

COTTAGE FOOD LAW REPORT

Cape May County

New Jersey · Cape May Court House · FIPS 34009 ·
Population 95,456 · Crosodo Index #2775*

STATE BASELINE	STATE TIER	ANNUAL SALES CAP (STATE)	CONFIDENCE
N.J.A.C. 8:24-11 et seq.	Poor	50000	HIGH

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 JERSEY: CAPE MAY COUNTY

CROSODO INDEX #2775* · FIPS 34009 · Cape May Court House

Cape May County

Population 95,456 · State baseline: N.J.A.C. 8:24-11 et seq. · **HIGH****QUICK VIEW FOR BAKERS IN THIS COUNTY****HOME KITCHEN ALLOWED?**

Yes (New Jersey cottage food requires a state Cottage Food Operator Permit (N.J.A.C. 8:24-11): \$100 fee, valid 2 years. Must hold a Food Protection Manager Certification (CFPM-level, not just a food handler card). Must provide proof of water potability (well water test or utility bill). Must obtain local zoning board confirmation that cottage food business is allowed in the operator's residential zone BEFORE applying for state permit. \$50,000 annual sales cap. Allowed: non-TCS foods including baked goods, candy, dried fruit, jams/jellies, granola, honey, popcorn, nuts, nut butters, pasta, vinegar, mustard, and other non-TCS foods upon written application.)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

No specific restriction stated in N.J.A.C. 8:24-11, but kitchen must meet cleanliness standards.

HOME OCCUPATION PERMIT?

Yes (New Jersey law (§8:24-11.1(e)) REQUIRES operators to obtain local zoning board confirmation that cottage food operations are allowed in their residential zone BEFORE applying for state permit. If local zoning board does not allow cottage food businesses, the operator is not eligible for a state permit. Cape May County municipalities vary in their zoning; operators must contact their local (municipal) zoning board first. This is a critical gating requirement unique to New Jersey.)

ON-SITE / PORCH PICKUP?

Yes

INSPECTION REQUIRED?

Upon-complaint (Health authority may enter premises if there is a complaint or suspected foodborne illness; no routine inspection (§8:24-11.2).)

Home kitchen rules

HOME KITCHEN ALLOWED	Yes — New Jersey cottage food requires a state Cottage Food Operator Permit (N.J.A.C. 8:24-11): \$100 fee, valid 2 years. Must hold a Food Protection Manager Certification (CFPM-level, not just a food handler card). Must provide proof of water potability (well water test or utility bill). Must obtain local zoning board confirmation that cottage food business is allowed in the operator's residential zone BEFORE applying for state permit. \$50,000 annual sales cap. Allowed: non-TCS foods including baked goods, candy, dried fruit, jams/jellies, granola, honey, popcorn, nuts, nut butters, pasta, vinegar, mustard, and other non-TCS foods upon written application.
SEPARATE DEDICATED KITCHEN	No
PET RESTRICTIONS	No specific restriction stated in N.J.A.C. 8:24-11, but kitchen must meet cleanliness standards.
WATER SUPPLY	Proof of water potability required at application and renewal: well water microbiological analysis (coliform test within 60 days) or most recent water utility bill.
HANDWASHING	Food Protection Manager Certification covers handwashing and food safety; kitchen must meet basic standards.
FOOD STORAGE	Non-TCS (non-temperature-control-for-safety) foods only. Wholesale to food establishments prohibited.

Inspection & permitting

INSPECTION REQUIRED	Upon-complaint — Health authority may enter premises if there is a complaint or suspected foodborne illness; no routine inspection (§8:24-11.2).
HOME OCCUPATION PERMIT	Yes — New Jersey law (§8:24-11.1(e)) REQUIRES operators to obtain local zoning board confirmation that cottage food operations are allowed in their residential zone BEFORE applying for state permit. If local zoning board does not allow cottage food businesses, the operator is not eligible for a state permit. Cape May County municipalities vary in their zoning; operators must contact their local (municipal) zoning board first. This is a critical gating requirement unique to New Jersey.
LOCAL BUSINESS LICENSE	Varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Sales allowed at operator’s home (no on-site consumption), consumer’s NJ home, NJ farmers markets, NJ farm stands, NJ temporary retail food establishments, and other NJ delivery locations per N.J.A.C. 8:24-11.3. No US mail or common carrier delivery (except certain conditions). No out-of-state sales. Additional local health dept approvals needed for farmers market events.
MAX EMPLOYEES IN HOME	Only operator in private home kitchen; no other persons may handle cottage food products per N.J.A.C. 8:24-11.2.

