

COTTAGE FOOD LAW REPORT

Lafayette County

Wisconsin · Darlington · FIPS 55065 · Population 16,783 ·
Crosodo Index #2408*

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: LAFAYETTE COUNTY

CROSODO INDEX #2408* · FIPS 55065 · Darlington

Lafayette County

Population 16,783 · 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 (Lafayette County Circuit Court, 2017) prohibits DATCP from enforcing licensing requirements against home bakers of good character who sell nonhazardous shelf-stable baked goods directly to consumers — this injunction originated in Lafayette County; (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 (Lafayette County is historically significant as the originating jurisdiction for the Kivirist v. DATCP case (2017 Lafayette County Circuit Court), which established the home baker exemption from DATCP licensing statewide. No Lafayette County-specific cottage food overlay beyond the state framework has been identified. Darlington (county seat) has its own rules within city limits.)

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 (Lafayette County Circuit Court, 2017) prohibits DATCP from enforcing licensing requirements against home bakers of good character who sell nonhazardous shelf-stable baked goods directly to consumers — this injunction originated in Lafayette County; (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 Kivist injunction; complaint-driven action possible.
HOME OCCUPATION PERMIT	Varies — Lafayette County is historically significant as the originating jurisdiction for the Kivist v. DATCP case (2017 Lafayette County Circuit Court), which established the home baker exemption from DATCP licensing statewide. No Lafayette County-specific cottage food overlay beyond the state framework has been identified. Darlington (county seat) has its own rules within city limits.
LOCAL BUSINESS LICENSE	Varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	Conditional
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Direct-to-consumer only for Kivist-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

Lafayette County Zoning Ordinance (home occupation provisions); Wis. Stat. §97.29; Kivist v. DATCP (Lafayette County Circuit Court, 2017)

RESEARCH NOTES

Lafayette County is historically significant as the originating jurisdiction of the Kivist v. DATCP case (2017), which created the statewide home baker exemption. No county-specific cottage food rules beyond the state framework identified. The 2024 WI App 69 decision (Wisconsin Cottage Food Association v. DATCP) clarified limitations on the Kivist exception. Defaulting to state baseline with medium confidence.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.lafayettecountywi.org>

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/lafayette-county-discuss>

Bordering counties — cottage food law

Regulation	Lafayette County	Green County	Iowa 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	16,783	36,967	23,678

State context — Wisconsin cottage food law

Lafayette 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 Lafayette County's specific zoning rules, permits, and what other home bakers are seeing locally.

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