

COTTAGE FOOD LAW REPORT

Florence County

Wisconsin · Florence · FIPS 55037 · Population 4,295 ·
Crosodo Index #2505*

| STATE BASELINE | STATE TIER | ANNUAL SALES CAP (STATE) | CONFIDENCE | LAST VERIFIED |
|-------------------|------------|--------------------------|------------|---------------|
| Wis. Stat. §97.29 | Freedom | Tiered | MEDIUM | 2026-05-06 |

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.

WISCONSIN: FLORENCE COUNTY

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Florence County

Population 4,295 · State baseline: Wis. Stat. §97.29 · **MEDIUM**

QUICK VIEW FOR BAKERS IN THIS COUNTY

HOME KITCHEN ALLOWED?

Conditional (Wisconsin has a case-law-driven cottage food framework: (1) The statutory 'Pickle Bill' (§97.29(2)(b)2) allows home-canned pickles and acidified vegetables/fruits (pH 4.6 or lower) sold at community events or farmers markets, capped at \$5,000/year; (2) The Kivirist injunction (2017) prohibits DATCP from enforcing licensing requirements against home bakers of good character who sell nonhazardous shelf-stable baked goods directly to consumers; (3) The 2024 Court of Appeals ruling (2024 WI App 69) confirmed unbaked goods (candies, fudge, chocolates) are NOT covered by the Kivirist exception.)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

No specific state prohibition for cottage food bakers; standard food safety practices apply.

HOME OCCUPATION PERMIT?

Varies (Florence County is one of the least populous counties in Wisconsin (~4,295). Home occupation permits may be required under Florence County zoning ordinance. No Florence County-specific cottage food overlay identified. Florence village (county seat) has its own rules.)

ON-SITE / PORCH PICKUP?

Conditional

INSPECTION REQUIRED?

No (DATCP has declined to enforce against qualifying home bakers per Kivirist injunction; complaint-driven action possible.)

Home kitchen rules

HOME KITCHEN ALLOWED

Conditional — Wisconsin has a case-law-driven cottage food framework: (1) The statutory 'Pickle Bill' (§97.29(2)(b)2) allows home-canned pickles and acidified vegetables/fruits (pH 4.6 or lower) sold at community events or farmers markets, capped at \$5,000/year; (2) The Kivirist injunction (2017) prohibits DATCP from enforcing licensing requirements against home bakers of good character who sell nonhazardous shelf-stable baked goods directly to consumers; (3) The 2024 Court of Appeals ruling (2024 WI App 69) confirmed unbaked goods (candies, fudge, chocolates) are NOT covered by the Kivirist exception.

SEPARATE DEDICATED KITCHEN

No

PET RESTRICTIONS

No specific state prohibition for cottage food bakers; standard food safety practices apply.

WATER SUPPLY

No specific requirement under the Wisconsin cottage food framework.

HANDWASHING

Standard food safety sanitation practices apply.

FOOD STORAGE

Shelf-stable, non-potentially-hazardous baked goods only; proper storage required.

Inspection & permitting

| | |
|------------------------|--|
| INSPECTION REQUIRED | No — DATCP has declined to enforce against qualifying home bakers per Kivistik injunction; complaint-driven action possible. |
| HOME OCCUPATION PERMIT | Varies — Florence County is one of the least populous counties in Wisconsin (~4,295). Home occupation permits may be required under Florence County zoning ordinance. No Florence County-specific cottage food overlay identified. Florence village (county seat) has its own rules. |
| LOCAL BUSINESS LICENSE | Varies |

Customer-facing rules

| | |
|-------------------------|---|
| ON-SITE CUSTOMER PICKUP | Conditional |
| ON-SITE SIGNAGE | Conditional |
| DELIVERY / PICKUP RULES | Direct-to-consumer only for Kivistik-covered baked goods. Pickle Bill allows farmers market and community event sales only (up to \$5,000/year). No wholesale or retail sales allowed under either exception. |
| MAX EMPLOYEES IN HOME | Not specified by state cottage food framework; home occupation zoning rules may apply. |

Relevant county code

Florence County Zoning Ordinance (home occupation provisions); Wis. Stat. §97.29

RESEARCH NOTES

Florence County is a small, heavily forested northern Wisconsin county near the Michigan border. No county-specific cottage food rules identified. State baseline (Kivistik/Pickle Bill) is operative. Defaulting to state baseline with medium confidence.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.florencecountywi.com>

https://datcp.wi.gov/Pages/Programs_Services/CottageFoodLaws.aspx

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

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

Bordering counties — cottage food law

| Regulation | Florence County | Forest County | Marinette County |
|----------------------------|--|--|--|
| HOME KITCHEN ALLOWED | Conditional | Conditional | Conditional |
| SEPARATE DEDICATED KITCHEN | No | No | No |
| PETS ALLOWED | No specific state prohibition for cottage food bakers; standard food safety practices apply. | No specific state prohibition for cottage food bakers; standard food safety practices apply. | No specific state prohibition for cottage food bakers; standard food safety practices apply. |
| INSPECTION REQUIRED | No | No | No |
| ON-SITE CUSTOMER PICKUP | Conditional | Conditional | Conditional |
| ON-SITE SIGNAGE | Conditional | Conditional | Conditional |
| DELIVERY / PICKUP | Direct-to-consumer only for Kivist-covered baked goods. Pickle Bill allows farmers market and community event sales only (up to \$5,000/ye... | Direct-to-consumer only for Kivist-covered baked goods. Pickle Bill allows farmers market and community event sales only (up to \$5,000/ye... | Direct-to-consumer only for Kivist-covered baked goods. Pickle Bill allows farmers market and community event sales only (up to \$5,000/ye... |
| HOME OCCUPATION PERMIT | Varies | Varies | Varies |
| LOCAL BUSINESS LICENSE | Varies | Varies | Varies |
| RESTRICTIONS | Wisconsin has a case-law-driven cottage food framework: (1) The statutory 'Pickle Bill' (§97.29(2)(b)2) allows home-canned pickles and acid... | Wisconsin has a case-law-driven cottage food framework: (1) The statutory 'Pickle Bill' (§97.29(2)(b)2) allows home-canned pickles and acid... | Wisconsin has a case-law-driven cottage food framework: (1) The statutory 'Pickle Bill' (§97.29(2)(b)2) allows home-canned pickles and acid... |
| FOOD STORAGE | Shelf-stable, non-potentially-hazardous baked goods only; proper storage required. | Shelf-stable, non-potentially-hazardous baked goods only; proper storage required. | Shelf-stable, non-potentially-hazardous baked goods only; proper storage required. |
| POPULATION | 4,295 | 9,004 | 40,350 |

State context — Wisconsin cottage food law

Florence 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**.

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?

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

<https://crosodo.com/nb/wisconsin/florence-county-discuss>
