

LOCAL POLICY TO PROMOTE HEALTHY FOOD ACCESS

A Food Systems Framework



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INTRODUCTION

To help local policymakers, leaders, advocates, researchers, and others understand policy options for communities seeking to increase access to healthy food, the Healthy Food Policy Project (HFPP) developed a framework to show how local law—including legislation, administrative regulations, and executive orders—can promote access to healthy food at various points along the food system. This framework also highlights planning documents such as comprehensive plans and sustainability plans which are often used to guide development and evaluation of local laws and other efforts.

The availability and accessibility of healthy food is largely determined by activities at different stages of the food system which are influenced and shaped by local law such as ordinances, regulations, executive orders, and planning documents. Planning documents may include comprehensive plans, master plans, land use plans, and zoning maps, among others. Because definitions of the food system vary, HFPP developed working definitions of six key food system components (grow, process, distribute, get, make, and surplus/waste management). This framework provides examples of specific laws and policies that fall into each of these categories, acknowledging that many fall within more than one.



Executive Orders at the Local Level

While it may be less common, most mayors can issue executive orders just like state governors or the US president. At the local level, executive orders are “official directives or commands from the Mayor to agencies in the executive branch. These orders generally concern the implementation or enforcement of rules, policies and procedures” and have the force of law.¹ However, not all mayors have the power to issue executive orders. Authority depends on state law, as the federal constitution does not mention local government or its powers.² States may take either a “Home Rule” approach—where municipal governments have authority to legislate unless specifically prohibited by state law—or a “Dillon’s Rule” approach—where municipal governments may not legislate unless specifically allowed by state law.³ Most states blend the two, choosing a different approach for different legal areas or functions.⁴

Mayors’ authority to issue executive orders also depends on the structure of their particular town or city. For example, before 1998, the mayor of Oakland, California, was simply a member of the city council and had no administrative or executive powers. Since the passage of an amendment removing the mayor from the council and granting administrative and executive powers, the mayor is able to issue executive orders, as long as they do not impinge on the authority reserved for the legislative branch of local government (the city council).⁵



For each intersection of food system stage and legal strategy we provide policy examples, including endnotes linking to relevant local laws from real cities and towns. These examples are illustrative and not exhaustive, and some may repeat if they fall into more than one category.⁶

A particular law or policy that works well in one community may not be a good fit for other communities. To be most effective and minimize negative unintended consequences, law and policy tools must be tailored to the community they are meant to serve after seeking and including feedback and input from the community. For more information about policy drafting considerations, see our [Policy Drafting Companion Guide](#). For more information about how to authentically engage residents in the policymaking process, see our resource [Food Access Policy Change Through Authentic Resident Engagement](#).

The UN Food and Agriculture Organization (FAO) defines food systems as “encompass[ing] the entire range of actors and their interlinked value-adding activities involved in the production, aggregation aggregation, processing, distribution, consumption and disposal of food products that originate from agriculture, forestry or fisheries, and parts of the broader economic, societal and natural environments in which they are embedded.”

Food and Agriculture Organization of the United Nations, [Sustainable Food Systems Concept and Framework](#) (2018), 1.

The laws and policies in this document are organized by legal strategy, using the following categories:

- Creates an educational campaign; describes goals and future actions in a comprehensive plan, master plan, or land use plan; provides information or teaches skills.
- Creates a fund or allows a community to access an existing state or federal funding stream.
- Requires something or sets a standard.
- Prohibits or discourages something.
- Creates an incentive for a 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 in a way that supports or promotes access to healthy food.
- Creates an exemption or deregulates something in a way that supports or promotes access to healthy food.

This framework captures many but not all types of local policies that may increase access to healthy food. For example, it does not include operating practices for licensing, inspection, and permitting departments; food procurement goals; and municipal program guidelines and procedures. Although these less formal policies can be important tools to promote healthy food access, they are often more difficult to identify and evaluate.



GROW



The process of growing and harvesting fruits, vegetables, and other forms of food by use of soil, pasture, or hydroponic/aquaponic/aquaculture mediums. This includes raising or keeping animals, including insects, for food production or pollination, whether for personal or commercial purposes, in urban, suburban, or rural areas (e.g., backyards to large farms), as well as fishing and hunting. This category also includes protecting and providing access to resources needed to carry out this process, such as land, seeds, and water.

LEGAL STRATEGY

Creates an educational campaign; describes goals and future actions in a comprehensive plan, master plan, or land use plan; provides information or teaches skills.

Creates a fund or allows a community to access an existing state or federal funding stream.

POLICY EXAMPLES: GROW

Preserve agricultural lands⁷ through language included in comprehensive plans and call for various measures to support local food production and access to healthy food.⁸

Protect agricultural land or support local food production through agricultural erosion control, soil conservation, sustainability,⁹ and other types of plans.¹⁰

Support educational campaigns and programs about local food sourcing, gardening, and related activities.¹¹

Create programs to provide information or resources to promote use of vacant land for community gardens, farms, or other productive uses.¹²

Provide financial support for community gardens or other forms of small-scale, community-based agriculture.¹³

Apply federal or state dollars to remediate brownfield sites and encourage community gardening and urban agriculture.¹⁴

Create a grant fund for local growers to install water taps.¹⁵



LEGAL STRATEGY (continued)

POLICY EXAMPLES: GROW (continued)

<p>Creates an incentive for a change in practice or behavior.</p>	<p>Create a framework for purchase or transfer of development rights to preserve agricultural lands.¹⁶</p> <p>Provide tax credits, exemptions, or other benefits for agricultural producers, including urban farmers, community garden organizers, etc.¹⁷</p> <p>Include a fruit tree option in a tree planting program that provides residents free fruit-producing trees to plant in their yards.¹⁸</p> <p>Provide incentives, including waiving fees and eliminating requirements and restrictions for city-sponsored urban gardening and agriculture programs, to encourage urban agriculture for personal use and for off-site sale.¹⁹</p>
<p>Requires something or sets a standard.</p>	<p>Establish rules or standards for various forms of small-scale, community-based agriculture, including:</p> <ul style="list-style-type: none"> • urban farms and gardens (backyard, community, and market) and related activities,²⁰ and • the keeping of bees, chickens, and other animals,²¹ and aquaculture and aquaponics.²² <p>Preserve agricultural land through zoning.²³</p>
<p>Expressly allows something or creates an exemption.</p>	<p>Make publicly owned or managed lands available for gardens, farms, or farmers markets.²⁴</p> <p>Allow or facilitate small-scale, community-based agriculture (such as community gardens, keeping of chickens and bees, etc.), including accessory structures, in as many places as possible.²⁵</p> <p>Allow additional watering for vegetable gardens beyond what is allowed for general landscape irrigation.²⁶</p> <p>Allow urban farms and community or market gardens within urban areas to engage in for-profit or commercial sales.²⁷</p> <p>Create city-operated farmers markets.²⁸</p> <p>Define activities to obtain or deliver food as “essential activities” during a declared emergency and define businesses involved in food cultivation, distribution, and sale as “essential businesses” that may continue operations during such an emergency.²⁹</p>
<p>Prohibits or discourages something.</p>	<p>Restrict use of neonicotinoid pesticides.³⁰</p> <p>Regulate use of other types of pesticides.³¹</p> <p>Create an urban growth boundary to prohibit urban infringement on farmland.³²</p> <p>Prohibit certain types of development on land within an established agricultural district.³³</p>



PROCESS

The function of turning fresh produce, honey, meat, fish, and other plant- and animal-based 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.

