PLAN](#), Chapter 4 (Land Use and Development) (stating a commitment to discouraging development in the Rural Preservation Area); LANCASTER COUNTY, PENN., [PLANNING COMMISSION COUNTY PLAN, BALANCE: GROWTH MANAGEMENT PLAN](#), Rural Strategy (this strategy establishes four categories of rural areas "within which rural resources, rural character, and a rural way of life are sustained and incompatible development is precluded").

<sup>5</sup>[MILWAUKEE, WISC. COMPREHENSIVE PLAN \(2010\)](#) (encouraging the use of city-owned land for community gardens and urban agriculture, among other uses).

<sup>6</sup>See, e.g., MINN. Bd OF WATER AND SOIL RESOURCES, MODEL ORDINANCE FOR AGRICULTURAL EROSION CONTROL (updated April 2014), available at [http://www.bwsr.state.mn.us/soils/model\\_ordinance.pdf](http://www.bwsr.state.mn.us/soils/model_ordinance.pdf) (model law that addressed education of landowners on methods to avoid soil erosion).

<sup>7</sup>[FARGO-MOORHEAD \(NORTH DAKOTA AND MINN.\) METROPOLITAN COUNCIL OF GOVERNMENTS, METROPOLITAN FOOD SYSTEMS PLAN \(2013\)](#) (outlining major components of the local food system and identifying potential policy options to support the production and consumption of locally grown food).

<sup>8</sup>[HEALTHY AND SUSTAINABLE FOOD FOR SAN FRANCISCO, EXECUTIVE DIRECTIVE NO. 09-03](#) (mayoral executive order establishing a food policy council, and directing executive agencies to undertake several activities relating to healthy food access, including: "create a Sustainable Food Business Recognition Program to encourage and support locally owned food businesses that incorporate more healthy and sustainable food and business practices," and "facilitating access to gardening materials and tools . . . ; organizing community events and outreach efforts related to urban agriculture; connecting volunteer and educational programs to urban agriculture programs; seek funding to support urban agriculture; and generally serve as an advocate to increase the production of food [in the city]."

<sup>9</sup>[WASHINGTON, D.C., LAW § 48-402](#) (establishing an Urban Farming and Gardens Program to promote "development, implementation, and promotion of policies that encourage the donation and cultivation of public and private vacant lots for use as urban farms or community gardens"). See generally [COOK CTY., ILL., CODE § 103-1 TO -11](#) (establishing a land bank); [N.Y.C., N.Y., LOCAL LAW 48 OF 2011](#) (creating a publicly-accessible database of vacant city land);

<sup>10</sup>[METRO GOVERNMENT OF NASHVILLE AND DAVIDSON, TENN., ch. 2.224.030](#) (making matching funds available for eligible nonprofits to develop, operate, and/or maintain school or community gardens); and [San Francisco, Cal., Charter Code § 16.107](#) (creating a fund for open space and parks projects, including urban forestry, community gardens, and a natural areas management programs).

<sup>11</sup>[SAN FRANCISCO, CAL., EXEC. DIRECTIVE NO. 09-03\(4\)\(m\)](#) (requiring the Department of the Environment to develop a local food purchase preference policy); [CABARRUS CTY., N.C., LOCAL FOOD PURCHASING POLICY](#) (requiring at least 10% of food at certain county events/meetings to come from North Carolina producers); [CLEVELAND, OHIO, RESOLUTION NO. 1564-08](#) (pledging to purchase 10% of food for city contracts from within a 150 mile radius).

<sup>12</sup>[TOWN OF HADLEY, MASS., CODE § 17](#) (establishing process and criteria for transfer of development rights from farmland that is restricted from development to a Receiving District, to support farmland preservation)

<sup>13</sup>[WINSLOW, MAINE ORDINANCE NO. 3-2016](#) (adopted 2016) (program offering financial support to farmers in exchange for 20-year agricultural conservation easements); [CABARRUS CTY., N.C., ENHANCED VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE NO. 2005-20](#) (providing certain funding preferences and zoning exemptions to farmers); [LAUDERHILL, FLA., LAND DEV'T REGS. §§ 5.14, and 5.14.3\(D\)](#) (establishing zoning and other regulations for community gardens, and expressly exempting them from business license tax); [NEW YORK, N.Y., RES. NO. 1323-2012](#) (excluding greenhouses

on residential rooftops from maximum height restrictions).

<sup>14</sup>[FORT COLLINS, COLO., LAND USE CODE § 3.8.31](#) (establishing licensing scheme for urban agricultural activities, so as to allow them "at a level and intensity that is compatible with the City's neighborhoods"); [LOUISVILLE-JEFFERSON COUNTY, KY., LAND DEVELOPMENT CODE §§4.3.17 & 4.3.18 \(2013\)](#) (allowing community and market gardens in certain zones); [DETROIT, MICH., 2016 ZONING ORDINANCE](#) at p. 396-397 (chart of type of permitted uses by zoning district, showing greenhouses, hoophouses, urban farms, and urban gardens are allowed in all residential and business districts with varying conditions); additional provisions relating to urban gardens at §§ 61-12-326, -327, -332, -412, -413; and 61-16-191 (definitions of "urban farm" and "urban garden"); [KANSAS CITY, MO., CODE § 88-312-02-B](#) (defining and setting standards for home gardens, community gardens, and community supported agriculture policy under the category of "urban agriculture"); [CLEVELAND, OHIO, CITY CODE § 336.01](#) et seq. (establishing an urban garden district dedicated to community and market gardens).