Relevant county code

N.J.A.C. 8:24-11 et seq.; local municipal zoning ordinance (varies by municipality in Cape May County)

RESEARCH NOTES

NJ cottage food rules retrieved directly from nj.gov official pages (rules-resources/rules and apply-renew). CRITICAL FINDING: NJ requires local municipal zoning board confirmation BEFORE the state will issue a permit. If zoning does not allow cottage food, state permit is unavailable. This is unique among states and makes the effective rules highly municipality-dependent within Cape May County. Cape May County is a major tourism destination (Jersey Shore); most municipalities are residential/tourist. Food Protection Manager Certification (CFPM-level) is required — more burdensome than a basic food handler card. Processing time 12-16 weeks noted in prior research.

SOURCES VERIFIED AT RESEARCH TIME

- <https://www.capemaycountynj.gov>
- <https://www.nj.gov/health/cottagefood/rules-resources/rules>
- <https://www.nj.gov/health/cottagefood/apply-renew>
- <https://www.nj.gov/health/ceohs/phfpp/cottage-food-operator/>
- https://www.nj.gov/health/ceohs/documents/phfpp/njac8_24.pdf

Questions? Join the Crosodo Forum to discuss your county’s specific zoning rules at <https://crosodo.com/nb/new-jersey/cape-may-county-discuss>

Bordering counties — cottage food law

Regulation	Cape May County	Cumberland County	Atlantic County
HOME KITCHEN ALLOWED	Yes	Conditional	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	No specific restriction stated in N.J.A.C. 8:24-11, but kitchen must meet cleanliness standards.	Pets must be excluded from food preparation areas per NJ cottage food permit requirements.	Not specified in state rules, but home kitchen must be sanitary
INSPECTION REQUIRED	Upon-complaint	No	Upon-complaint
ON-SITE CUSTOMER PICKUP	Yes	Conditional	Yes
ON-SITE SIGNAGE	Conditional	Conditional	Conditional
DELIVERY / PICKUP	Sales allowed at operator's home (no on-site consumption), consumer's NJ home, NJ farmers markets, NJ farm stands, NJ temporary retail food...	Direct-to-consumer sales only. No wholesale to food establishments. No out-of-state sales. NJ residents only.	Direct-to-consumer sales allowed; may sell at NJ farmers markets and events (local health dept approval also required); no wholesale to ret...
HOME OCCUPATION PERMIT	Yes	Yes	Yes
LOCAL BUSINESS LICENSE	Varies	Varies	Varies
RESTRICTIONS	New Jersey cottage food requires a state Cottage Food Operator Permit (N.J.A.C. 8:24-11): \$100 fee, valid 2 years. Must hold a Food Protect...	New Jersey cottage food program is restrictive. Requirements include: (1) local zoning board approval confirming residential use is permitt...	Must obtain NJ DOH Cottage Food Operator permit (\$100 fee, 2-year validity). Must first obtain local zoning approval confirming home-based ...
FOOD STORAGE	Non-TCS (non-temperature-control-for-safety) foods only. Wholesale to food establishments prohibited.	Non-TCS foods only. No wholesale sales. Annual gross sales may not exceed \$50,000.	Standard non-TCS food storage; products must remain shelf-stable
POPULATION	95,456	153,588	274,339

State context — New Jersey cottage food law

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

STATUTE

N.J.A.C. 8:24-11 et seq.

ANNUAL SALES CAP

50000

REGISTRATION REQUIRED

Yes

FOOD HANDLER CERT

Yes

KITCHEN INSPECTION

No

DIRECT SALES ONLY

Yes

INDIRECT SALES

No — Cottage food products may only be delivered or relinquished at: the operator's home (not for onsite consumption), the consumer's NJ home, a NJ farmers market or other permitted NJ location. Products cannot be sold to wholesale establishments, retail food establishments, or shipped out of state. Online and phone order-taking is allowed as an ancillary activity, but physical delivery must occur in New Jersey person-to-person or at permitted locations. Charitable bake sales remain exempt under separate provisions.

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

STATE-LEVEL REFERENCES

State statute: https://www.nj.gov/health/ceohs/documents/phfpp/njac8_24.pdf

State dept cottage food page: <https://www.nj.gov/health/ceohs/phfpp/cottage-food-operator/>

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

Questions?

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

<https://crosodo.com/nb/new-jersey/cape-may-county-discuss>
