

## COTTAGE FOOD LAW REPORT

# Marathon County

Wisconsin · Wausau · FIPS 55073 · Population 137,820 ·  
Crosodo Index #605\*

STATE BASELINE	STATE TIER	ANNUAL SALES CAP (STATE)	CONFIDENCE	LAST VERIFIED
Wis. Stat. §97.29	Freedom	Tiered	MEDIUM	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.

WISCONSIN: MARATHON COUNTY

CROSODO INDEX #605\* · FIPS 55073 · Wausau

# Marathon County

Population 137,820 · State baseline: Wis. Stat. §97.29 · **MEDIUM**

## QUICK VIEW FOR BAKERS IN THIS COUNTY

**HOME KITCHEN ALLOWED?**

Yes (Wisconsin has an unusual cottage food landscape. Under Wis. Stat. §97.29(2)(b)2 ('Pickle Bill'), home-canned pickles and acidified vegetables/fruits (pH 4.6 or lower) may be sold at community events or farmers markets, capped at \$5,000/year. The 2017 Kivirist court order (Lafayette County) enjoined DATCP from enforcing licensing requirements against home bakers selling shelf-stable, nonhazardous baked goods direct to consumer at low volume. The 2024 WI Court of Appeals ruling (2024 WI App 69) clarified the Kivirist exception does NOT extend to unbaked goods (chocolates, fudge, candy). Home baked goods (baked items only) may be sold without license at low volume.)

**SEPARATE KITCHEN REQUIRED?**

No

**PETS ALLOWED?**

Not prohibited by state statute; kitchen must maintain sanitary conditions.

**HOME OCCUPATION PERMIT?**

Varies (Marathon County zoning ordinance (unincorporated areas) and the City of Wausau have separate home occupation rules. No specific county-level cottage food override identified. Check Marathon County Planning at [marathoncounty.gov](http://marathoncounty.gov).)

**ON-SITE / PORCH PICKUP?**

Yes

**INSPECTION REQUIRED?**

No (No routine inspection required. DATCP may investigate upon complaint.)

## Home kitchen rules

**HOME KITCHEN ALLOWED**

Yes — Wisconsin has an unusual cottage food landscape. Under Wis. Stat. §97.29(2)(b)2 ('Pickle Bill'), home-canned pickles and acidified vegetables/fruits (pH 4.6 or lower) may be sold at community events or farmers markets, capped at \$5,000/year. The 2017 Kivirist court order (Lafayette County) enjoined DATCP from enforcing licensing requirements against home bakers selling shelf-stable, nonhazardous baked goods direct to consumer at low volume. The 2024 WI Court of Appeals ruling (2024 WI App 69) clarified the Kivirist exception does NOT extend to unbaked goods (chocolates, fudge, candy). Home baked goods (baked items only) may be sold without license at low volume.

**SEPARATE DEDICATED KITCHEN**

No

**PET RESTRICTIONS**

Not prohibited by state statute; kitchen must maintain sanitary conditions.

**WATER SUPPLY**

Potable water required.

**HANDWASHING**

Required per good food safety practices.

**FOOD STORAGE**

Home-canned items: pH 4.6 or lower. Baked goods: shelf-stable, nonhazardous. All stored in food-safe containers.

## Inspection & permitting

**INSPECTION REQUIRED**

No — No routine inspection required. DATCP may investigate upon complaint.

**HOME OCCUPATION PERMIT**

Varies — Marathon County zoning ordinance (unincorporated areas) and the City of Wausau have separate home occupation rules. No specific county-level cottage food override identified. Check Marathon County Planning at [marathoncounty.gov](http://marathoncounty.gov).

**LOCAL BUSINESS LICENSE**

Varies

**Customer-facing rules**

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Direct sales only at community events and farmers markets for home-canned goods (up to \$5,000/year). Baked goods (Kivirist exception): direct-to-consumer sales at low volume. No internet or mail order sales under either pathway.
MAX EMPLOYEES IN HOME	Not specified.

**Relevant county code**

Wis. Stat. §97.29(2)(b)2 (Pickle Bill); Kivirist v. DATCP (2017); 2024 WI App 69.

**RESEARCH NOTES**

State baseline (WI) confirmed: Wis. Stat. §97.29, Kivirist court order (2017), 2024 WI App 69. Input data had malformed fields (state\_dept\_name and state\_tier fields had parsing errors). Marathon County health and govt URLs provided in input (county\_health\_url was in the county\_planning\_url field in source data — data entry error). Marathon County confirmed at marathoncounty.gov. Wisconsin's unusual case-law-driven framework requires careful explanation. Confidence medium.

**SOURCES VERIFIED AT RESEARCH TIME**

<https://www.marathoncounty.gov/health>

<https://www.marathoncounty.gov>

[https://datcp.wi.gov/Pages/Programs\\_Services/CottageFoodLaws.aspx](https://datcp.wi.gov/Pages/Programs_Services/CottageFoodLaws.aspx)

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

<https://www.marathoncounty.gov>

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

## State context — Wisconsin cottage food law

Marathon 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.

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**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.

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For the full state-level analysis including the verbatim statute text, see the **Wisconsin cottage food law report**.

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**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](https://datcp.wi.gov/Pages/Programs_Services/CottageFoodLaws.aspx)

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

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## Questions?

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

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

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