

COTTAGE BAKERY FROM HOME

Can I sell from my kitchen in Berkeley County, West Virginia?

Home kitchen sales. Not a shop or rented commercial kitchen. Last verified 2026-05-05.

STATE FOOD PERMIT

Depends

HOME OCCUPATION

Yes

BUSINESS LICENSE

Varies

SALES CAP

—

WEST VIRGINIA RULES. OPEN THESE FIRST.

[West Virginia permits PDF](#)[West Virginia cottage food law page](#)[West Virginia Department of Agriculture cottage food program](#)

Statute: W. Va. Code §19-40-1 through §19-40-6 (Article 40, Cottage Foods, enacted 2026); §19-35-6 (Nonpotentially hazardous foods at farmers markets)

NOT LEGAL ADVICE

This is what it takes to sell from a home kitchen in Berkeley County. Confirm each step with Planning, Health, and the license office before you sell.

What you need

Berkeley County, West Virginia. File every Yes. Confirm every Check or Ask. Stay under the sales cap.

STATE FOOD PERMIT

Depends

ANNUAL SALES CAP

—

HOME OCCUPATION / ZONING

Yes

LOCAL HEALTH

Upon-complaint

BUSINESS LICENSE

Varies

PICKUP AT THE HOUSE

Conditional

HOME KITCHEN ONLY

If you want a shop or a rented commercial kitchen, these rows do not apply.

CONTINUE ONLINE

West Virginia permits PDF →

<https://crosodo.com/reports/pdf/permits/west-virginia.pdf>

West Virginia cottage food law page →

<https://crosodo.com/states/west-virginia>

Permit page for this place →

<https://crosodo.com/what-permits/west-virginia/berkeley-county>

Berkeley County cottage food law page →

<https://crosodo.com/states/west-virginia/berkeley-county>

Not legal advice. Rules change. Confirm with the office before you file.

Where to file

State

West Virginia registration: Depends. Routine kitchen inspection: Upon-complaint. Cottage food must be sold directly to consumers. The new Article 40 (effective June 12, 2026) establishes that potentially hazardous cottage food vendors need a statewide permit but nonpotentially hazardous food sellers are fully exempt from permit and inspection. Local health departments may invoke cessation of production only if an imminent health hazard exists, in consultation with the Department of Agriculture. The input batch cited §16-7-1 (a general adulteration statute), but the operative cottage food framework is now Article 40 (§19-40-1 through §19-40-6), signed March 27, 2026.

West Virginia permits PDF: crosodo.com/reports/pdf/permits/west-virginia.pdf

State law page: crosodo.com/states/west-virginia

West Virginia Department of Agriculture: <https://oeh.dhhr.wv.gov/foodprotection/Pages/Cottage-Food.aspx>

Statute: [W. Va. Code §19-40-1 through §19-40-6 \(Article 40, Cottage Foods, enacted 2026\)](#); [§19-35-6 \(Nonpotentially hazardous foods at farmers markets\)](#)

Zoning / home occupation

Yes. Berkeley County requires a home occupation permit for residential home-based businesses. Requirements per CityRuleLookup: home occupation permit required; business must be secondary to residential use; maximum 25% of home floor area for business; household members only as employees; no external signage beyond small nameplate; no excessive traffic, noise, or odors. Authority: WV Code §8A-7 (zoning authority). Martinsburg and Hedgesville have their own separate rules; this applies to unincorporated Berkeley County.

Health

Upon-complaint. Nonpotentially hazardous foods: no inspection required. PHF cottage foods: WVDA may inspect under permit authority. Complaint-driven investigation possible for either category.

Business license

Varies

Pickup / delivery

WV state law: direct sales only within West Virginia. No wholesale or retail store sales. Berkeley County home occupation permit may restrict customer traffic volumes.

If you rent a commissary kitchen

A commissary is a food establishment, not cottage food. West Virginia cottage food is a home path. A commissary is a food establishment permitted by the local health department.

Official source: [WV food protection](#)

Local health office we have on file: <https://www.berkeleywv.org>

This file is the home-kitchen path. A rented kitchen uses a different permit. Ask the kitchen manager which license they expect, then call the local health office.

SOURCES

<https://www.berkeleywv.org>

<https://www.berkeleywv.org>

<https://www.cityrulelookup.com/home-business/cottage-food/berkeley-county-wv>

<https://www.cityrulelookup.com/home-business/zoning/berkeley-county-wv>

<https://oeh.dhhr.wv.gov/foodprotection/Pages/Cottage-Food.aspx>

Berkeley County and nearby places

Regulation	Berkeley County	Jefferson County	Morgan County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	No specific state prohibition; standard food safety sanitation practices apply.	No specific pet restriction in state cottage food law.	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during produ...
INSPECTION REQUIRED	Upon-complaint	Upon-complaint	Upon-complaint
ON-SITE CUSTOMER PICKUP	Conditional	Conditional	Conditional
ON-SITE SIGNAGE	No	Conditional	Conditional
DELIVERY / PICKUP	WV state law: direct sales only within West Virginia. No wholesale or retail store sales. Berkeley County home occupation permit may restri...	Direct sales to consumers within West Virginia only. Farmers markets, home pickup, events permitted. No out-of-state sales.	Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed. Delivery also allowed. All sales must remain...
HOME OCCUPATION PERMIT	Yes	Varies	Conditional
LOCAL BUSINESS LICENSE	Varies	Varies	Conditional
RESTRICTIONS	West Virginia SB 44 (2026) created §19-40-1 et seq. Nonpotentially hazardous cottage foods fully exempt from licensing/permitting/inspectio...	West Virginia SB 44 (2026) created new §19-40-1 through §19-40-6. Nonpotentially hazardous cottage foods fully exempt from licensing, permi...	Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardou...
FOOD STORAGE	Non-TCS products stored per food safety standards. PHF products may require additional handling per WVDA permit conditions.	Non-potentially hazardous foods must be stored appropriately.	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.
POPULATION	123,283	58,043	17,352

More pages for this place

These Crosodo pages cover the same home cottage-food path:

West Virginia permits PDF: crosodo.com/reports/pdf/permits/west-virginia.pdf

West Virginia cottage food law: crosodo.com/states/west-virginia

Berkeley County cottage food law: crosodo.com/states/west-virginia/berkeley-county