<sup>15</sup>[EVANSTON, ILL., CODE § 9-4-19](#) (providing for licensing and regulations for beekeeping); [MINNEAPOLIS, MINN., CODE § 63.100 \(2017\)](#) (allowing keeping of honeybees with a permit, including educational, neighbor notification, and other requirements); [CLEVELAND, OHIO, CODE § 205.04](#) (establishing licensing process for keeping of small farm animals (e.g., chickens, ducks, rabbits) and bees) and [§ 347.02](#) (zoning code provisions allowing and regulating beehives and small farm animals); [COLLEGE PLACE, WASH., CODE § 17.54.090](#) (permitting beekeeping "in all zoning districts" with minor exceptions for lot size, security, hive placement, and general beekeeping regulations); [LAWRENCE, KAN., CODE § 3-104](#) (allowing city residents to keep bees, birds not protected under state/federal law, such as chickens, and other farm animals, under specific conditions); [DURHAM, N.C., UNIFIED DEVELOPMENT ORDINANCE § 5.4.12 \(B\)](#) (amended 1/1/2017) (allowing keeping of chickens by residents in townhouses and single-family homes with a limited agricultural use permit); [EAST WENATCHEE, WASH., ORDINANCE NO. 2013-03](#) (allowing some forms of animal-keeping in certain residential zones).

<sup>16</sup>[PLYMOUTH, MASS. AQUACULTURE REGULATIONS](#) (providing for licensing of both publicly and privately owned coastal property for shellfish aquaculture); Minneapolis, Minn., Code § 537.110 (2017) (allowing aquaponics, aquaculture, and hydroponics as an accessory to urban gardens or indoor market gardens in specific zoning districts if the operator obtains license from state).

<sup>17</sup>[SAN FRANCISCO, CAL., EXEC. DIRECTIVE NO. 09-03\(4\)\(m\)](#) (requiring the Department of the Environment to develop a local food purchase preference policy); [CABARRUS CTY., N.C., LOCAL FOOD PURCHASING POLICY](#) (requiring at least 10% of food at certain county events/meetings to come from North Carolina producers); [CLEVELAND, OHIO, RESOLUTION NO. 1564-08](#) (pledging to purchase 10% of food for city contracts from within a 150 mile radius).

<sup>18</sup>[CALVERT CTY., MD., ZONING DISTRICTS & MAPS](#) (using a "Farm and Forest District" as one of the County's primary zoning districts to preserve land and encourage farming, among other things); [CASPER, WYO., CODE § 17.24.010](#) (creating an urban agriculture district with the intent to preserve land for "semi-rural, low density residential, and related or compatible uses" and provide farm animals with sufficient space);

<sup>19</sup>[SAN FRANCISCO, CITY & CTY., CAL., ORDINANCE NO. 29-07](#) (authorizing farmers markets to be operated on suitable sites owned or leased by the city or county, including parks and recreation sites); [AUSTIN, TEX., CODE § 14-7](#) (establishing license/permit process for community gardens or farms on city land); [SEATTLE, WASH., CODE § 3.35.080](#) (authorizing the City, through the Director of Neighborhoods, to lease private lands to make available for community gardens); [EAST CLEVELAND, OHIO, RESOLUTION NO. 54-10](#) (resolving to collaborate with a local corporation to make community/market garden public land conversion applications and leases more user-friendly); [WASHINGTON, D.C., LAW § 48-402](#) (supporting the use of vacant properties for community gardens)). See generally [N.Y.C., N.Y., LOCAL LAW 48 OF 2011](#) (creating a publicly-accessible database of vacant city land); [DECATUR, ALA., RESPONSIBILITIES AND GUIDELINES FOR COMMUNITY GARDENS ON CITY-OWNED PROPERTY](#) (setting forth rules and guidelines for those interested in city community gardening); [SAN FRANCISCO CITY & CTY., CAL., COMMUNITY GARDEN POLICIES](#) (setting forth policies for those interested in community gardening); [MINNEAPOLIS, MINN., CODE § 427.10 \(2017\)](#) (planting of vegetables or fruit trees on a boulevard allowed with a permit; flowers are exempted from permitting requirement).

<sup>20</sup>[FORT COLLINS, COLO., LAND USE CODE § 3.8.31](#) (establishing licensing scheme for urban agricultural activities, so as to allow them "at a level and intensity that is compatible with the City's neighborhoods"); [LOUISVILLE-JEFFERSON COUNTY, KY., LAND DEVELOPMENT CODE §§4.3.17 & 4.3.18 \(2013\)](#) (allowing community and market gardens in certain zones); [BALTIMORE, MD., ORDINANCE NO. 13-93](#) (exempting hoophouses from a certain permitting requirement); [DETROIT, MICH., 2016 ZONING ORDINANCE at p. 396-397](#) (chart of type of permitted uses by zoning district, showing greenhouses, hoophouses, urban farms, and urban gardens are allowed in all residential and business districts with varying conditions); additional provisions relating to urban gardens at §§ 61-12-326, -327, -332, -412, -413; and 61-16-191 (definitions of "urban farm" and "urban garden"); [KANSAS CITY, MO., CODE § 88-312-02-B](#) (defining and

setting standards for home gardens, community gardens, and community supported agriculture policy under the category of “urban agriculture”); [DURHAM, N.C., UNIFIED DEVELOPMENT ORDINANCE § 5.4.12 \(B\)](#) (amended 1/1/2017) (allowing keeping of chickens by residents in townhouses and single-family homes with a limited agricultural use permit).