LEGAL STRATEGY

POLICY EXAMPLES: PROCESS

<p>Creates an educational campaign; describes goals and future actions in a comprehensive plan, master plan, or land use plan; provides information or teaches skills.</p>	<p>Raise awareness about using land for small-scale food production or community kitchens.³⁴</p>
<p>Creates an incentive for a change in practice or behavior.</p>	<p>Provide incentives, such as property tax exemptions or rebates to cover water costs, for growers and small businesses who process or sell food on blighted or underutilized land.³⁵</p>
<p>Requires something or sets a standard.</p>	<p>Provide standards for residents to sell homemade or cottage foods that are prepared on site, as well as fresh, raw, and unaltered produce, out of a home.³⁶</p>
<p>Expressly allows something or creates an exemption.</p>	<p>Reduce food safety regulatory barriers to allow using and sampling fresh produce and minimally processed foods at farmers markets and similar outlets.³⁷</p> <p>Establish licensed community kitchens for use by small or new businesses and other commercial entities.³⁸</p> <p>Promote shared use of community kitchens (e.g., kitchens in schools and other community places).³⁹</p> <p>Create zoning categories that distinguish between large- and small-scale food processing, permitting small-scale processing to occur in areas that are not designated for industry or manufacturing.⁴⁰</p>
<p>Prohibits or discourages something.</p>	<p>Prohibit the use of harmful ingredients, such as artificial trans fats.⁴¹</p>



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, and aggregation points such as food hubs). Includes the use of marketing strategies such as labeling, pricing, placement, promotions, “sell-by” and similar dates, and other techniques; and includes decisions about what types of food will be made available to the consumer, such as procurement decisions.

LEGAL STRATEGY

Creates an educational campaign; describes goals and future actions in a comprehensive plan, master plan, or land use plan; provides information or teaches skills.

Creates a fund or allows a community to access an existing state or federal funding stream.

POLICY EXAMPLES: DISTRIBUTE

Include goals in a master plan to promote healthy neighborhoods by encouraging neighborhood convenience stores to carry healthy food such as fresh fruits and vegetables.⁴²

Provide funding for healthy food financing initiatives.⁴³

Create a grant program to support SNAP/EBT payments at farmers markets.⁴⁴



LEGAL STRATEGY (continued)

POLICY EXAMPLES: DISTRIBUTE (continued)

Creates an incentive for a change in practice or behavior.

Provide tax credits, exemptions, or other benefits for organic food retailers.⁴⁵
 Provide a 50 percent discount on farmers market permit fees for organizations accepting SNAP/EBT payments.⁴⁶
 Incentivize stores to carry healthy foods, including a minimum stock of fresh or minimally processed produce and other staple foods.⁴⁷
 Encourage application of nutrition standards to prepared foods sold by mobile food vendors.⁴⁸
 Provide a tax credit for merchants who purchase healthy beverages to sell in their stores.⁴⁹
 Allow land developers to build larger buildings or buildings with more units than the local zoning ordinance permits, on the condition that they also provide a grocery store within the development.⁵⁰
 Invest public money in cooperatively owned grocery stores to support development in underserved areas.⁵¹

Requires something or sets a standard.

Require the procurement of local food.⁵²
 Incentivize stores to carry healthy foods, including a minimum stock of fresh or minimally processed produce and other staple foods.⁵³
 Require certain food retailers to accept federal supplemental nutrition program payments (e.g., SNAP or WIC).⁵⁴
 Require fast food restaurants to be located more than 500 feet from a school.⁵⁵
 Require mobile food truck vendors to obtain an environmental health permit and to comply with regulations related to location, hours of operation, and parking, among others.⁵⁶
 Require disclosure of calorie content or other nutritional information on menus, menu boards, and vending machines.⁵⁷
 Require warnings to be placed on menus for high-sodium foods.⁵⁸

Expressly allows something or creates an exemption.

Facilitate establishment of farmers markets or farm stands.⁵⁹
 Create city-operated farmers markets.⁶⁰
 Facilitate establishment of mobile markets and mobile food shelves.⁶¹
 Permit a mix of uses in proximity, through zoning regulations, allowing food retailers to locate near homes and businesses.⁶²
 Allow for individuals to donate food items in lieu of paying for a parking ticket.⁶³
 Allow incentive products (toys) to be sold only with kids' meals that meet certain nutritional standards.⁶⁴

Prohibits or discourages something.

Prohibit use of restrictive covenants to discourage grocery stores.⁶⁵
 Prohibit sugary drinks being provided as default options in restaurant children's meals.⁶⁶
 Restrict certain types of retail (e.g., dollar stores or fast food chains) through formula zoning in retail districts.⁶⁷
 Use overlay districts (a zoning or planning tool) to require small box discount stores to be physically distanced from each other to support better access to fresh, healthy foods and encourage more retail options.⁶⁸



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, and food shelf or pantry locations. The accessibility of 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.
- The affordability of food, including the application of federal nutrition programs such as SNAP and WIC.

LEGAL STRATEGY

Creates an educational campaign; describes goals and future actions in a comprehensive plan, master plan, or land use plan; provides information or teaches skills.

POLICY EXAMPLES: GET

Require warnings to be placed on menus for high sodium foods.⁶⁹

Include information about locations of healthy food outlets and pedestrian or bicycle access in comprehensive plans, transportation plans, pedestrian master plans, food system plans, and other types of plans.⁷⁰

Repeal local laws that set expiration or sell by dates inconsistent with state laws.⁷¹

Provide education and training related to food preparation and administer WIC, Meals on Wheels, and other food assistance programs.⁷²

Provide information about healthy eating at food service establishments.⁷³



LEGAL STRATEGY (continued)

POLICY EXAMPLES: GET (continued)

Creates a fund or allows a community to access an existing state or federal funding stream.

Provide additional reimbursements for school meals, CACFP snacks and meals, and similar nutrition programs.⁷⁴

Create a program to provide grants and technical assistance to farmers markets for acquiring technology to accept and process SNAP benefits.⁷⁵

Provide funding for healthy food financing initiatives.⁷⁶

Allocate money for emergency food assistance through emergency funds or budget increases.⁷⁷

Allocate grant funds to provide low- to moderate-income school-age children with easy-to-prepare, healthy foods for weekends and extended school breaks.⁷⁸

Creates an incentive for a change in practice or behavior.

Provide a discount on farmers market permit fees for organizations accepting SNAP/EBT payments.⁷⁹

Incentivize stores to carry healthy foods, including a minimum stock of fresh or minimally processed produce and other staple foods.⁸⁰

Grant favorable status to healthy food retail outlets when making decisions about bus stops and other mass transit planning,⁸¹ parking space requirements,⁸² or floor area allowances.⁸³

Requires something or sets a standard.

Require grocery stores, restaurants, and food shelves or pantries to have bicycle parking or be accessible to pedestrians.⁸⁴

Require or encourage procurement of local food.⁸⁵

Require inclusion of culturally relevant foods in institutional food service, stores, food shelves, or other food outlets in a community.⁸⁶

Establish nutrition standards for food served and sold on government property or at government-sponsored events, including in vending machines.⁸⁷ Set nutrition standards for food served to institutional populations (juvenile justice centers, corrections, mental health institutions, etc.).⁸⁸

Establish nutrition standards for food served in childcare, school (beyond United States Department of Agriculture regulations), or out-of-school time settings.⁸⁹

Require access to free, safe drinking water.⁹⁰

Require that customers are offered a healthy default beverage choice in restaurant kids' meals.⁹¹

Require restaurants to offer sugar-free drink or water options for diabetic customers.⁹²

Incentivize stores to carry healthy foods, including a minimum stock of fresh or minimally processed produce and other staple foods.⁹³

Require disclosures of calorie content or other nutritional information on menus, menu boards, and vending machines.⁹⁴

Require warnings to be placed on menus for high sodium foods.⁹⁵

Use overlay districts (a zoning or planning tool) to require small box discount stores to be physically distanced from each other to support better access to fresh, healthy foods and encourage more retail options.⁹⁶

Encourage businesses providing essential services, such as grocery stores, to establish exclusive hours of operation for vulnerable populations during a declared emergency.⁹⁷

Require certain food retailers to accept supplemental nutrition program payments.⁹⁸



LEGAL STRATEGY (continued)

POLICY EXAMPLES: GET (continued)

Expressly allows something or creates an exemption.

