

## COTTAGE FOOD LAW REPORT

# Herkimer County

New York · Herkimer · FIPS 36043 · Population 60,293 ·  
Crosodo Index #1955\*

## STATE BASELINE

N.Y. Agric. & Mkts. Law §251-z-4; 1 CRR-NY 276.4

## STATE TIER

Good

## ANNUAL SALES CAP (STATE)

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## CONFIDENCE

MEDIUM

## LAST VERIFIED

2026-05-05

**IMPORTANT — NOT LEGAL ADVICE**

This report compiles publicly-available statutes, regulations, and county zoning rules into a research reference. It is **not legal advice** and is provided **without warranty** as to accuracy, completeness, or current applicability.

Cottage food law changes frequently. Counties may amend zoning, health departments may issue new permits, and state legislatures may update statutes after the publication date shown above.

**Always verify rules directly with your state department of health/agriculture and your county health and planning offices before relying on them for any business or regulatory decision.** Consult a licensed attorney for advice specific to your situation.

## NEW YORK: HERKIMER COUNTY

CROSODO INDEX #1955\* · FIPS 36043 · Herkimer

## Herkimer County

Population 60,293 · State baseline: N.Y. Agric. & Mkts. Law §251-z-4; 1 CRR-NY 276.4 · **MEDIUM****QUICK VIEW FOR BAKERS IN THIS COUNTY**

## HOME KITCHEN ALLOWED?

Yes (NY Home Processor Exemption requires free registration with NY Ag & Markets. All products must be baked (pathogen kill step required). Shelf-stable, non-TCS only. Sales within NY State only. No sales cap.)

## SEPARATE KITCHEN REQUIRED?

No

## PETS ALLOWED?

No specific pet restriction in NY Home Processor rules.

## HOME OCCUPATION PERMIT?

Varies (Herkimer County and individual towns/villages have zoning authority. Operators should verify with their local town or village zoning office.)

## ON-SITE / PORCH PICKUP?

Conditional

## INSPECTION REQUIRED?

No (No routine inspection; complaint-based investigation possible.)

**Home kitchen rules**

|                            |  |
|----------------------------|--|
| HOME KITCHEN ALLOWED       | Yes — NY Home Processor Exemption requires free registration with NY Ag & Markets. All products must be baked (pathogen kill step required). Shelf-stable, non-TCS only. Sales within NY State only. No sales cap. |
| SEPARATE DEDICATED KITCHEN | No   |
| PET RESTRICTIONS           | No specific pet restriction in NY Home Processor rules.  |
| WATER SUPPLY               | No specific state cottage food water testing requirement.  |
| HANDWASHING                | No specific state cottage food handwashing mandate beyond general GMP.   |
| FOOD STORAGE               | Products must be shelf-stable, non-refrigerated, pre-packaged in the home.   |

**Inspection & permitting**

|                        |   |
|------------------------|---|
| INSPECTION REQUIRED    | No — No routine inspection; complaint-based investigation possible.   |
| HOME OCCUPATION PERMIT | Varies — Herkimer County and individual towns/villages have zoning authority. Operators should verify with their local town or village zoning office. |
| LOCAL BUSINESS LICENSE | Varies  |

**Customer-facing rules**

|                         |   |
|-------------------------|---|
| ON-SITE CUSTOMER PICKUP | Conditional   |
| ON-SITE SIGNAGE         | Conditional   |
| DELIVERY / PICKUP RULES | Sales at farms, farm stands, farmers markets, green markets, craft fairs, flea markets, home delivery, online within NY State. Wholesale permitted. |
| MAX EMPLOYEES IN HOME   | Not specified in state rules.   |

## Relevant county code

Herkimer County and local town/village zoning (home occupation provisions); no specific cottage food county code identified.

### RESEARCH NOTES

No county-specific cottage food ordinance found for Herkimer County. State baseline (NY Home Processor Exemption) applies. All products must be baked — a distinguishing NY restriction. Registration is free and location-specific. Herkimer County is a rural Mohawk Valley county; local zoning at town/village level.