<sup>21</sup> [BOSTON, MASS., REDEVELOPMENT CODE § 89-2](#) (including “for profit” operations in the definition of “Ground Level Urban Farm”); [SEATTLE, WASH. ORD. NO. 123378](#) (permitting urban farms up to 4,000 square feet “as an accessory use to any principle use”); [DETROIT, MICH., 2016 ZONING ORDINANCE at § 61-16-191](#) (defining “urban farm” and “urban garden” and not excluding for-profit entities from qualifying); [LOUISVILLE-JEFFERSON COUNTY, KY., LAND DEVELOPMENT CODE at 1.2-28 \(2013\)](#) (defining “market gardens” to expressly include growing of produce for for-profit sales).

<sup>22</sup> [ROYAL OAK, MICH., CODE § 441](#) (establishing a public market for sale of farm products).

<sup>23</sup> [MONTGOMERY CTY., MD., BILL 52-14](#) (prohibiting the application of neonicotinoids on County-owned property and limiting neonicotinoid use on private property).

<sup>24</sup> [LYNCHBURG, VA., CODE § 16.2-72](#) (limiting pesticide use to EPA-approved pesticides used in accordance with manufacturer recommendations).

<sup>25</sup> [HEALTHY AND SUSTAINABLE FOOD FOR SAN FRANCISCO, EXECUTIVE DIRECTIVE NO. 09-03](#) (mayoral executive order establishing a food policy council, and directing executive agencies to undertake several activities relating to healthy food access, including: “create a Sustainable Food Business Recognition Program to encourage and support locally owned food businesses that incorporate more healthy and sustainable food and business practices” and “generally serve as an advocate to increase the production of food [in the city].”; [DECATUR, ALA., RESPONSIBILITIES AND GUIDELINES FOR COMMUNITY GARDENS ON CITY-OWNED PROPERTY](#) (setting forth rules and guidelines for those interested in city community gardening).

<sup>26</sup> [WESTCHESTER CTY., N.Y., CODE § 533.03](#) (requiring disclosure statements of calories and nutritional value for “standard menu item[s]” at “chain food service establishments”); [PHILADELPHIA, PA., CODE § 6-308 \(2016\)](#) (similar).

<sup>27</sup> [S.F. HEALTH CODE § 4203\(A\)](#) (2017) (requiring warnings on outdoor advertisements for sugary drinks—currently being challenged in court); [N.Y.C., N.Y., HEALTH CODE § 81.49](#) (2017) (requiring warning labels on menu items with 2300 mg of sodium or more).

<sup>28</sup> [CODE OF MINNEAPOLIS, MINN., § 186.50](#) (2017) (defining “community kitchens” as “an approved facility licensed as a food manufacturer that may be used by licensed businesses for commercial purpose. A community kitchen may also be an unlicensed kitchen that is used by community members for cooking non-commercial or exempt foods or for cooking classes and/or other related activities.”) See also CITY OF MINNEAPOLIS, MINN., LICENSE APPLICATION FOR COMMUNITY KITCHENS, [http://www.ci.minneapolis.mn.us/www/groups/public/@regservices/documents/webcontent/convert\\_253137.pdf](http://www.ci.minneapolis.mn.us/www/groups/public/@regservices/documents/webcontent/convert_253137.pdf).

<sup>29</sup> [RICHARDSON, TEX., CODE § 12-226\(i\) \(3\)](#) (exempting sellers of vegetables and fruits meant to be peeled and washed by the purchaser from needing to pass a “certified food handler course”).

<sup>30</sup> [ANN ARBOR CHARTER TOWNSHIP, MICH., CHARTER § 74-611](#) (allowing commercial kitchens on farms that can be used to “support[] the local agricultural community” without prohibiting shared use); [MONTGOMERY COUNTY, MD., ZONING TEXT AMENDMENT \(ZTA\) 11-08](#) (allowing commercial kitchens in certain county zones); [DOUGLAS CTY., KAN., COMMERCIAL INCUBATOR KITCHEN APPLICATION AND POLICIES](#) (commercial kitchen use policy increases kitchen availability and decreases cost of use); [RIDGEFIELD, WASH., CODE § 8.32.050\(C\)](#) (clarifying that city is not liable for property loss, injuries, or vandalism that might stem from using community kitchen or parking spaces).

<sup>31</sup> [FULTON CTY., GA., CODE § 34-112\(b\)](#) (requiring special event organizers operating under certain conditions to provide free drinking water).

<sup>32</sup> NAT’L RESOURCE DEFENSE COUNCIL, THE DATING GAME: HOW CONFUSING FOOD DATE LABELS LEAD TO FOOD WASTE IN AMERICA 15 (2013), available at <http://www.chlpi.org/wp-content/uploads/2013/12/dating-game-report.pdf> (referring to Baltimore, Maryland and New York City examples).

<sup>33</sup> [WASHINGTON D.C. CODE § 38-282 \(C\) \(1\)-\(2\) AND \(D\) \(2\) \(2016\)](#) (providing \$.10 supplemental reimbursement for each eligible CACFP breakfast, lunch, and supper, and an additional \$.05 per lunch and supper that includes a locally grown, unprocessed food (excluding milk), and providing for grants to providers to participate in CACFP) (other examples of this approach can be found in state laws).

<sup>34</sup> See, e.g., [CITY OF NEW ORLEANS, FRESH FOOD RETAILER INITIATIVE](#) (allocating \$7,000,000 in block grant funds for matching funds program to provide forgivable and/or low-interest loans to supermarkets, grocery stores, and other fresh food retailers in traditionally underserved areas of the city) (this is a program but required a policy commitment from city to allocate funds). See also <https://hopecu.org/business/loans/nola-fresh/>.