Provide bikeable or walkable routes or access to grocery stores, farmers markets, and food shelves.⁹⁹

Provide transit for disabled, elderly, or less mobile individuals to get to grocery stores, farmers markets, and food shelves.¹⁰⁰

Exempt grocery bags from restrictions on carrying food on buses.¹⁰¹

Encourage establishment of farmers markets, farm stands, and farm carts¹⁰² or create city-operated farmers markets.¹⁰³

Facilitate establishment of mobile markets and mobile food shelves.¹⁰⁴

Reduce food safety rule barriers to selling or sampling fresh produce and minimally processed foods.¹⁰⁵

Allow gleaning¹⁰⁶ or the creation of edible parks, forests, or other landscapes.¹⁰⁷

Expressly permit restrictions on the sale and purchase of food by “rationing, issuing quotas, fixing or freezing prices, [or] allocating the use, sale or distribution of food” during a declared emergency.¹⁰⁸

Prohibits or discourages something.

Establish or increase taxes on foods of concern, such as sugary drinks, and allocate revenues to support health and health equity.¹⁰⁹

Restrict container or portion size for foods of concern.¹¹⁰

Establish a moratorium on fast food permits in areas with limited access to healthy food and a high prevalence of diet-related chronic diseases and other health issues.¹¹¹

Prohibit small box discount stores in overlay districts from being sited near each other to support better access to fresh, healthy foods and encourage more retail options.¹¹²

Prohibit price gouging during a declared emergency.¹¹³



MAKE



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

LEGAL STRATEGY

POLICY EXAMPLES: MAKE

Creates an educational campaign; describes goals and future actions in a comprehensive plan, master plan, or land use plan; provides information or teaches skills.

Inform residents about ways to preserve water during cooking.¹¹⁴

Creates an incentive for a change in practice or behavior.

Promote shared use of community kitchens (e.g., kitchens in schools and other community places).¹¹⁵

Requires something or sets a standard.

Establish licensed community kitchens for use by community members.¹¹⁶
Require certain standards for kitchens in rooming houses.¹¹⁷

Expressly allows something or creates an exemption.

Reduce food safety regulatory barriers for offering, selling, or distributing certain kinds of fresh produce.¹¹⁸

Allow organizations like food banks and soup kitchens to accept homemade food to serve at meals or events if they inform consumers that the food has been prepared in a private home that is not licensed or inspected.¹¹⁹

Exempt odors caused by food preparation or cooking from laws prohibiting odors that cause nuisance to city residents.¹²⁰



SURPLUS/WASTE MANAGEMENT

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

LEGAL STRATEGY

POLICY EXAMPLES: SURPLUS/WASTE MANAGEMENT

<p>Creates an educational campaign; describes goals and future actions in a comprehensive plan, master plan, or land use plan; provides information or teaches skills.</p>	<p>Commission a waste characterization study showing the proportion of discarded food and compostable material entering the waste stream.¹²¹</p>
<p>Creates a fund or allows a community to access an existing state or federal funding stream.</p>	<p>Allocate funds for composting and recycling efforts.¹²²</p>
<p>Creates an incentive for a change in practice or behavior.</p>	<p>Establish an organics recycling program that allows participants to receive free compost containers.¹²³ Establish a fee for waste collection and management.¹²⁴</p>
<p>Requires something or sets a standard.</p>	<p>Require food stores that produce a certain amount of excess food to subscribe to a food scraps collection service unless they donate food scraps for animal consumption or compost on-site.¹²⁵ Require all residents to separate recyclables and compostable items from their trash.¹²⁶ Require “edible food generators” to recover and contract to send edible food that would otherwise be discarded to food recovery organizations, such as food banks.¹²⁷ Set standards for composting on private property.¹²⁸ Establish standards for curbside pick-up of food waste.¹²⁹</p>
<p>Expressly allows something or creates an exemption.</p>	<p>Allow gleaning¹³⁰ or the creation of edible parks, forests, or other landscapes.¹³¹ Exempt odors caused by food composting from laws prohibiting odors that cause nuisance to city residents.¹³²</p>

Acknowledgements

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About HFPP



The [Healthy Food Policy Project](#) (HFPP) identifies and elevates local laws that seek to promote access to healthy food while also contributing to strong local economies, an improved environment, and health equity, with a focus on socially disadvantaged and marginalized groups. HFPP is a collaboration of the Center for Agriculture and Food Systems (CAFS) at Vermont Law and Graduate School, the Public Health Law Center (PHLC), and the Rudd Center for Food Policy and Health at the University of Connecticut. This project is funded by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture.

About CAFS



The [Center for Agriculture and Food Systems](#) (CAFS) uses law and policy to build a more sustainable and just food system. With local, regional, national, and international partners, CAFS addresses food system challenges related to food justice, food security, farmland access, farmworkers' rights, animal welfare, worker protections, the environment, and public health, among others. CAFS works closely with its partners to provide legal services that respond to their needs and develop resources that empower the communities they serve. Through CAFS' Food and Agriculture Clinic and Research Assistant program, Vermont Law and Graduate School students work directly on projects alongside partners nationwide, engaging in innovative work that spans the food system. Visit www.vermontlaw.edu/cafs to learn more.

ENDNOTES

- 1 Office of the City Clerk Anna M. Valencia. (n.d.). Executive Orders. City of Chicago. <https://www.chicityclerk.com/legislation-records/journals-and-reports/executive-orders>
- 2 Sheila R. Foster. (n.d.). As COVID-19 Proliferates Mayors Take Response Lead, Sometimes in Conflicts with Their Governors. Georgetown Law. <https://www.law.georgetown.edu/salpal/as-covid-19-proliferates-mayors-take-response-lead-sometimes-in-conflicts-with-their-governors>
- 3 Healthy Food Policy Project. (n.d.). Zoning for Urban Agriculture. <https://healthyfoodpolicyproject.org/key-issues/zoning-for-urban-agriculture>
- 4 Sheila R. Foster. (n.d.). As COVID-19 Proliferates Mayors Take Response Lead, Sometimes in Conflicts with Their Governors. Georgetown Law. <https://www.law.georgetown.edu/salpal/as-covid-19-proliferates-mayors-take-response-lead-sometimes-in-conflicts-with-their-governors>
- 5 Barbara J. Parker. (Oct. 20, 2015). Legal Opinion. City of Oakland Office of the City Attorney. <https://www.oaklandcityattorney.org/PDFS/Legal%20Opinions/OPINION%20Does%20the%20Mayor%20Have%20the%20Authority%20to%20Issue%20Executive%20Orders%2010%2020%2015.pdf>
- 6 We found many of these example laws through the Growing Food Connections Local Government Policy Database. See Growing Food Connection. (n.d.). Research, Education and Planning & Policy. <http://growingfoodconnections.org>
- 7 City of St. Cloud. (2015). Land Use & Development. City of St. Cloud Minnesota. <https://ci.stcloud.mn.us/DocumentCenter/View/10426/2015-Comprehensive-Plan---Chapter-4---Land-Use--Development?bidId=>. (Stating a commitment to discouraging development in the Rural Preservation Area); Lancaster County [Penn.] Planning Commission. Balance: Growth Management Plan. (2006, April). Lancaster County Planning. <https://lancastercountypanning.org/127/Balance-Growth-Management-Plan>. (Establishing four categories of “rural areas within which rural resources, rural character, and a rural way-of-life are to be sustained and development that is incompatible with these uses is to be precluded”).
- 8 See e.g., City of Milwaukee. (2010, March). Citywide Policy Plan. City of Milwaukee Department of City Development. <https://city.milwaukee.gov/ImageLibrary/Groups/cityDCD/planning/plans/Citywide/plan/Citywide.pdf>. (Encouraging the use of city-owned land for community gardens and urban agriculture, among other uses); Seattle Office of Planning & Community Development. (n.d.). Seattle 2035 Comprehensive Plan. Seattle. <http://www.seattle.gov/opcd/ongoing-initiatives/seattle-2035-comprehensive-plan>. (Encouraging the use of open space acquisitions and community garden development).
- 9 See, e.g., Minnesota Board of Water and Soil Resources. (2014, April). Model Ordinance for Agricultural Erosion Control. https://bwsr.state.mn.us/sites/default/files/2018-11/BWSR_model_ordinance_BCmap_updated.pdf. (Model law addressing education of landowners on methods to avoid soil erosion).
- 10 Fargo-Moorhead Metropolitan Council of Governments [N.D. & Minn.]. (2013, October). Metropolitan Food Systems Plan. https://download.fargond.gov/0/metropolitan_food_systems_plan_final_november_2013-1.pdf. (Outlining major components of the local food system and identifying potential policy options to support the production and consumption of locally grown food).

