

## COTTAGE BAKERY FROM HOME

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

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

| STATE FOOD PERMIT | HOME OCCUPATION | BUSINESS LICENSE | SALES CAP |
|-------------------|-----------------|------------------|-----------|
| Depends           | Yes             | Yes              | —         |

## 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 Monongalia County. Confirm each step with Planning, Health, and the license office before you sell.

## What you need

Monongalia 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

**Yes**

### 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/monongalia-county>

**Monongalia County cottage food law page →**

<https://crosodo.com/states/west-virginia/monongalia-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](https://crosodo.com/reports/pdf/permits/west-virginia.pdf)

State law page: [crosodo.com/states/west-virginia](https://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. City of Morgantown requires a Home Occupation permit (Class 1 or Class 2) from the Planning Department plus a business license from the Finance Department. Class 1 (no on-site customer contact) is administratively approved. Class 2 (limited customer visits) requires Board of Zoning Appeals conditional use approval. Home occupations must be entirely within the principal building, not change residential character, have no exterior signs, and not employ non-residents except as otherwise provided by zoning. Retail sales shall not occur on a regular basis (Class 2 limits to 3 customers per day). Cottage food producers selling online with no customer pickups qualify as Class 1. Those with on-site pickup may need Class 2 approval.

### Health

Upon-complaint. Nonpotentially hazardous cottage foods are fully exempt from inspection. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit (includes inspection/oversight).

Health: <https://www.monchd.org/services/food-and-retail-establishment-permits>

### Business license

Yes

### Pickup / delivery

In-state direct-to-consumer sales. City of Morgantown limits Class 2 home occupations to 3 customers per day on-premises. Delivery and off-site sales (markets, events) are Class 1 (easier approval). On-site customer pickup triggers Class 2 conditional use permit requirement.

**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.monchd.org/services/food-and-retail-establishment-permits>

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.monchd.org/services/food-and-retail-establishment-permits>

<https://www.monongaliacounty.gov>

<https://www.morgantownwv.gov/DocumentCenter/View/147>

<https://www.monchd.org/services/food-and-retail-establishment-permits>

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

## Monongalia County and nearby places

| Regulation                 | Monongalia County                                                                                                                              | Marion County                                                                                                                                  | Preston County                                                                                                                                 |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| HOME KITCHEN ALLOWED       | Yes                                                                                                                                            | Yes                                                                                                                                            | Yes                                                                                                                                            |
| SEPARATE DEDICATED KITCHEN | No                                                                                                                                             | No                                                                                                                                             | No                                                                                                                                             |
| PETS ALLOWED               | No specific state restriction in the 2026 cottage food law.                                                                                    | No specific WV state or Marion County rule.                                                                                                    | No specific pet restriction in state cottage food law.                                                                                         |
| INSPECTION REQUIRED        | Upon-complaint                                                                                                                                 | Upon-complaint                                                                                                                                 | Upon-complaint                                                                                                                                 |
| ON-SITE CUSTOMER PICKUP    | Conditional                                                                                                                                    | Conditional                                                                                                                                    | Yes                                                                                                                                            |
| ON-SITE SIGNAGE            | No                                                                                                                                             | Conditional                                                                                                                                    | Yes                                                                                                                                            |
| DELIVERY / PICKUP          | In-state direct-to-consumer sales. City of Morgantown limits Class 2 home occupations to 3 customers per day on-premises. Delivery and off-... | Direct to consumer. Sales must remain within West Virginia.                                                                                    | Direct sales only within West Virginia. Home pickup, farmers markets, roadside stands, and events permitted. No interstate sales.              |
| HOME OCCUPATION PERMIT     | Yes                                                                                                                                            | Varies                                                                                                                                         | No                                                                                                                                             |
| LOCAL BUSINESS LICENSE     | Yes                                                                                                                                            | Varies                                                                                                                                         | No                                                                                                                                             |
| RESTRICTIONS               | West Virginia's 2026 SB 44 (eff. June 12, 2026) distinguishes: (1) nonpotentially hazardous foods — fully exempt from licensing, permitting... | Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardou... | Preston County has no county-level zoning ordinance. State law governs: nonpotentially hazardous cottage foods are fully exempt from licens... |
| FOOD STORAGE               | Nonpotentially hazardous foods: fully exempt. Potentially hazardous foods: require WV Dept. of Agriculture permit. Meat, poultry, seafood, ... | Products must be nonpotentially hazardous and shelf-stable (or obtain WVDA permit for potentially hazardous). Proper storage required.         | Nonpotentially hazardous, shelf-stable foods fully exempt. Potentially hazardous foods require WV Dept. of Agriculture permit.                 |
| POPULATION                 | 105,988                                                                                                                                        | 56,194                                                                                                                                         | 33,432                                                                                                                                         |

## 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](https://crosodo.com/reports/pdf/permits/west-virginia.pdf)

West Virginia cottage food law: [crosodo.com/states/west-virginia](https://crosodo.com/states/west-virginia)

Monongalia County cottage food law: [crosodo.com/states/west-virginia/monongalia-county](https://crosodo.com/states/west-virginia/monongalia-county)