<sup>35</sup> [SAN FRANCISCO, CAL., EXEC. DIRECTIVE NO. 09-03\(4\)\(m\)](#) (requiring the Department of the Environment to develop a local food purchase preference policy); [CABARRUS](#)

[CTY., N.C., LOCAL FOOD PURCHASING POLICY](#) (requiring at least 10% of food at certain county events/meetings to come from North Carolina producers); [CLEVELAND, OHIO, RESOLUTION NO. 1564-08](#) (pledging to purchase 10% of food for city contracts from within a 150 mile radius).

<sup>36</sup> [MARQUETTE, MICH., RESOLUTION](#) (Feb. 10, 2014) (granting an organic food co-op a “Commercial Rehabilitation Exemption Certificate,” which provided the co-op with a tax break).

<sup>37</sup> [MIAMI, FLA., CODE § 62-622\(f\)](#) (organizations that accept EBT or SNAP payments receive a 50% discount on their temporary farmers’ market permit fee); [PRINCE GEORGE’S CTY., MARYLAND, CODE § 12-117](#) (creating grant program offering grants to offset costs of establishing and managing SNAP payments in farmers’ markets—100% of costs are covered the first year); [WASHINGTON, D.C., LAW 18-0353, §§. 202 & 302](#) (requiring grocery stores that participate in its Grocery Store Development program to accept SNAP, apply to accept WIC, and sell “fresh produce and healthy foods”; and requiring corner stores, farmers markets and small stores to accept SNAP).

<sup>38</sup> [BALDWIN PARK, CAL., STAFF REPORT, APPROVAL OF ADMINISTRATIVE POLICY #29 ENTITLED, “HEALTHY CORNER STORE POLICY” \(2014\)](#) (institutionalizing the city’s voluntary healthy corner store conversion program which includes incentives for stores to voluntarily meet tiered standards); [SAN FRANCISCO, CAL. ADMIN. CODE § 59.1-9 \(2017\)](#) (creating the Healthy Food Retailer Incentive Program to increase access to healthy food in underserved neighborhoods and throughout the city while decreasing access to unhealthy choices including tobacco, alcohol, and processed foods that are high in salt, fat, and sugar). [WATSONVILLE, CAL., PLANNING DIVISION, WATSONVILLE VISTA 2030 GENERAL PLAN, CHAPTER 3: LAND USE, POLICY 3.5.2, AT 3-46 \(2013\)](#), (stating that city will “condition neighborhood markets (convenience stores) at the time of development review to incorporate the sale of fresh fruits and vegetables); [WASHINGTON, D.C., LAW 18-0353, §§. 202 & 302](#) (requiring grocery stores that participate in its Grocery Store Development program to accept SNAP, apply to accept WIC, and sell “fresh produce and healthy foods”; and requiring corner stores, farmers markets and small stores to accept SNAP).

<sup>39</sup> [S.F., CAL., HEALTH CODE ART. 8, § 471.4](#) (allowing incentive products (toys) to be sold in only with kids’ meals that met certain nutritional standards); [SOMERVILLE, MASS., CODE § 8-367\(e\)](#) (encouraging mobile food vendors to make one-quarter of their food items healthy (or one of their desserts healthy if they only offer sweets)).

<sup>40</sup> [MINNEAPOLIS, MINN. CODE § 203.05 et seq. \(2017\)](#) (requiring grocery stores, and accessory use grocery stores that accept supplemental nutrition program payments, to meet minimum staple food stocking requirements).

<sup>41</sup> [L.A. COUNTY, CAL., CODE § 22-52-2620 \(F\) \(2017\)](#) (requiring farmers’ markets to accept SNAP and WIC as a condition of licensing); [SAN FRANCISCO, CITY & CTY., CAL., ORDINANCE NO. 29-07](#) (requiring vendors at farmers’ markets to accept SNAP/EBT).

<sup>42</sup> See, e.g., [HEALTHY AND SUSTAINABLE FOOD FOR SAN FRANCISCO, EXECUTIVE DIRECTIVE NO. 09-03](#) at Par. 1 (noting that “[a]ccess to safe, nutritious, and culturally acceptable food is a basic human right and is essential to both human health and ecological sustainability.”).

<sup>43</sup> [DORAL, FLA., CODE § 2-452](#) (requiring that food procured for city events and facilities meet certain nutritional standards); [SAN FRANCISCO, CAL., ORD. NO. 91.16](#) (providing nutritional and calorie labeling requirements for vending machines on city-owned property); [HOWARD CTY., MD., CODE § 12.1801 TO .1807](#) (setting nutritional standards for food and drinks sold on County vending machines); [NEW YORK CITY, NEW YORK, EXECUTIVE ORDER 122 \(2008\)](#) (requiring that “all meals or food supplies that are purchased, prepared or served in agency programs or other relevant settings” meet nutritional standards set by the city’s health department); [CLEVELAND, OHIO, HEALTHY CLEVELAND RESOLUTION NO. 257-11](#) (committing to removing all sugar based drinks and products with trans-fats from vending machines on city property); [CITY OF SEATTLE, WASH., ORDINANCE NO. 124128](#) (passed March 4, 2013) (requiring all concessionaires operating food and/or beverage vending machines on city property to stock at least 50% “healthier” and “healthiest” options using the criteria set by the Seattle King County Board of Health, and exempting parks and recreation department vending machines due to pre-existing contract).