ENDNOTES (CONTINUED)

- 11 Office of the Mayor. (2009, July 9). Executive Directive 09-03: Healthy and Sustainable Food for San Francisco. <http://growingfoodconnections.org/wp-content/uploads/sites/3/1970/01/6-SanFranciscoCA-Healthy-SustainableFoodForSanFranciscoExecutiveDirective09-03-2009.pdf>. (Mayoral executive order establishing a food policy council and directing executive agencies to undertake several activities relating to healthy food access, including: “creat[ing] a Sustainable Food Business Recognition Program to encourage and support locally owned food businesses that incorporate more healthy and sustainable food and business practices . . . [.] 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[ing] funding to support urban agriculture; and generally serv[ing] as an advocate to increase the production of food [in the city]”).
- 12 D.C. Stat. § 48–402 (2015) (establishing an Urban Land Lease Program including a public database that allows qualified applicants to enter into free lease agreements with the District of Columbia to maintain an urban farm on available and suitable vacant land); See generally Cook Cnty., Ill., CODE OF ORDINANCES § 103-1–11 (establishing a Cook Country Land Bank Authority); N.Y.C., N.Y., Loc. L. 48 (2011) (creating a publicly-accessible database of vacant city land).
- 13 NASHVILLE & DAVIDSON CNTY., TENN., CODE OF ORDINANCES § 2.224.030 (making matching funds available for eligible nonprofits to develop, operate, and/or maintain school or community gardens); SAN FRANCISCO, CAL., CHARTER CODE § 16.107 (creating a fund for open space and parks projects, including urban forestry, community gardens, and natural areas management programs).
- 14 U.S. EPA. (2006, August). *Fremont Community Garden: Preserving a Community Garden Takes Root in a Former Brownfield*. <https://nepis.epa.gov/Exe/ZyNET.exe/P1004PVL.TXT?ZyActionD=ZyDocument&Client=EPA&Index=2006+Thru+2010&Docs=&Query=&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C06thru10%5CTxt%5C00000009%5CP1004PVL.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=hpfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x&ZyPURL>.
- 15 H2O to Grow Coalition. (2013). Request for Applications. Growing Food Connections. <http://growingfoodconnections.org/wp-content/uploads/sites/3/2018/05/H2O-to-Grow-Grant-Application-Materials.pdf>.
- 16 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).

ENDNOTES (CONTINUED)

- 17 WINSLOW, ME., ORDINANCE NO. 3-2016 (adopted 2016) (offering financial support to farmers in exchange for 20-year agricultural conservation easements); CABARRUS CNTY., N.C., CODE OF ORDINANCES §§ 32-1 et seq. (providing certain funding preferences and zoning exemptions to farmers); LAUDERHILL, FLA., LAND DEV. REGS. §§ 5.14–5.14.3(D) (establishing zoning and other regulations for community gardens, and expressly exempting them from business license tax); LOS ANGELES CNTY., CAL., CODE § 2.52.3400 et seq. (implementing the Urban Agriculture Incentive Zone (UAIZ) Program, which allows landowners in urban areas to receive reduced tax assessments for putting land towards an agricultural use. Any agricultural use that is allowed or conditionally allowed under state or local law can qualify. Lots may be up to 3 acres in size. Law caps cumulative loss in real property tax revenue over the life of the program at three million dollars); PRINCE GEORGE'S CNTY., MD., CODE § 10-235.22-.25 (establishing a property tax credit of up to \$5,000 against the County portion of property tax on certain urban agricultural properties); N.Y.C., N.Y., RES. NO. 1323-2012 (2012) (excluding greenhouses on residential rooftops from maximum height restrictions).
- 18 SEATTLE, WASH., SEATTLE FOOD ACTION PLAN, RESOLUTION NO. 31441 (2012) (allowing for a fruit tree option in a tree replanting program).
- 19 PITTSBURGH, PA., RESOLUTION NO. 2020-0298 (2020) (waiving and eliminating certain fees, requirements, and restrictions for city-sponsored urban gardening and agriculture programs as part of a recovery response to the COVID-19 pandemic); LONG BEACH, CAL., MUNICIPAL CODE § 8.77 (creating an urban agriculture incentive zone program that confers a reduced property tax assessment for owners of participating vacant or unimproved properties); WASHINGTON, D.C., CODE § 48–402.1 (establishing an Urban Land Lease Program that allows qualified applicants to enter into free lease agreements with the District of Columbia to maintain an urban farm on available and suitable vacant land).
- 20 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”); 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”).
- 21 EVANSTON, ILL., CODE § 9-4-19 (providing for licensing and regulations for beekeeping); CLEVELAND, OHIO, CODE § 205.04 (establishing licensing process for keeping of small farm animals (e.g., chickens, ducks, rabbits) and bees); CLEVELAND, OHIO, CODE § 347.02 (zoning code provisions allowing and regulating beehives and small farm animals); ATHENS-CLARKE CNTY., GA., § 9-15-25 (regulating the keeping of chickens; allows chickens to be kept in all zones for noncommercial purposes); FARGO, N.D., CODE OF ORDINANCES §§ 12-0306–15 (providing permitting requirements for keeping of up to four female chickens; standards for chicken coops and runs as accessory structures; and sanitation, confinement, and noise requirements for chicken-keeping); LONG BEACH, CAL., MUNICIPAL CODE ch. 26.20 (allowing for and regulate the keeping of non-crowing fowl, goats, and rabbits).
- 22 PLYMOUTH, MASS., AQUACULTURE REGULATIONS (providing for licensing of both publicly and privately owned coastal property for shellfish aquaculture); MINNEAPOLIS, MINN., CODE § 537.110 (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); For more examples, see the Sustainable Development Code’s brief on Aquaponics, Hydroponics, and Aquaculture. Sustainable Development Code. (n.d.). *Chapter 6.2: Food Security and Sovereignty*. <https://sustainablecitycode.org/brief/aquaponics-hydroponics-and-aquaculture/>.

