

## COTTAGE FOOD LAW REPORT

# Polk County

Wisconsin · Balsam Lake · FIPS 55095 · Population 44,205 ·  
Crosodo Index #2393\*

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: POLK COUNTY

CROSODO INDEX #2393\* · FIPS 55095 · Balsam Lake

# Polk County

Population 44,205 · State baseline: Wis. Stat. §97.29 · **MEDIUM**

## QUICK VIEW FOR BAKERS IN THIS COUNTY

**HOME KITCHEN ALLOWED?**

Conditional (Wisconsin has an unusual framework: (1) the statutory 'Pickle Bill' (§97.29(2)(b)2) allows home-canned pickles/acidified vegetables at community events or farmers markets, capped at \$5,000/year; (2) the Kivirist court order (2017) allows home bakers of good character to sell nonhazardous shelf-stable baked goods direct-to-consumer at low volume without a license — no stated dollar cap. The 2024 Court of Appeals ruling (2024 WI App 69) confirmed unbaked goods (candies, fudge, chocolates) are NOT covered by the Kivirist exception and require a food processing plant license.)

**SEPARATE KITCHEN REQUIRED?**

No

**PETS ALLOWED?**

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

**HOME OCCUPATION PERMIT?**

Varies (Polk County is in northwest Wisconsin bordering Minnesota and the St. Croix River. Local zoning is administered at the town level under Wis. Stat. §60.61-60.62; home occupation permit requirements vary by individual town ordinance. No county-specific cottage food overlay identified.)

**ON-SITE / PORCH PICKUP?**

Conditional

**INSPECTION REQUIRED?**

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

## Home kitchen rules

**HOME KITCHEN ALLOWED**

Conditional — Wisconsin has an unusual framework: (1) the statutory 'Pickle Bill' (§97.29(2)(b)2) allows home-canned pickles/acidified vegetables at community events or farmers markets, capped at \$5,000/year; (2) the Kivirist court order (2017) allows home bakers of good character to sell nonhazardous shelf-stable baked goods direct-to-consumer at low volume without a license — no stated dollar cap. The 2024 Court of Appeals ruling (2024 WI App 69) confirmed unbaked goods (candies, fudge, chocolates) are NOT covered by the Kivirist exception and require a food processing plant license.

**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 cottage food framework.

**HANDWASHING**

Standard food safety sanitation practices apply.

**FOOD STORAGE**

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

## Inspection & permitting

**INSPECTION REQUIRED**

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

**HOME OCCUPATION PERMIT**

Varies — Polk County is in northwest Wisconsin bordering Minnesota and the St. Croix River. Local zoning is administered at the town level under Wis. Stat. §60.61-60.62; home occupation permit requirements vary by individual town ordinance. No county-specific cottage food overlay identified.

**LOCAL BUSINESS LICENSE**

Varies

### Customer-facing rules

ON-SITE CUSTOMER PICKUP	Conditional
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Direct-to-consumer only for Kivirist-covered baked goods. Pickle Bill allows farmers market/community event sales only. No wholesale, retail, or online resale.
MAX EMPLOYEES IN HOME	Not specified; home occupation rules may apply under local town zoning.

### Relevant county code

Polk County Zoning Ordinance; Wis. Stat. §97.29

#### RESEARCH NOTES

Pattern county. Wisconsin cottage food is case-law driven. Kivirist injunction (2017) allows home-baked goods; 2024 WI App 69 limits unbaked confections. Polk County has farmland preservation zoning per DATCP records. Home occupation rules are at town level. No county-specific cottage food rules identified. State baseline is the operative framework.

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#### SOURCES VERIFIED AT RESEARCH TIME

[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>

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

## Bordering counties — cottage food law

Regulation	Polk County	Barron County	Burnett 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 Kivirist-covered baked goods. Pickle Bill allows farmers market/community event sales only. No wholesale, retail...	Direct-to-consumer only for Kivirist-covered baked goods. Pickle Bill allows farmers market and community event sales only (up to \$5,000/ye...	Direct-to-consumer only for Kivirist-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 an unusual framework: (1) the statutory 'Pickle Bill' (§97.29(2)(b)2) allows home-canned pickles/acidified vegetables at comm...	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-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	44,205	45,244	15,414

## State context — Wisconsin cottage food law

Polk 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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<b>STATUTE</b> Wis. Stat. §97.29	<b>ANNUAL SALES CAP</b> Tiered
<b>REGISTRATION REQUIRED</b> No	<b>FOOD HANDLER CERT</b> No
<b>KITCHEN INSPECTION</b> No	<b>DIRECT SALES ONLY</b> 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 Polk County's specific zoning rules, permits, and what other home bakers are seeing locally.

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

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