<sup>44</sup> [NEW YORK CITY, NEW YORK, EXECUTIVE ORDER 122 \(2008\)](#) (requiring that “all meals or food supplies that are purchased, prepared or served in agency programs or other relevant settings” meet nutritional standards set by the city’s health department; includes city correctional facilities and other institutions). See also NYC Food Policy, Procurement, at <http://www1.nyc.gov/site/foodpolicy/initiatives/procurement.page>.

<sup>45</sup> [STOCKTON, CAL., ORDINANCE NO. 2016-06-07-1502](#) (requiring water, milk, or similar alternatives to be used as default kids’ meal beverages); [DAVIS, CAL., CODE § 17.02.020 \(same\)](#).

<sup>46</sup> [BROWARD CTY., FLA., CODE § 77-7.01](#) (setting nutritional standards for foods served in child care settings).

<sup>47</sup> [FULTON CTY., GA., CODE § 34-112\(b\)](#) (requiring special event organizers operating under certain conditions to provide free drinking water).

<sup>48</sup> [POMONA, CAL., CODE § 50-414](#) (granting a license tax exemption for operators of farmers’ markets that grow all their own produce); [SAN FRANCISCO, CITY & CTY., CAL.,](#)



[ORDINANCE NO. 29-07](#) (authorizing farmers markets to be operated on suitable sites owned or leased by the city or county, including parks and recreation sites); [LEE CITY, FLA., LAND DEVELOPMENT CODE §§ 34-3021, 34-3048](#) (granting seasonal farmers' markets in locations that primarily serve another purpose, such as a church or school parking lot); [PORTLAND, OR., ORD. NO. 185412](#) (reclassifying regulation of sales as "Retail Sales and Service" to ease restrictions on farmers' markets) .

<sup>49</sup> [ROYAL OAK, MICH., CODE § 441](#) (establishing a public market for sale of farm products).

<sup>50</sup> [CLEVELAND, OHIO, ORDINANCE NO. 210-11](#) (mobile food truck permits); [HEALTHY AND SUSTAINABLE FOOD FOR SAN FRANCISCO, EXECUTIVE DIRECTIVE NO. 09-03](#) (giving preferences to mobile vendors that sell healthy food).

<sup>51</sup> [RICHARDSON, TEX., CODE § 12-226\(i\) \(3\)](#) (exempting sellers of vegetables and fruits meant to be peeled and washed by the purchaser from needing to pass a "certified food handler course").

<sup>52</sup> [PHILADELPHIA, PENN., CODE ch. 19-4100](#) (creating excise tax on distribution of sugar-sweetened beverages); Boulder, Colo., Ordinance 8130 (Sept. 6, 2016) (to be codified at [BOULDER, COLO. CODE § 3-16-1](#)) (imposing a two cent-per-ounce excise tax on certain sugar-sweetened beverages).

<sup>53</sup> [N.Y.C., N.Y., HEALTH CODE § 81.53](#) (repealed) (requiring maximum portion sizes on certain soda products).

<sup>54</sup> [CHI., ILL. CODE §17-1-1004 \(2017\)](#) (prohibiting use of restrictive covenants that would prevent a grocery store from operating on property formerly occupied by a grocery store over 7,500 square feet in size, with certain exceptions)

<sup>55</sup> [COUNTY OF SANTA CLARA, CAL., ORD. N.S. 300.908](#) (preliminarily adopted Apr. 25, 2017) (amending county law relating to children's meals to require that only unsweetened water and milk can be included as a beverage in children's meals at restaurants, and expressly noting that other beverages can be purchased by parents if desired).

<sup>56</sup> [S.F. HEALTH CODE § 4203\(a\) \(2017\)](#) (requiring warnings on outdoor advertisements for sugary drinks—currently being challenged in court); [N.Y.C., N.Y., HEALTH CODE § 81.49 \(2017\)](#) (requiring warning labels on menu items with 2300 mg of sodium or more).

<sup>57</sup> [CITY AND COUNTY OF SAN FRANCISCO, CAL., STANDARDS FOR THE TRANSPORTATION DEMAND MANAGEMENT PROGRAM](#) at 13 (2017) (formally adopted by [CITY AND COUNTY OF SAN FRANCISCO, CAL., ORD. NO. 34-17 \(Feb. 17, 2017\)](#) (allowing 2 points in land use category for healthy food retail in underserved areas); [2013 SILER CITY, NORTH CAROLINA, PEDESTRIAN MASTER PLAN](#) (pedestrian master plan includes information about locations and walkability of healthy food retailers in the city (stores farmers markets)); [SOUTHEASTERN PENNSYLVANIA TRANSIT AUTHORITY \(SEPTA\), SUSTAINABILITY PROGRAM PLAN, GOAL 6](#) (long-term plan for the transit authority describing an initiative to work with the City of Philadelphia to tackle food deserts and set up farmers' markets at local stations).

<sup>58</sup> NAT'L RESOURCE DEFENSE COUNCIL, THE DATING GAME: HOW CONFUSING FOOD DATE LABELS LEAD TO FOOD WASTE IN AMERICA 15 (2013), available at <http://www.chlpi.org/wp-content/uploads/2013/12/dating-game-report.pdf> (referring to Baltimore, Maryland and New York City examples).