ENDNOTES (CONTINUED)

- 23 [CALVERT CNTY., MD., ZONING DISTRICTS & MAPS ART. 2](#) (using a “Farm and Forest District” as one of the County’s primary zoning districts to preserve land, encourage farming); [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).
- 24 [SAN FRANCISCO, 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. CODE § 48-402 \(repealed 2017\)](#) (supporting the use of vacant properties for community gardens); See generally [N.Y.C., N.Y., LOCAL LAW 48 \(2011\)](#) (creating a publicly-accessible database of vacant city land); City of Decatur. (n.d.). [Responsibilities and Guidelines for Community Gardens on City-Owned Property](#). (Setting forth rules and guidelines for those interested in city community gardening); [San Francisco, Cal., Community Garden Policies \(2004\)](#) (setting forth policies for those interested in community gardening).
- 25 [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”); [BALTIMORE, MD., ORDINANCE NO. 13-93](#) (exempting hoop houses from a certain permitting requirement); [DETROIT, MICH., ZONING ORDINANCE ART. XII, DIV. 2 \(2016\)](#) (charting types of permitted uses by zoning district, showing greenhouses, hoop houses, 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 2017) (allowing keeping of chickens by residents in townhouses and single-family homes with a limited agricultural use permit); [LOUISVILLE-JEFFERSON CNTY., KY., LAND DEV. CODE §§ 4.3.17-18](#) (allowing community and market gardens in certain zones); [MINNEAPOLIS, MINN., CODE § 63.100](#) (allowing keeping of honeybees with a permit, including educational, neighbor notification, and other requirements); [LAWRENCE, KAN., CODE § 3-104](#) (allowing city residents to keep, birds not protected under state/federal law, such as chickens, and other farm animals, under specific conditions); [EAST WENATCHEE, WASH., ORDINANCE NO. 2013-03 \(2013\)](#) (allowing some forms of animal-keeping in certain residential zones); [CLEVELAND, OHIO, CODE §§ 336.01 et seq.](#) (establishing an urban garden district dedicated to community and market gardens).
- 26 [MERCED, CAL., CODE OF ORDINANCES ch. 15.44](#) (addressing an ongoing water shortage emergency, sets forth specific watering restrictions for “noncommercial vegetable gardening,” and thereby allows for additional watering for that use beyond what is allowed for general landscape irrigation in chapter 15.44).
- 27 [BOSTON, MASS., REDEVELOPMENT CODE § 89-2](#) (including “for profit” operations in the definition of urban farms); [SEATTLE, WASH., ORDINANCE NO. 123378 \(2010\)](#) (permitting urban farms up to 4,000 square feet “as an accessory use to any principle use”); [DETROIT, MICH., ZONING ORDINANCE § 61-16-191 \(2016\)](#) (defining “urban farm” and “urban garden” and not excluding for-profit entities from qualifying); [LOUISVILLE-JEFFERSON COUNTY, KY., LAND DEVELOPMENT CODE § 1.2-28](#) (defining “market gardens” to expressly include growing of produce for for-profit sales).

ENDNOTES (CONTINUED)

- 28 [ROYAL OAK, MICH., CODE § 441](#) (establishing a public market for sale of farm products).
- 29 [GEARY CNTY., KAN., EMERGENCY ORDER OF LOCAL HEALTH OFFICER §§ 1\(b\)\(ii\)–1\(c\)](#) (2020) (defining “essential activities” that may continue during the County’s stay-at-home order to include activities to obtain or deliver fresh fruits and vegetables, meat, fish, and poultry and defining “essential businesses” that may continue operating during the period to include, e.g., produce stands, establishments engaged in the retail sale of fresh food, and food cultivation businesses, such as farming livestock and fishing) ; [SAN ANTONIO, TEX., EMERGENCY ORDER #5, EXHIBIT 1 §2\(b\)\(vii\)](#) (2020) (defining “Exempted Businesses” that may continue operating amid other ordered business closures to include “farmers’ markets”).
- 30 [MONTGOMERY CNTY., MD., BILL 52-14](#) (2015) (prohibiting the application of neonicotinoids on County-owned property and limiting neonicotinoid use on private property).
- 31 [STAMFORD, CT. ORDINANCE NO. 1279](#) (2021) (prohibiting the use and application of non-organic substances on city-owned properties); see also Beyond Pesticides. (2022, July 5). *Map of U.S. Pesticide Reform Policies*. <https://www.google.com/maps/d/u/0/viewer?mid=1VLpVWvifO2JOrgxf1-d1DLyDruE&ll=40.69830225794043%2C-77.51368496901455&z=6>. (mapping local pesticide policies that protect people, pollinators and the wider environment).
- 32 [PORTLAND, OR., URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN CH. 3.07](#) (restricting certain land uses outside of urbanized areas within the Greater Portland region for the purposes of natural and agricultural preservation).
- 33 [FAIRFAX COUNTY, VA., CODE OF ORDINANCES § F-15](#) (establishing, providing use standards for, and defining the location of the Potomac Vegetable Farm Local Agricultural and Forestal District. Among other things, it prohibits land within the district from certain development to preserve agricultural use).
- 34 [SAN FRANCISCO, CAL., EXEC. DIRECTIVE NO. 09-03](#) (2009) (establishing a food policy council, through mayoral executive order, and directing executive agencies to undertake several activities relating to healthy food access, including: “create[ing] a Sustainable Food Business Recognition Program to encourage and support locally owned food businesses that incorporate more healthy and sustainable food and business practices . . . [.] 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[ing] funding to support urban agriculture; and generally serv[ing] as an advocate to increase the production of food [in the city]”).
- 35 [KANSAS CITY, MO., CODE § 74-201 et seq.](#) (establishing a process for creating Urban Agricultural Zones (UAZs) for agriculturally-related activities on blighted land, including the processing of produce for human consumption, and specifies that portions of real property used as a UAZ will be exempt from property tax for a period to-be-designated by the city council, of up to 25 years).
- 36 [BOULDER, COLO., CODE § 6-17-2](#) (allowing residents to sell cottage foods and produce out of their homes).
- 37 [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”).

ENDNOTES (CONTINUED)

- 38 [MINNEAPOLIS, MINN., CODE § 186.50](#) (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.”).
- 39 [ANN ARBOR CHARTER TOWNSHIP, MICH., CODE OF ORDINANCES § 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 11-08](#) (allowing commercial kitchens in certain county zones); [DOUGLAS CNTY., KAN., COMMERCIAL INCUBATOR KITCHEN APPLICATION AND POLICIES \(2013\)](#) (creating a commercial kitchen use policy, increasing kitchen availability, and decreasing cost of use); [RIDGEFIELD, WASH., CODE § 8.32.050\(c\)](#) (clarifying that the city is not liable for property loss, injuries, or vandalism that might stem from using community kitchen or parking spaces).
- 40 [SALT LAKE CITY, UTAH, ORDINANCE NO. 47](#) (2017) (amending various sections of Title 21A of the Salt Lake City Code allowing “artisan food production” in areas of 2,500 square feet or less).
- 41 [CLEVELAND, OHIO, CODE § 241.42](#) (prohibiting use of artificial trans-fat in foods served in food shops). After this law was passed, the FDA revoked the “generally recognized as safe” status for artificial trans-fat, requiring them to be phased out from foods. See U.S. FDA, (2018, May 18). *Trans Fat*. <https://www.fda.gov/food/food-additives-petitions/trans-fat>.
- 42 City of Watsonville, Cal. (2012, June). *3.0 Land Use and Community Development*. <https://www.cityofwatsonville.org/DocumentCenter/View/139/03-Land-Use---June-2012-PDF>. (Stating that under Policy 3.5.2 the city Master plan includes goals and implementation language to “condition neighborhood markets (convenience stores) at the time of development review to incorporate the sale of fresh fruits and vegetables”).
- 43 See, e.g., City of New Orleans. (2016, September 12). *Fresh Food Retailer Initiative*. <https://www.nola.gov/economic-development/business-services/programs-initiatives/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 Hope Credit Union Enterprise Corporation. (n.d.). New Orleans Fresh Food Retailer Initiative. <https://hopecu.org/community-development/healthy-food-financing/nola-fresh/>.
- 44 [PRINCE GEORGE’S CNTY, MD., 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).
- 45 Commission of the City of Marquette, Mich. (2014, February 10). *Application for a Commercial Rehabilitation Exemption Certificate*. <http://growingfoodconnections.org/wp-content/uploads/sites/3/1970/01/44-MarquetteMI-CoOpResolution210-14-2014.pdf>. (Granting an organic food co-op a “Commercial Rehabilitation Exemption Certificate,” which provided the co-op with a tax break).
- 46 [MIAMI, FLA., CODE § 62-622\(f\)](#) (noting how organizations that accept EBT or SNAP payments receive a 50% discount on their temporary farmers’ market permit fee).

