

## COTTAGE FOOD LAW REPORT

# Niagara County

New York · Lockport · FIPS 36063 · Population 212,230 ·  
Crosodo Index #796\*

## STATE BASELINE

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

## STATE TIER

Good

## ANNUAL SALES CAP (STATE)

—

## 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: NIAGARA COUNTY

CROSODO INDEX #796\* · FIPS 36063 · Lockport

# Niagara County

Population 212,230 · 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 (New York Home Processor Exemption allows non-PHF, shelf-stable baked goods and certain jams, jellies, preserves, and snack mixes. All products must be baked (pathogen kill step required). Sales permitted at farms, farm stands, farmers markets, craft fairs, via home delivery, and online within New York State only. Registration with NY Ag & Markets required (free, location-specific, does not expire). No sales cap.)

**SEPARATE KITCHEN REQUIRED?**

No

**PETS ALLOWED?**

No explicit pet restriction stated in NY Home Processor Exemption. Standard GMP food safety practices apply.

**HOME OCCUPATION PERMIT?**

Conditional (Niagara County and municipalities (Lockport, Niagara Falls, North Tonawanda, etc.) may require home occupation permits for business operations from a residence. Contact Niagara County Planning Department or relevant municipal zoning office. New York does not have a statewide preemption of local home occupation requirements for cottage food.)

**ON-SITE / PORCH PICKUP?**

Yes

**INSPECTION REQUIRED?**

No (No routine inspection for NY Home Processor Exemption. NY Ag & Markets may investigate upon complaint.)

## Home kitchen rules

|                                   |   |
|-----------------------------------|---|
| <b>HOME KITCHEN ALLOWED</b>       | Yes — New York Home Processor Exemption allows non-PHF, shelf-stable baked goods and certain jams, jellies, preserves, and snack mixes. All products must be baked (pathogen kill step required). Sales permitted at farms, farm stands, farmers markets, craft fairs, via home delivery, and online within New York State only. Registration with NY Ag & Markets required (free, location-specific, does not expire). No sales cap. |
| <b>SEPARATE DEDICATED KITCHEN</b> | No  |
| <b>PET RESTRICTIONS</b>           | No explicit pet restriction stated in NY Home Processor Exemption. Standard GMP food safety practices apply.  |
| <b>WATER SUPPLY</b>               | No specific water testing requirement for NY Home Processor Exemption.  |
| <b>HANDWASHING</b>                | Standard handwashing and GMP practices required. No specific statutory requirement beyond general food safety.  |
| <b>FOOD STORAGE</b>               | Pre-packaged in the home; all products must be shelf-stable and labeled. Non-potentially hazardous products only.   |

## Inspection & permitting

|                               |  |
|-------------------------------|--|
| <b>INSPECTION REQUIRED</b>    | No — No routine inspection for NY Home Processor Exemption. NY Ag & Markets may investigate upon complaint.  |
| <b>HOME OCCUPATION PERMIT</b> | Conditional — Niagara County and municipalities (Lockport, Niagara Falls, North Tonawanda, etc.) may require home occupation permits for business operations from a residence. Contact Niagara County Planning Department or relevant municipal zoning office. New York does not have a statewide preemption of local home occupation requirements for cottage food. |
| <b>LOCAL BUSINESS LICENSE</b> | Varies   |

### Customer-facing rules

|                         |   |
|-------------------------|---|
| ON-SITE CUSTOMER PICKUP | Yes   |
| ON-SITE SIGNAGE         | Conditional   |
| DELIVERY / PICKUP RULES | NY Home Processor Exemption allows direct sales from home, online (within New York only), farmers markets, farm stands, craft fairs, and delivery within New York. Wholesale sales also permitted under NY framework (unusual nationally). No out-of-state sales. |
| MAX EMPLOYEES IN HOME   | No explicit employee cap in NY Home Processor Exemption. Home occupation zoning may restrict non-resident employees.  |

### Relevant county code

N.Y. Agric. & Mkts. Law §251-z-4; Niagara County zoning ordinances (contact Planning for home occupation details)

#### RESEARCH NOTES

New York state baseline applies. Niagara County (county seat: Lockport) is in western New York near Niagara Falls. NY Home Processor Exemption is a state-level program administered by NY Ag & Markets (not local health departments). Registration is free and location-specific. No sales cap. New York's exemption allows wholesale, which is unusual nationally. Products must have a pathogen kill step (baking), which excludes no-bake items.

#### SOURCES VERIFIED AT RESEARCH TIME

<https://www.niagaracounty.gov/health>

<https://www.niagaracounty.gov>

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

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

<https://www.niagaracounty.gov>

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

## Bordering counties — cottage food law

| Regulation                 | Niagara County   | Erie County  | Genesee County   |
|----------------------------|--|--|--|
| HOME KITCHEN ALLOWED       | Yes  | Yes  | Yes  |
| SEPARATE DEDICATED KITCHEN | No   | No   | No   |
| PETS ALLOWED               | No explicit pet restriction stated in NY Home Processor Exemption. Standard GMP food safety practices apply.                                   | Not specified in state rules   | No specific pet restriction in NY Home Processor rules.  |
| INSPECTION REQUIRED        | No   | No   | No   |
| ON-SITE CUSTOMER PICKUP    | Yes  | Yes  | Conditional  |
| ON-SITE SIGNAGE            | Conditional  | Conditional  | Conditional  |
| DELIVERY / PICKUP          | NY Home Processor Exemption allows direct sales from home, online (within New York only), farmers markets, farm stands, craft fairs, and de... | Sales allowed at farm venues, farmers markets, green markets, craft fairs, flea markets, via home delivery, and online — all within New Yor... | Sales at farms, farm stands, farmers markets, green markets, craft fairs, flea markets, home delivery, and online within NY State. Wholesal... |
| HOME OCCUPATION PERMIT     | Conditional  | Conditional  | Varies   |
| LOCAL BUSINESS LICENSE     | Varies   | Varies   | Varies   |
| RESTRICTIONS               | New York Home Processor Exemption allows non-PHF, shelf-stable baked goods and certain jams, jellies, preserves, and snack mixes. All produ... | Home Processor Exemption is location-specific. Must use home kitchen only; products must be packaged in the home before sale. Registration ... | NY Home Processor Exemption requires free registration with NY Ag & Markets. All products must be baked (pathogen kill step required). Shel... |
| FOOD STORAGE               | Pre-packaged in the home; all products must be shelf-stable and labeled. Non-potentially hazardous products only.                              | Products must be packaged in the home kitchen before sale; no in-person packaging at events  | Products must be shelf-stable, non-refrigerated, pre-packaged in the home.   |
| POPULATION                 | 212,230  | 951,232  | 58,204   |

## State context — New York cottage food law

Niagara 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.

|   |                                |
|---|--------------------------------|
| <b>STATUTE</b><br>N.Y. Agric. & Mkts. Law §251-z-4; 1 CRR-NY 276.4  | <b>ANNUAL SALES CAP</b><br>—   |
| <b>REGISTRATION REQUIRED</b><br>Yes   | <b>FOOD HANDLER CERT</b><br>No |
| <b>KITCHEN INSPECTION</b><br>No   | <b>DIRECT SALES ONLY</b><br>No |
| <b>INDIRECT SALES</b><br>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. |                                |

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

### 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/>

## Questions?

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

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

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