<sup>59</sup> [WASHINGTON D.C. CODE § 38-282 \(C\) \(1\)-\(2\) AND \(D\) \(2\) \(2016\)](#) (providing \$.10 supplemental reimbursement for each eligible CACFP breakfast, lunch, and supper, and an additional \$.05 per lunch and supper that includes a locally grown, unprocessed food (excluding milk), and providing for grants to providers to participate in CACFP) (other examples of this approach can be found in state laws).

<sup>60</sup> See, e.g., [CITY OF NEW ORLEANS, FRESH FOOD RETAILER INITIATIVE](#) (allocating \$7,000,000 in block grant funds for matching funds program to provide forgivable and/or low-interest loans to supermarkets, grocery stores, and other fresh food retailers in traditionally underserved areas of the city) (this is a program but required a policy commitment from city to allocate funds). See also <https://hopecu.org/business/loans/nola-fresh/>.

<sup>61</sup> [PHILADELPHIA, PENN., CODE ch. 19-4100](#) (creating excise tax on distribution of sugar-sweetened beverages).

<sup>62</sup> [MIAMI, FLA., CODE § 62-622\(f\)](#) (organizations that accept EBT or SNAP payments receive a 50% discount on their temporary farmers' market permit fee); [PRINCE GEORGE'S CTY., MARYLAND., CODE § 12-117](#) (creating grant program offering grants to offset costs of establishing and managing SNAP payments in farmers' markets—100% of costs are covered the first year); [WASHINGTON, D.C., LAW 18-0353, §§ 202 & 302](#) (requiring grocery stores that participate in its Grocery Store Development program to accept SNAP, apply to accept WIC, and sell "fresh produce and healthy foods"; and requiring corner stores, farmers markets and small stores to accept SNAP).

<sup>63</sup> See, e.g., [CITY OF NEW ORLEANS, FRESH FOOD RETAILER INITIATIVE](#) (allocating \$7,000,000 in block grant funds for matching funds program to provide forgivable and/or low-interest loans to supermarkets, grocery stores, and other fresh food retailers in traditionally underserved areas of the city) (this is a program but required a policy commitment from city to allocate funds). See also <https://hopecu.org/business/loans/nola-fresh/>.

<sup>64</sup> [BALDWIN PARK, CAL., STAFF REPORT, APPROVAL OF ADMINISTRATIVE POLICY #29 ENTITLED, "HEALTHY CORNER STORE POLICY" \(2014\)](#) (institutionalizing the city's voluntary healthy corner store conversion program which includes incentives for stores to voluntarily meet tiered standards); [SAN FRANCISCO, CAL. ADMIN. CODE §59.1-9 \(2017\)](#) (creating the Healthy Food Retailer Incentive Program to increase access to healthy food in underserved neighborhoods and throughout the city while decreasing access to unhealthy choices including tobacco, alcohol, and processed foods that are high in salt, fat, and sugar). [WATSONVILLE, CAL., PLANNING DIVISION, WATSONVILLE VISTA 2030 GENERAL PLAN, CHAPTER 3: LAND USE, POLICY 3.5.2, AT 3-46 \(2013\)](#), (stating that city will "condition neighborhood markets (convenience stores) at the time of development review to incorporate the sale of fresh fruits and vegetables): [WASHINGTON, D.C., LAW 18-0353, §§ 202 & 302](#) (requiring grocery stores that participate in its Grocery Store Development program to accept SNAP, apply to accept WIC, and sell "fresh produce and healthy foods"; and requiring corner stores, farmers markets and small stores to accept SNAP).

<sup>65</sup> [S.F. CAL., HEALTH CODE ART. 8, § 471.4](#) (allowing incentive products (toys) to be sold in only with kids' meals that met certain nutritional standards).

<sup>66</sup> [CITY AND COUNTY OF SAN FRANCISCO, CAL., STANDARDS FOR THE TRANSPORTATION DEMAND MANAGEMENT PROGRAM](#) at 13 (2017) (FORMALLY ADOPTED BY [CITY AND COUNTY OF SAN FRANCISCO, CAL., ORD. NO. 34-17](#) (Feb. 17, 2017) (allowing 2 points in land use category for healthy food retail in underserved areas). For more information about San Francisco's plan, see <http://sf-planning.org/shift-transportation-demand-management-tdm>.

<sup>67</sup> [LOS ANGELES, CAL., MUNICIPAL CODE § 12.21\(A\)\(4\)](#) ("New or existing automobile parking spaces required by the Code for all uses may be replaced by bicycle parking at a ratio of one automobile parking space for every four bicycle parking spaces provided" under certain conditions).

<sup>68</sup> [MINNEAPOLIS, MINN., CODE §541.180](#), Table 541-3 (2017) (setting minimum bicycle parking requirements for grocery stores, restaurants, and community service facilities (which includes food shelves)).

<sup>69</sup> [SAN FRANCISCO, CAL., EXEC. DIRECTIVE NO. 09-03\(4\)\(m\)](#) (requiring the Department of the Environment to develop a local food purchase preference policy); [CABARRUS CTY., N.C., LOCAL FOOD PURCHASING POLICY](#) (requiring at least 10% of food at certain county events/meetings to come from North Carolina producers); [CLEVELAND, OHIO, RESOLUTION NO. 1564-08](#) (pledging to purchase 10% of food for city contracts from within a 150 mile radius).

<sup>70</sup> See, e.g., [HEALTHY AND SUSTAINABLE FOOD FOR SAN FRANCISCO, EXECUTIVE DIRECTIVE NO. 09-03](#) at Par. 1 (noting that "[a]ccess to safe, nutritious, and culturally acceptable food is a basic human right and is essential to both human health and ecological sustainability").