ENDNOTES (CONTINUED)

- 47 Marc Castagnola & Amy L. Harbin. (2014, August. 20). *Approval of Administrative Policy #29*. http://baldwinpark.granicus.com/MetaViewer.php?view_id=10&clip_id=2051&meta_id=212112. (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 (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).
- 48 SOMERVILLE, MASS., CODE § 8-366(e) (encouraging mobile food vendors to make one-quarter of their food items healthy choice meal options as defined by the health and human services department (or one of their desserts/sweets healthy if they only offer sweets).
- 49 PHILADELPHIA, PENN., CODE § 19-2604(16) (current through Dec. 1, 2021) (providing a tax incentive for merchants who sell beverages without added sweeteners).
- 50 N.Y.C., N.Y., ZONING RESOLUTION §§ 63-00 et seq. (2009) (offering zoning and financial incentives for including grocery stores in proposed developments).
- 51 GUILFORD CNTY, N.C., FISCAL YEAR 2017-2018 ADOPTED BUDGET (JULY 1, 2016) (appropriating \$25,000 in county funds for the Renaissance Co-Op, a cooperatively owned grocery store in Greensboro, NC, which opened on previously vacant land in an underserved area).
- 52 SAN FRANCISCO, CAL., EXEC. DIRECTIVE NO. 09-03(4)(M) (July 9, 2009) (requiring the Department of the Environment to develop a local food purchase preference policy); CLEVELAND, OHIO, RESOLUTION NO. 1564-08 (pledging to purchase 10% of food for city contracts from within a 150 mile radius); D.C. CODE § 38-821.01 (creating funding to reimburse schools when at least one component of a reimbursable breakfast or lunch meal is comprised entirely of locally grown and unprocessed foods); CITY OF BOSTON, MASS., CODE § CBC 4-8 4 (2019) (requiring city departments to meet new procurement standards based on the Center for Good Food Purchasing's values-based framework that includes supporting local economies, environmental sustainability, valued workforce, animal welfare, and nutrition. See also Healthy Food Policy Project. (n.d.). Case Studies: Boston, MA. <https://healthyfoodpolicyproject.org/case-studies/boston-ma.>).
- 53 MINNEAPOLIS, MINN., CODE §§ 203.05 et seq. (requiring grocery stores, and accessory use grocery stores that accept supplemental nutrition program payments, to meet minimum staple food stocking requirements as part of licensing); PASSAIC, NJ, CODE Ch. 162 (requiring grocery stores to stock certain types of staple foods (including milk, fresh produce, proteins, whole grain foods) at minimum levels as part of licensing); HARTFORD, CONN., ZONING REGULATIONS §§ 3.3.4.E-F (requiring convenience stores to dedicate at least five percent of their net floor area to each of five food categories, including fresh fruits and vegetables; whole grains; dairy products (excluding ice cream) and eggs; and canned or dried goods, without added fats, oils, meats, or seasoning as part of zoning requirements).
- 54 L.A. CNTY., CAL., CODE § 22.44.1522(F) (requiring farmers' markets to accept SNAP and WIC as a condition of licensing); S.F., CAL., ORDINANCE NO. 29-07 (requiring vendors at farmers' markets to accept SNAP/EBT); WASHINGTON, D.C., CODE §§ 2-1212.22-2-1212.32 (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).

ENDNOTES (CONTINUED)

- 55 [DETROIT, MICH., ORDINANCE § 92.0379A\(i\)](#) (1978) (prohibiting fast food restaurants within 500 feet of a school).
- 56 [RIVERSIDE CNTY., CAL., CODE OF ORDINANCES ch. 5.76](#) (describing mobile food truck regulations and includes the benefits of mobile foods businesses, such as “provid[ing] important entrepreneurship and economic development opportunities to low-income and immigrant communities,” and “increas[ing] access to culturally significant food”).
- 57 [WESTCHESTER CNTY., N.Y., CODE § 533.03](#) (requiring disclosure statements of calories and nutritional value for “standard menu item[s]” at “chain food service establishments”); [PHILA., PA., CODE § 6-308](#) (requiring disclosure of nutritional information by chain restaurants; provides standards for what information must be disclosed and how).
- 58 [N.Y.C., N.Y., Health Code § 81.49](#) (requiring warning label/icon on chain restaurant menus for items with 2300 mg of sodium or more); [Phila., Pa., Code § 6-310](#) (providing a similar policy at the New York City Health Code featured above).
- 59 [Pomona, Cal., Code § 50-414](#) (granting a license tax exemption for operators of farmers’ markets that grow all their own produce); [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 Cnty., Fla., Land Dev. Code §§ 34-3021–48](#) (granting seasonal farmers’ markets in locations that primarily serve another purpose, such as a church or school parking lot); [Portland, Or., Ordinance No. 185412](#) (reclassifying regulation of sales as “Retail Sales and Service” to ease restrictions on farmers’ markets).
- 60 [Royal Oak, Mich., Code § 441](#) (establishing a public market for sale of farm products).
- 61 [Cleveland, Ohio, Ordinance No. 210-11](#) (pertaining to mobile food truck permits); (2009) (giving preferences to mobile vendors that sell healthy food); [Minneapolis, Minn., Code § 295.10](#) (allowing for mobile food stores that are required to sell fresh fruits and vegetables).
- 62 City of Lincoln, Nebraska. (n.d.). *Lincoln/Lancaster County 2050 Comprehensive Plan*. <https://www.lincoln.ne.gov/City/Departments/Planning-Department/Long-Range-Planning/Comprehensive-Plan>. (Recommending “Mixed-Use Redevelopment” for parts of the city to enhance the accessibility of residents to services such as grocery stores and supermarkets).
- 63 [Las Vegas, Nev., Code § 11.10.150](#) (allowing food donations in lieu of a paying for a parking ticket).
- 64 [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).
- 65 [Chi., Ill., Code § 17-1-1004](#) (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).

ENDNOTES (CONTINUED)

- 66 Louisville-Jefferson Cnty., [Louisville Metro Code §§ 118.08–.09](#) (requiring children’s meals in food service establishments to offer at least one healthy side option and a healthy beverage as default options). The Center for Science in the Public Interest tracks these types of policies. Center for Science in the Public Interest. (n.d.). Chart: State and local restaurant kids’ meal policies. <https://www.cspinet.org/resource/chart-state-and-local-restaurant-kids-meal-policies-2022>. (Showing the Center for Science in the Public Interest tracking document).
- 67 [Jersey City, N.J., Ordinance No. 15.052](#) (amending the local land development ordinance to provide for a “formula business” to retain local character and promote infill of local retailers).
- 68 [Birmingham, Ala., Zoning Ordinance](#) Title I, Ch. 8, Art. V; [Tulsa, Okla. Zoning Code](#) § 20.060 et seq. (creating Healthy Neighborhoods Overlay regulations).
- 69 [N.Y.C., N.Y., Health Code § 81.49](#) (requiring warning label/icon on chain restaurant menus for items with 2300 mg of sodium or more); [Phila., Pa., Code § 6-310](#) (providing a similar policy as the New York Health Code cited to above).
- 70 [S.F., Cal., Standards for the Transportation Demand Management Program](#) 9 (Feb. 17, 2017) (formally adopted by [San Francisco, Cal., Ordinance No. 34-17](#) (Feb. 17, 2017) (allowing 2 points in land use category for healthy food retail in underserved areas); Siler City, N.C., [Siler City, N.C. Pedestrian Master Plan](#) (2013) (including information about locations and walkability of healthy food retailers in the city (stores, farmers’ markets)); Southeastern Pennsylvania Transit Authority. (n.d.). *Sustainability*. <https://planning.septa.org/sustainability/>. (showing the long-term plan for the transit authority describing an initiative to work with the City of Philadelphia to address areas where healthy food access is lacking and set up farmers’ markets at local stations); Roanoke Valley Transportation Planning Organization. (2016, September 22). *Roanoke Valley Transit Vision Plan*. <https://rvarc.org/wp-content/uploads/2016/09/TVP-PART-1-FINAL-9-22-16.pdf>. (Including access to services such as “healthy food” as a goal).
- 71 National Resource Defense Council. (2013, September). *The Dating Game: How Confusing Food Date Labels Lead to Food Waste in America*. NRDC Report. <https://chlp.org/wp-content/uploads/2013/12/dating-game-report.pdf>. (Referring to Baltimore, Maryland and New York City examples).
- 72 [Jersey City, N.J., Code § 3-107.3](#) (establishing the “Division of Food and Nutrition” within the city’s department of Human Services to provide training related to food preparation and administration of the WIC program and Meals on Wheels).
- 73 [N.Y.C., N.Y., Admin. Code § 17-1507](#) (requiring food service establishments that sell food for on-site consumption to conspicuously display within the establishment specific information about healthy eating for all consumers, including, but not specific to, individuals with diet-related conditions such as diabetes, heart disease and hypertension).
- 74 Washington, D.C., [Code § 38-282\(C\)\(1\)–\(D\)\(2\)](#) (providing \$0.10 supplemental reimbursement for each eligible CACFP breakfast, lunch, and supper, and an additional \$0.05 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).
- 75 [Prince George’s Cnty., Md., Code §§ 12-116–121](#).