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### SOURCES VERIFIED AT RESEARCH TIME

<https://agriculture.ny.gov/food-safety/home-processing>

<https://agriculture.ny.gov/system/files/documents/2019/12/HomeProcessor.pdf>

**Questions?** Join the Crosodo Forum to discuss your county's specific zoning rules at <https://crosodo.com/nb/new-york/herkimer-county-discuss>

## Bordering counties — cottage food law

| Regulation                 | Herkimer County  | Otsego County  | Fulton County  |
|----------------------------|--|--|--|
| HOME KITCHEN ALLOWED       | Yes  | Yes  | Yes  |
| SEPARATE DEDICATED KITCHEN | No   | No   | No   |
| PETS ALLOWED               | No specific pet restriction in NY Home Processor rules.  | No specific pet restriction in NY Home Processor rules.  | No specific NY or Fulton County restriction identified.  |
| INSPECTION REQUIRED        | No   | No   | No   |
| ON-SITE CUSTOMER PICKUP    | Conditional  | Conditional  | Yes  |
| ON-SITE SIGNAGE            | Conditional  | Conditional  | Conditional  |
| DELIVERY / PICKUP          | Sales at farms, farm stands, farmers markets, green markets, craft fairs, flea markets, home delivery, online within NY State. Wholesale pe... | Sales at farms, farm stands, farmers markets, green markets, craft fairs, flea markets, home delivery, and online within NY State. Wholesal... | Sales permitted at farms, farm stands, farmers markets, green markets, craft fairs, flea markets, via home delivery, and online within NY S... |
| HOME OCCUPATION PERMIT     | Varies   | Varies   | Conditional  |
| LOCAL BUSINESS LICENSE     | Varies   | Varies   | Varies   |
| RESTRICTIONS               | NY Home Processor Exemption requires free registration with NY Ag & Markets. All products must be baked (pathogen kill step required). Shel... | NY Home Processor Exemption requires free registration with NY Ag & Markets. All products must be baked (pathogen kill step required). Shel... | Shelf-stable, non-potentially hazardous baked goods (must be baked), specific jams/jellies/preserves, snack mixes, and similar low-risk foo... |
| FOOD STORAGE               | Products must be shelf-stable, non-refrigerated, pre-packaged in the home.   | Products must be shelf-stable, non-refrigerated, pre-packaged in the home.   | Shelf-stable products only. No refrigerated items, no no-bake items. All products must be pre-packaged in the home.                            |
| POPULATION                 | 60,293   | 59,678   | 53,280   |

## State context — New York cottage food law

Herkimer County's rules sit on top of New York's state cottage food framework. The state law sets the floor — counties can add but cannot remove protections.

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|--|--------------------------|
| <b>STATUTE</b>   | <b>ANNUAL SALES CAP</b>  |
| N.Y. Agric. & Mkts. Law §251-z-4; 1 CRR-NY 276.4   | —                        |
| <b>REGISTRATION REQUIRED</b>   | <b>FOOD HANDLER CERT</b> |
| Yes  | No                       |
| <b>KITCHEN INSPECTION</b>  | <b>DIRECT SALES ONLY</b> |
| No   | No                       |
| <b>INDIRECT SALES</b>  |                          |
| Yes — Wholesale to restaurants, cafes, and grocery stores within New York State is explicitly permitted. Products may also be sold online (NY residents only) and via delivery. Shipping out of state is not permitted. Registration is free, location-specific, and has no expiration date. |                          |

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For the full state-level analysis including the verbatim statute text, see the [New York cottage food law report](#).

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### STATE-LEVEL REFERENCES

State statute: <https://www.nysenate.gov/legislation/laws/AGM/251-Z-4>

State dept cottage food page: <https://agriculture.ny.gov/food-safety/home-processing>

Forrager.com: <https://forrager.com/law/new-york/>

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## Questions?

Join the Crosodo Forum to discuss Herkimer County's specific zoning rules, permits, and what other home bakers are seeing locally.

<https://crosodo.com/nb/new-york/herkimer-county-discuss>

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