

COTTAGE FOOD LAW REPORT

Milwaukee County

Wisconsin · Milwaukee · FIPS 55079 · Population 933,063 ·
Crosodo Index #782*

STATE BASELINE

Wis. Stat. §97.29 (Wisconsin Cottage Food Law); DATCP rules

STATE TIER

Freedom

ANNUAL SALES CAP (STATE)

Tiered

CONFIDENCE

MEDIUM

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.

WISCONSIN: MILWAUKEE COUNTY

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Milwaukee County

Population 933,063 · State baseline: Wis. Stat. §97.29 (Wisconsin Cottage Food Law); DATCP rules ·

MEDIUM

QUICK VIEW FOR BAKERS IN THIS COUNTY

HOME KITCHEN ALLOWED?

Yes (Wisconsin cottage food (Home Processor exemption) allows production in a home kitchen. Must be non-potentially hazardous foods. Registration with DATCP or local health department required depending on products. City of Milwaukee is a first-class city and may have additional local health rules.)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

State baseline applies: animals excluded from food prep areas during production

HOME OCCUPATION PERMIT?

Conditional (City of Milwaukee has home occupation permit requirements for home-based businesses. Check with the City of Milwaukee Department of City Development and Department of Neighborhood Services for home occupation permits. Unincorporated Milwaukee County areas have separate zoning requirements.)

ON-SITE / PORCH PICKUP?

Yes

INSPECTION REQUIRED?

Upon-complaint (Complaint or suspected foodborne illness. Milwaukee County Health Department may inspect. DATCP has regulatory authority.)

Home kitchen rules

HOME KITCHEN ALLOWED	Yes — Wisconsin cottage food (Home Processor exemption) allows production in a home kitchen. Must be non-potentially hazardous foods. Registration with DATCP or local health department required depending on products. City of Milwaukee is a first-class city and may have additional local health rules.
SEPARATE DEDICATED KITCHEN	No
PET RESTRICTIONS	State baseline applies: animals excluded from food prep areas during production
WATER SUPPLY	Potable water required
HANDWASHING	Standard sanitation practices
FOOD STORAGE	Standard food storage practices

Inspection & permitting

INSPECTION REQUIRED	Upon-complaint — Complaint or suspected foodborne illness. Milwaukee County Health Department may inspect. DATCP has regulatory authority.
HOME OCCUPATION PERMIT	Conditional — City of Milwaukee has home occupation permit requirements for home-based businesses. Check with the City of Milwaukee Department of City Development and Department of Neighborhood Services for home occupation permits. Unincorporated Milwaukee County areas have separate zoning requirements.
LOCAL BUSINESS LICENSE	Varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Wisconsin cottage food: direct-to-consumer sales only. No wholesale. Sales at farmers markets, fairs, home delivery permitted. Annual cap of \$20,000 for home processors not using a licensed kitchen; higher thresholds with licensed kitchen.
MAX EMPLOYEES IN HOME	Unknown

Relevant county code

Wis. Stat. §97.29; City of Milwaukee zoning code for home occupations

RESEARCH NOTES

Wisconsin cottage food law allows most non-PHF foods with a \$20,000 annual sales cap for unlicensed home processors. Milwaukee County/City may have additional home occupation permit requirements. The county_govt_url appears to be also the county health URL based on input data. No specific Milwaukee County override of state cottage food rules found. City of Milwaukee, as Wisconsin’s largest city and a first-class city, may have distinct health department rules from the county. Confidence medium because Milwaukee-specific home occupation permit details were not directly verified from a county code page.

SOURCES VERIFIED AT RESEARCH TIME

- <https://county.milwaukee.gov>
- <https://county.milwaukee.gov>
- https://datcp.wi.gov/Pages/Programs_Services/CottageFoodLaws.aspx
- <https://county.milwaukee.gov>

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

Bordering counties — cottage food law

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

State context — Wisconsin cottage food law

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

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