ENDNOTES (CONTINUED)

- 76 See, e.g., City of New Orleans, Fresh Food Retailer Initiative (Sept. 12, 2016) (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 Hope Credit Union Enterprise Corporation. (n.d.). *New Orleans Fresh Food Retailer Initiative*. <https://hopecu.org/community-development/healthy-food-financing/nola-fresh/>.
- 77 Columbus, Ohio, Ordinance 0738-2020 (2020) (creating a \$1 million emergency human services fund for families needing help with food and housing costs because of the coronavirus pandemic); Louisville Metro Government, Ordinance No. 046-2020 (2020) (amending Ordinance No. 044-2020) (allowing the local government to provide either advance funding or reimbursement to eligible “External Agency Funding Non-Profits” to the extent demand and need at those entities exceeds approved operating budgets due to COVID-19 relief efforts).
- 78 Cumberland Cnty., Me. (2016); see Good Shepherd Food Bank of Maine. (2015). Backpack Program School Heroes Opportunities. <http://growingfoodconnections.org/gfc-policy/backpack-food-distribution-program-cumberland-county-maine/>.
- 79 Miami, Fla., Code § 62-622(f) (noting how organizations that accept EBT or SNAP payments receive a 50% discount on their temporary farmers’ market permit fee).
- 80 Baldwin Park, Cal., Staff Report, Approval of Administrative Policy #29 Entitled, “Healthy Corner Store Policy” (Aug. 20, 2014) (institutionalizing the city’s voluntary healthy corner store conversion program which includes incentives for stores to voluntarily meet tiered standards); S.F., Cal. Admin. Code § 59.1-.9 (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., 3.0 Land Use and Community Development 3-46 (2013) (stating that under Policy 3.5.2 the city will “condition neighborhood markets (convenience stores) at the time of development review to incorporate the sale of fresh fruits and vegetables).
- 81 S.F., Cal., Standards for the Transportation Demand Management Program 13 (Feb. 17, 2017) (formally adopted by San Francisco, Cal., Ordinance No. 34-17 (Feb. 17, 2017) (allowing 2 points in land use category for healthy food retail in underserved areas); see San Francisco Planning. (2021, March). *Transportation Demand Management Program*. <https://sfplanning.org/transportation-demand-management-program>. (Providing more information about San Francisco’s plan).
- 82 L.A., Cal., Municipal Code § 12.21(A)(4) (noting how under certain conditions “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”).
- 83 Birmingham, Ala., Zoning Ordinance Title I, Ch. 4, art. II, § 5 (V) (allowing larger floor allowance); Birmingham, Ala., Zoning Ordinance Title I, Ch. 8, art. V (creating Healthy Food Overlay District regulations).
- 84 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)).

ENDNOTES (CONTINUED)

- 85 [S.F., Cal., Exec. Directive No. 09-03\(4\)\(m\)](#) (2009) (requiring the Department of the Environment to develop a local food purchase preference policy); [Cleveland, Ohio, Resolution No. 1564-08](#) (pledging to purchase 10% of food for city contracts from within a 150 mile radius); [Washington D.C. Code § 38-821.01](#) (creating funding to reimburse schools when at least one component of a reimbursable breakfast or lunch meal is comprised entirely of locally grown and unprocessed foods); [City of Boston, Mass., Code § CBC 4-8 4](#) (2019) (requiring city departments to meet new procurement standards based on the Center for Good Food Purchasing’s values-based framework that includes supporting local economies, environmental sustainability, valued workforce, animal welfare, and nutrition. See also Healthy Food Policy Project. (n.d.). Case Studies: Boston, MA. <https://healthyfoodpolicyproject.org/case-studies/boston-ma.>).
- 86 See, e.g., [S.F., Cal., Exec. Directive No. 09-03, at 1](#) (2009) (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”).
- 87 [Doral, Fla., Code § 2-452](#) (requiring that food procured for city events and facilities meet certain nutritional standards); [S.F., Cal., Ordinance No. 91.16](#) (providing nutritional and calorie labeling requirements for vending machines on city-owned property); [Howard Cnty., Md., Code §§ 12.1801–.1807](#) (setting nutritional standards for food and drinks sold on County vending machines); [N.Y.C., N.Y., Exec. 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); [Seattle, Wash., Ordinance No. 124128](#) (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).
- 88 [N.Y.C., N.Y., Exec. 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. (n.d.). Local Food Procurement. <https://www1.nyc.gov/site/foodpolicy/governance-initiatives/local-food-procurement.page>.
- 89 [Broward Cnty., Fla., Code § 77-7.01](#) (setting nutritional standards for foods served in childcare settings).
- 90 [Fulton Cnty., Ga., Code § 34-112\(b\)](#) (requiring special event organizers operating under certain conditions to provide free drinking water).
- 91 [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](#).
- 92 [Baton Rouge, East Baton Rouge Parish, La., Code § 6:56](#).
- 93 [Minneapolis, Minn., Code §§ 203.05 et seq.](#) (requiring grocery stores, and accessory use grocery stores that accept supplemental nutrition program payments, to meet minimum staple food stocking requirements); [Passaic, N.J., Code Ch. 162](#) (requiring grocery stores to stock certain types of staple foods (including milk, fresh produce, proteins, whole grain foods) at minimum levels).