<sup>71</sup> [DORAL, FLA., CODE § 2-452](#) (requiring that food procured for city events and facilities meet certain nutritional standards); [SAN FRANCISCO, CAL., ORD. NO. 91.16](#) (providing nutritional and calorie labeling requirements for vending machines on city-owned property); [HOWARD CTY., MD., CODE § 12.1801 to .1807](#) (setting nutritional standards for food and drinks sold on County vending machines); [NEW YORK CITY, NEW YORK, EXECUTIVE ORDER 122 \(2008\)](#) (requiring that "all meals or food supplies that are purchased, prepared or served in agency programs or other relevant settings" meet nutritional standards set by the city's health department); [CLEVELAND, OHIO, HEALTHY CLEVELAND RESOLUTION NO. 257-11](#) (committing to removing all sugar based drinks and products with trans-fats from vending machines on city property); [CITY OF SEATTLE, WASH., ORDINANCE NO. 124128](#) (passed March 4, 2013) (requiring all concessionaires operating food and/or beverage vending machines on city property to stock at least 50% "healthier" and "healthiest" options using the criteria set by the Seattle King County Board of Health, and exempting parks and recreation department vending machines due to pre-existing contract).

<sup>72</sup> [NEW YORK CITY, NEW YORK, EXECUTIVE ORDER 122 \(2008\)](#) (requiring that "all meals or food supplies that are purchased, prepared or served in agency programs or other relevant settings" meet nutritional standards set by the city's health department; includes city correctional facilities and other institutions). See also NYC Food Policy, Procurement, at <http://www1.nyc.gov/site/foodpolicy/initiatives/procurement.page>.

<sup>73</sup> [STOCKTON, CAL., ORDINANCE NO. 2016-06-07-1502](#) (requiring water, milk, or similar alternatives to be used as default kids' meal beverages); [DAVIS, CAL., CODE § 17.02.020](#) (same).

<sup>74</sup> [BROWARD CTY., FLA., CODE § 77-7.01](#) (setting nutritional standards for foods served in child care settings).

<sup>75</sup> [FULTON CTY., GA., CODE § 34-112\(b\)](#) (requiring special event organizers operating under certain conditions to provide free drinking water).

<sup>76</sup> [MINNEAPOLIS, MINN. CODE § 203.05 et seq. \(2017\)](#) (requiring grocery stores, and accessory use grocery stores that accept supplemental nutrition program payments, to meet minimum staple food stocking requirements).

<sup>77</sup> [WESTCHESTER CTY., N.Y., CODE § 533.03](#) (requiring disclosure statements of calories and nutritional value for "standard menu item[s]" at "chain food service establishments"); [PHILADELPHIA, PA., CODE § 6-308 \(2016\)](#) (similar).

<sup>78</sup> [S.F. HEALTH CODE § 4203\(A\) \(2017\)](#) (requiring warnings on outdoor advertisements

for sugary drinks—currently being challenged in court); N.Y.C., N.Y., HEALTH CODE § 81.49 (2017) (requiring warning labels on menu items with 2300 mg of sodium or more).

<sup>79</sup> [MINNEAPOLIS, MINN. CODE §541.180](#), Table 541-3 (2017) (setting minimum bicycle parking requirements for grocery stores, restaurants, and community service facilities (which includes food shelves)) and [MINNEAPOLIS, MINN. CODE §§ 541.200 AND .220 \(2017\)](#) (decreasing automobile parking requirements if facility is near a transit stop or offers additional bicycle parking); [LOS ANGELES, CAL., MUNICIPAL CODE § 12.21\(A\)\(4\)](#) (“New or existing automobile parking spaces required by the Code for all uses may be replaced by bicycle parking at a ratio of one automobile parking space for every four bicycle parking spaces provided” under certain conditions).

<sup>80</sup> Eva Ringstrom and Branden Born, Food access policy and planning guide, NORTHWEST CENTER FOR LIVABLE COMMUNITIES 36 (2011) (providing several examples of cities that use paratransit and other systems to provide grocery store access).

<sup>81</sup> [MAUI CTY., HAW., CODE § 11.04.010\(A\)\(1\)](#) (prohibiting food or beverage packages not well sealed except for grocery bags)

<sup>82</sup> [POMONA, CAL., CODE § 50-414](#) (granting a license tax exemption for operators of farmers’ markets that grow all their own produce); [SAN FRANCISCO, CITY & CTY., CAL., ORDINANCE NO. 29-07](#) (authorizing farmers markets to be operated on suitable sites owned or leased by the city or county, including parks and recreation sites); [LEE CTY., FLA., LAND DEVELOPMENT CODE §§ 34-3021, 34-3048](#) (granting seasonal farmers’ markets in locations that primarily serve another purpose, such as a church or school parking lot); [PORTLAND, OR., ORD. NO. 185412](#) (reclassifying regulation of sales as “Retail Sales and Service” to ease restrictions on farmers’ markets).

<sup>83</sup> [ROYAL OAK, MICH., CODE § 441](#) (establishing a public market for sale of farm products).

<sup>84</sup> [CLEVELAND, OHIO, ORDINANCE NO. 210-11](#) (MOBILE FOOD TRUCK PERMITS); [HEALTHY AND SUSTAINABLE FOOD FOR SAN FRANCISCO, EXECUTIVE DIRECTIVE NO. 09-03](#) (giving preferences to mobile vendors that sell healthy food).

