

COTTAGE FOOD LAW REPORT

Waukesha County

Wisconsin · Waukesha · FIPS 55133 · Population 407,290 ·
Crosodo Index #896*

STATE BASELINE

Wis. Stat. §97.29

STATE TIER

Freedom

ANNUAL SALES CAP (STATE)

Tiered

CONFIDENCE

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.

How to start — 60-second path

Waukesha County, Wisconsin — permit, pickup, and label steps before the full county rules.

HOME KITCHEN ALLOWED?

Conditional

STATE SALES CAP

Tiered

HOME OCCUPATION PERMIT?

Conditional

ON-SITE / PORCH PICKUP?

Yes

INSPECTION

No

PETS

No specific state restriction for cottage baked goods; standard food safety applies.

BEFORE YOU SELL FROM THIS ADDRESS

- ☐ **1. Menu** — Confirm each product under Wisconsin cottage food rules (county cannot expand a state ban).
- ☐ **2. Pickup & zoning** — Home occupation and porch pickup cells above; HOA/lease may still block customer traffic.
- ☐ **3. Local tax / license** — Business license or sales tax certificate if your city/parish requires it (common even with no state food permit).
- ☐ **4. Training** — Food handler or state registration before market day.
- ☐ **5. Labels** — Disclaimer, allergens, ingredients, net quantity, producer info.
- ☐ **6. Call if unclear** — County health and planning for your exact address.

LABEL FIELDS TO INCLUDE

- ☐ Product name · producer name · address (or allowed alternative)
- ☐ Ingredients by weight · major allergens · net weight/quantity
- ☐ Wisconsin home-kitchen disclaimer (see live label one-pager)

CONTINUE ONLINE

[Open the live county page →](#)

[Wisconsin label one-pager →](#)

[Local notes & questions →](#)

Planning path only — not legal advice. Rules change. Always verify with state and local offices before selling.

WISCONSIN: WAUKESHA COUNTY

CROSODO INDEX #896* · FIPS 55133 · Waukesha

Waukesha County

Population 407,290 · State baseline: Wis. Stat. §97.29 · HIGH

QUICK VIEW FOR BAKERS IN THIS COUNTY

HOME KITCHEN ALLOWED?

Conditional (Wisconsin cottage food is governed by case law as much as statute. Under the 2017 Kivist v. DATCP court order (Lafayette County Circuit Court), DATCP cannot enforce licensing against home bakers of good character selling shelf-stable, non-potentially-hazardous baked goods directly to consumers at low volume. A 2024 Wisconsin Court of Appeals decision (Nov. 19, 2024) reversed a broader 2022 order and confirmed the Kivist exception applies only to baked goods — not unbaked non-potentially hazardous items (chocolates, fudge, candy, rice crispy treats). Home-canned pickles and acidified vegetables (pH 4.6 or lower) can be sold at community events or farmers markets up to \$5,000/year (Wis. Stat. §97.29(2)(b)2). Waukesha County does not issue a no-permit for home occupations but has regulations governing them.)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

No specific state restriction for cottage baked goods; standard food safety applies.

HOME OCCUPATION PERMIT?

Conditional (Waukesha County: no zoning permit required to operate a home occupation per se, but home occupations are regulated by the County Zoning Ordinance and operators should contact county Planning and Zoning (262-896-8300; pod@waukeshacounty.gov) before commencing to verify compliance. Limited family businesses (different from home occupations) require Conditional Use Permit. County jurisdiction is limited — municipalities (City of Waukesha, Menomonee Falls, New Berlin, etc.) have their own rules.)

ON-SITE / PORCH PICKUP?

Yes

INSPECTION REQUIRED?

No (No routine inspection for compliant cottage food operations. DATCP has licensing authority for non-exempt operations.)

Home kitchen rules

HOME KITCHEN ALLOWED

Conditional — Wisconsin cottage food is governed by case law as much as statute. Under the 2017 Kivist v. DATCP court order (Lafayette County Circuit Court), DATCP cannot enforce licensing against home bakers of good character selling shelf-stable, non-potentially-hazardous baked goods directly to consumers at low volume. A 2024 Wisconsin Court of Appeals decision (Nov. 19, 2024) reversed a broader 2022 order and confirmed the Kivist exception applies only to baked goods — not unbaked non-potentially hazardous items (chocolates, fudge, candy, rice crispy treats). Home-canned pickles and acidified vegetables (pH 4.6 or lower) can be sold at community events or farmers markets up to \$5,000/year (Wis. Stat. §97.29(2)(b)2). Waukesha County does not issue a no-permit for home occupations but has regulations governing them.

SEPARATE DEDICATED KITCHEN

No

PET RESTRICTIONS

No specific state restriction for cottage baked goods; standard food safety applies.

WATER SUPPLY

No specific state requirement for cottage baked goods.

HANDWASHING

Standard food safety practices.

FOOD STORAGE

Baked goods: non-potentially-hazardous finished products. Pickles/acidified: pH 4.6 or lower.

Inspection & permitting

INSPECTION REQUIRED	No — No routine inspection for compliant cottage food operations. DATCP has licensing authority for non-exempt operations.
HOME OCCUPATION PERMIT	Conditional — Waukesha County: no zoning permit required to operate a home occupation per se, but home occupations are regulated by the County Zoning Ordinance and operators should contact county Planning and Zoning (262-896-8300; pod@waukeshacounty.gov) before commencing to verify compliance. Limited family businesses (different from home occupations) require Conditional Use Permit. County jurisdiction is limited — municipalities (City of Waukesha, Menomonee Falls, New Berlin, etc.) have their own rules.
LOCAL BUSINESS LICENSE	Varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Baked goods (non-PHF): direct to consumer only under Kivirist exception. Pickles/acidified: farmers markets and community events only, up to \$5,000/year. Wholesaling baked goods requires licensing.
MAX EMPLOYEES IN HOME	Not specified in cottage food law; local ordinances vary.