ENDNOTES (CONTINUED)

- 94 [Westchester Cnty., N.Y., Code § 533.03](#) (requiring disclosure statements of calories and nutritional value for “standard menu item[s]” at “chain food service establishments”); [Phila., Pa., Code § 6-308](#) (2016) (showing a similar policy as the Westchester County code).
- 95 [N.Y.C., N.Y., Health Code § 81.49](#) (requiring warning label/icon on chain restaurant menus for items with 2300 mg of sodium or more); [Phila., Pa., Code § 6-310](#) (showing a similar policy as the New York Health Code cited above).
- 96 [Birmingham, Ala., Zoning Ordinance](#) Title I, Ch. 8, art. V (creating Healthy Food Overlay District regulations); [Tulsa, Okla. Zoning Code § 20.060 et seq.](#) (creating Healthy Neighborhoods Overlay regulations).
- 97 [Nashville, Tenn., Health Director Order 3: Safer at Home \(Amended and Restated\)](#), Sec. 6 (Apr. 1, 2020) (requiring essential services, including grocery stores to “make best efforts to establish hours of operations during which their services are available only to senior citizens or otherwise vulnerable populations”).
- 98 [Washington, D.C., Code §§ 2-1212.22–.32](#) (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).
- 99 [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)); [Minneapolis, Minn., Code §§ 541.200–.220](#) (decreasing automobile parking requirements if facility is near a transit stop or offers additional bicycle parking); [L.A., Cal., Municipal Code § 12.21\(A\)\(4\)](#) (noting how in certain conditions “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”).
- 100 Eva Ringstrom & Branden Born. (2011, December). *Food Access Policy and Planning Guide*. <http://www.nyc.gov/html/ddc/downloads/pdf/ActiveDesignWebinar/King%20County%20Food%20Access%20Guide.pdf>. (Providing several examples of cities that use paratransit and other systems to provide grocery store access).
- 101 [Maui Cnty., Haw., Code § 11.04.010\(A\)\(1\)](#) (prohibiting food or beverage packages not well sealed except for grocery bags).
- 102 [Pomona, Cal., Code § 50-414](#) (granting a license tax exemption for operators of farmers’ markets that grow all their own produce); [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 Cnty., Fla., Land Dev. Code §§ 34-3021–48](#) (granting seasonal farmers’ markets in locations that primarily serve another purpose, such as a church or school parking lot); [Portland, Or., Ordinance No. 185412](#) (reclassifying regulation of sales as “Retail Sales and Service” to ease restrictions on farmers’ markets).
- 103 [Royal Oak, Mich., Code § 441](#) (establishing a public market for sale of farm products).
- 104 [Minneapolis, Minn., Code § 295.10](#) (allowing for mobile food stores that are required to sell fresh fruits and vegetables); [Cleveland, Ohio, Ordinance No. 210-11](#) (creating Mobile Food Truck Permits); [San Francisco, Cal., Exec. Directive No. 09-03 \(July 9, 2009\)](#) (giving preferences to mobile vendors that sell healthy food).

ENDNOTES (CONTINUED)

- 105 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”).
- 106 San Joaquin Cnty., Cal., Code § 6-1204(c) (providing gleaners with proof of ownership for walnuts obtained by gleaning under the permission of the grower).
- 107 Madison, Wisc., Ordinance 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 Alan Muskat. (n.d.). *Carver Edible Park*. <http://www.alanmuskat.com/articles-2/carver/>. (noting plans to establish an “edible mile” along the French Broad River West Bank greenway in Asheville, N.C.).
- 108 Champaign, Ill., Code § 12-39(7) (granting authority to the mayor to restrict the sale and purchase of food “rationing, issuing quotas, fixing or freezing prices, [or] allocating the use, sale or distribution of food”).
- 109 Phila., Pa., Code §§ 19-4100 et seq. (creating excise tax on distribution of sweetened drinks); Boulder, Colo., Code §§ 3-16-1 et seq. (imposing a two cent-per-ounce excise tax on certain sugary drinks). Healthy Food America. (n.d.). *Compare Tax Policies*. https://www.healthyfoodamerica.org/compare_tax_policies. (providing more information about sugary drink tax policies).
- 110 N.Y.C., N.Y., Health Code § 81.53 (setting maximum portion sizes on sugary drinks) (repealed after held invalidated for reasons specific to NYC Board of Health authority).
- 111 L.A., Cal., Ordinance No. 180103 (2008) (establishing a one-year moratorium on permits for new fast-food restaurants in an area experiencing a high rate of obesity and health related issues).
- 112 Pomona, Cal., Code § 50-414 (granting a license tax exemption for operators of farmers’ markets that grow all their own produce); San Francisco, 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 Cnty., Fla., Land Dev. 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., Ordinance No. 185412 (reclassifying regulation of sales as “Retail Sales and Service” to ease restrictions on farmers’ markets).
- 113 Thousand Oaks, Cal., Code § 5-19.05 (limiting price increases on “food,” “drink,” or “emergency services” to not greater than ten percent more than the price charged immediately prior to the proclamation of an emergency or disaster, unless the increase is directly attributable to additional labor, supplier, or material costs); Tarrant Cnty., Texas, Exec. Order of County Judge B. Glen Whitney, item 14(a), (b) (Mar. 27, 2020) (prohibiting the sale of certain goods and services, including, e.g., groceries and restaurant, cafeteria, and boarding-house meals for more than the price the person charged for the goods or services prior to the public health emergency “except where an increased retail price is the result of increased supplier or other costs”).
- 114 Bridge Cnty., Tex., Code § 6-43 (informing residents of ways to reduce water use while cooking).

ENDNOTES (CONTINUED)

- 115 [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 Cnty., Md., Zoning Text Amendment 11-08](#) (2012) (allowing commercial kitchens in certain county zones); [Douglas Cnty., Kan., Commercial Incubator Kitchen Application and Policies](#) (2013) (noting 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).
- 116 [Minneapolis, Minn., Code § 186.50](#) (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 [Minneapolis, Minn., License Application for Community Kitchens](#) (Aug. 2020).
- 117 [New Haven, Conn., Code §§ 411-413](#) (setting standards for communal kitchens in rooming houses).
- 118 [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”).
- 119 [Greensburg, Pa., Code § 127-9\(l\)\(2\)](#) (exempting non-profits from food licensing requirements and allows them to accept homemade foods for events provided they provide a disclosure near the food).
- 120 [Warren, Mich., Code of Ordinances § 21-94](#) (exempting odors caused by -cooking or preparing food from law prohibiting odors that cause nuisance to city residents).
- 121 [Palo Alto, Cal., 2017 Waste Characterization Study](#) (2018) (exploring the proportion of differing categories of waste in the municipal landfill, including edible food).
- 122 [Lindsborg, Kan., Code § 2-587](#) (allocating funds to city recycling and composting efforts).
- 123 [Wichita Falls, Tex., Code § 90-66](#) (allowing participants of the city’s recycling program to receive free compost containers).
- 124 [Hennepin Cnty., Minn., Ordinance 15](#) (establishing a fee for waste collection and management).
- 125 [Fort Collins, Colo., Code § 12-23](#) (requiring food stores that accumulate a certain amount of excess food to subscribe to a food scraps collection service, unless they donate it or compost it on-site).
- 126 [S.F., Cal., Ordinance No. 100-09](#) (2009) (requiring all residents to separate compost and recycling from trash).
- 127 [Manhattan Beach, Cal., Code of Ordinances § 5.25.050](#) (noting how this law is an example of one of numerous laws enacted by California municipalities to implement state-law requirements (pursuant to S.B. 1383, ch. 395 (Cal. 2016) for “commercial edible food generators” to recover and contract to send edible food that would otherwise be disposed of to food recovery organizations. The law explicitly recognizes liability protections provided by the California Good Samaritan Food Donation Act of 2017 and the Federal Good Samaritan Act. Inspection and enforcement details for the law are found in sections 5.25.120-.130)

ENDNOTES (CONTINUED)

- 128 Ferguson, Mo., Code of Ordinances § 37-6; Falls Church, Va., Code of Ordinances § 34-7; Coon Rapids, Minn., Code of Ordinances § 8-1600.
- 129 Austin, Tex., Admin. R. Solid Waste Serv's § 7.6 (establishing guidelines for curbside pickup of household organic material, which includes "biodegradable plant materials").
- 130 San Joaquin Cnty., Cal., Code § 6-1204(c) (providing gleaners with proof of ownership for walnuts obtained by gleaning under the permission of the grower).
- 131 Madison, Wisc., Ordinance 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 Alan Muskat. (n.d.). *Carver Edible Park*. <http://www.alanmuskat.com/articles-2/carver/>. (noting plans to establish an "edible mile" along the French Broad River West Bank greenway in Asheville, N.C.).
- 132 Warren, Mich., Code of Ordinances § 21-94 (exempting odors caused by food composting from law prohibiting odors that cause nuisance to city residents).