<sup>85</sup> [RICHARDSON, TEX., CODE § 12-226\(i\) \(3\)](#) (exempting sellers of vegetables and fruits meant to be peeled and washed by the purchaser from needing to pass a “certified food handler course”).

<sup>86</sup> [SAN JOAQUIN CTY., CAL., CODE § 6-1204\(c\)](#) (providing gleaners with proof of ownership for walnuts obtained by gleaning under the permission of the grower).

<sup>87</sup> [MADISON, WISC. ORD. NO. 13-00063](#) (enacted Apr. 25, 2013) (encouraging and creating a permitting process for the planting and harvesting of locally-grown fruits, vegetables, nuts and other edible plant forms on city-owned lands that are publicly accessible). See also: George Washington Carver Edible Park and plans to establish an “edible mile” in one of the city’s new greenways in Asheville, NC (information available at <http://www.ashevillenc.gov/departments/sustainability/portfolio.htm> and <http://notastelikehome.org/articles/carver/>; <http://www.ashevillenc.gov/departments/sustainability/portfolio.htm>).

<sup>88</sup> [PHILADELPHIA, PENN., CODE ch. 19-4100](#) (creating excise tax on distribution of sugar-sweetened beverages); [Boulder, Colo., Ordinance 8130](#) (Sept. 6, 2016) (to be codified at BOULDER, COLO. CODE § 3-16-1) (imposing a two cent-per-ounce excise tax on certain sugar-sweetened beverages).

<sup>89</sup> [S.F. HEALTH CODE § 4203\(A\) \(2017\)](#) (requiring warnings on outdoor advertisements for sugary drinks—currently being challenged in court); [N.Y.C., N.Y., HEALTH CODE § 81.49 \(2017\)](#) (requiring warning labels on menu items with 2300 mg of sodium or more).

<sup>90</sup> [N.Y.C., N.Y., HEALTH CODE § 81.53](#) (setting maximum portion sizes on sugar-sweetened drinks) (repealed after held invalidated for reasons specific to NYC Board of Health authority).

<sup>91</sup> [ANN ARBOR CHARTER TOWNSHIP, MICH., CHARTER § 74-611](#) (allowing commercial kitchens on farms that can be used to “support[] the local agricultural community” without prohibiting shared use); [MONTGOMERY COUNTY, MD., ZONING TEXT AMENDMENT \(ZTA\) 11-08](#) (allowing commercial kitchens in certain county zones); [DOUGLAS CTY., KAN., COMMERCIAL INCUBATOR KITCHEN APPLICATION AND POLICIES](#) (commercial kitchen use policy increases kitchen availability and decreases cost of use); [RIDGEFIELD, WASH., CODE § 8.32.050\(C\)](#) (clarifying that city is not liable for property loss, injuries, or vandalism that might stem from using community kitchen or parking spaces).

<sup>92</sup> [MINNEAPOLIS, MINN., CODE § 186.50 \(2017\)](#) (defining “community kitchens” as “an approved facility licensed as a food manufacturer that may be used by licensed businesses for commercial purpose. A community kitchen may also be an unlicensed kitchen that is used by community members for cooking non-commercial or exempt foods or for cooking classes and/or other related activities.”) See also CITY OF MINNEAPOLIS, MINN., LICENSE APPLICATION FOR COMMUNITY KITCHENS, [http://www.ci.minneapolis.mn.us/www/groups/public/@regservices/documents/webcontent/convert\\_253137.pdf](http://www.ci.minneapolis.mn.us/www/groups/public/@regservices/documents/webcontent/convert_253137.pdf).

<sup>93</sup> [RICHARDSON, TEX., CODE § 12-226\(i\) \(3\)](#) (exempting sellers of vegetables and fruits meant to be peeled and washed by the purchaser from needing to pass a “certified food handler course”).

<sup>94</sup> NAT’L RESOURCE DEFENSE COUNCIL, THE DATING GAME: HOW CONFUSING FOOD DATE LABELS LEAD TO FOOD WASTE IN AMERICA 15 (2013), available at <http://www.chlpi.org/wp-content/uploads/2013/12/dating-game-report.pdf> (referring to Baltimore, Maryland and New York City examples).

<sup>95</sup> [LINDSBORG, KAN., CODE § 2-587](#) (allocating funds to city recycling and composting efforts).

<sup>96</sup> [AUSTIN, TEX., ADMIN. R. SOLID WASTE SERV’S § 7.6](#) (establishing guidelines for curbside pickup of household organic material, which includes “biodegradable plant materials”).

<sup>97</sup> [SAN JOAQUIN CTY., CAL., CODE § 6-1204\(c\)](#) (providing gleaners with proof of ownership for walnuts obtained by gleaning under the permission of the grower).

<sup>98</sup> [MADISON, WISC. ORD. NO. 13-00063](#) (enacted Apr. 25, 2013) (encouraging and creating a permitting process for the planting and harvesting of locally-grown fruits, vegetables, nuts and other edible plant forms on city-owned lands that are publicly accessible). See also: George Washington Carver Edible Park and plans to establish an “edible mile” in one of the city’s new greenways in Asheville, NC (information available at <http://www.ashevillenc.gov/departments/sustainability/portfolio.htm> and <http://notastelikehome.org/articles/carver/>; <http://www.ashevillenc.gov/departments/sustainability/portfolio.htm>).

<sup>99</sup> [WEST BLOOMFIELD, MICH., CODE § 13-92](#) (establishing a curbside pickup program for collection of compostable material).

<sup>100</sup> [HENNEPIN CNTY., MINN., ORDINANCE 15](#) (Nov. 30, 1993).