Relevant county code

Wis. Stat. §97.29(2)(b)2 (pickle bill); Kivirist v. DATCP (Lafayette County Circuit Court 2017); Waukesha County Zoning Ordinance (home occupation provisions).

RESEARCH NOTES

Wisconsin cottage food situation is unique: governed primarily by case law (Kivirist 2017) + Wis. Stat. §97.29. DATCP confirms via official website: home bakers of non-PHF baked goods selling directly to consumers do not require a license (post-Kivirist); 2024 Court of Appeals confirmed the exception applies only to baked goods, not candy/chocolate/fudge. Waukesha County planning FAQ confirms no zoning permit required for home occupations, but regulations apply and operators should contact county before commencing. Note: gov). Confidence high: both DATCP .gov source and Waukesha County .gov FAQ confirmed.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.waukeshacounty.gov>

<https://www.waukeshacounty.gov>

https://datcp.wi.gov/Pages/Licenses_Permits/HomeBakers.aspx

<https://www.waukeshacounty.gov/parks-and-land-use/planning-and-zoning/faq/>

Questions about this county? Local notes and a place to leave a question: crosodo.com/nb/wisconsin/waukesha-county-discuss

Bordering counties — cottage food law

Regulation	Waukesha County	Milwaukee County	Racine County
HOME KITCHEN ALLOWED	Conditional	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	No specific state restriction for cottage baked goods; standard food safety applies.	State baseline applies: animals excluded from food prep areas during production	No explicit state-level pet restriction in Wisconsin cottage food framework.
INSPECTION REQUIRED	No	Upon-complaint	No
ON-SITE CUSTOMER PICKUP	Yes	Yes	Yes
ON-SITE SIGNAGE	Conditional	Conditional	Conditional
DELIVERY / PICKUP	Baked goods (non-PHF): direct to consumer only under Kivist exception. Pickles/acidified: farmers markets and community events only, up t...	Wisconsin cottage food: direct-to-consumer sales only. No wholesale. Sales at farmers markets, fairs, home delivery permitted. Annual cap o...	Kivist path: direct-to-consumer sales only; no specific channel restrictions stated. Pickle Bill path: only at community events or farmer...
HOME OCCUPATION PERMIT	Conditional	Conditional	Conditional
LOCAL BUSINESS LICENSE	Varies	Varies	Varies
RESTRICTIONS	Wisconsin cottage food is governed by case law as much as statute. Under the 2017 Kivist v. DATCP court order (Lafayette County Circuit C...	Wisconsin cottage food (Home Processor exemption) allows production in a home kitchen. Must be non-potentially hazardous foods. Registratio...	Wisconsin cottage food framework: (1) Statutory 'Pickle Bill' (§97.29(2)(b)2): home-canned pickles and acidified vegetables/fruits (pH 4.6 ...
FOOD STORAGE	Baked goods: non-potentially-hazardous finished products. Pickles/acidified: pH 4.6 or lower.	Standard food storage practices	Shelf-stable, non-TCS foods only under the Kivist/Pickle Bill framework. Standard GMP storage.
POPULATION	407,290	933,063	197,068

State context — Wisconsin cottage food law

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

STATUTE

Wis. Stat. §97.29

ANNUAL SALES CAP

Tiered

REGISTRATION REQUIRED

No

FOOD HANDLER CERT

No

KITCHEN INSPECTION

No

DIRECT SALES ONLY

Yes

INDIRECT SALES

No — Home-canned goods must be sold at community or social events or farmers' markets in Wisconsin (§97.29(2)(b)2.b). The Kivist court order applies to direct-to-consumer sales by home bakers. Products cannot be sold to retail food establishments or distributed through wholesale channels without a license.

For the full state-level analysis including the verbatim statute text, see the **Wisconsin cottage food law report** on Crosodo, or open the live guide: crosodo.com/states/wisconsin.

STATE-LEVEL REFERENCES

State statute: <https://docs.legis.wisconsin.gov/statutes/statutes/97/29>

State dept cottage food page: https://datcp.wi.gov/Pages/Programs_Services/CottageFoodLaws.aspx

Forrager.com: <https://forrager.com/law/wisconsin/>

Questions about Waukesha County? Local notes and a place to leave a question are on Crosodo. We monitor new threads — start with zoning, permits, or porch pickup.

crosodo.com/nb/wisconsin/waukesha-county-discuss

Classifieds

Resources for cottage food & home bakers · crosodo.com/advertise

NATIONAL

SUPPLIES

Advertise here — Supplies

Reach home bakers across the country. crosodo.com/advertise

COURSES

Advertise here — Courses

Reach home bakers across the country. crosodo.com/advertise

INSURANCE

Advertise here — Insurance

Reach home bakers across the country. crosodo.com/advertise

LOCAL

Advertise here

Reach home bakers in Waukesha County, Wisconsin. Supply stores, farmers markets, kitchen rentals, and bakery services welcome.

crosodo.com/advertise

Your business here

Local cottage food listings, kitchen rentals, co-packer referrals, and community events — post yours on Crosodo.

crosodo.com/nb/wisconsin/waukesha-county-discuss

Free ad space available

Let us know if you're a non-profit or community organization. Farmers markets, kitchen rentals, and cottage food events near you welcome.

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