

## COTTAGE FOOD LAW REPORT

# Washington County

Wisconsin · West Bend · FIPS 55131 · Population 136,842 ·  
Crosodo Index #609\*

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: WASHINGTON COUNTY

CROSODO INDEX #609\* · FIPS 55131 · West Bend

# Washington County

Population 136,842 · State baseline: Wis. Stat. §97.29 · **MEDIUM**

## QUICK VIEW FOR BAKERS IN THIS COUNTY

**HOME KITCHEN ALLOWED?**

Yes (Under Wis. Stat. §97.29(2)(b)2, 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. Baked goods (shelf-stable, nonhazardous) may be sold directly to consumers at low volume without a license per the Kivirist court order (2017), but NOT unbaked nonhazardous goods (chocolates, fudge, candy) per 2024 WI App 69.)

**SEPARATE KITCHEN REQUIRED?**

No

**PETS ALLOWED?**

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

**HOME OCCUPATION PERMIT?**

Varies (Washington County (WI, near Milwaukee metro) zoning ordinance applies in unincorporated areas. City of West Bend and other municipalities have their own rules. No specific county-level cottage food ordinance identified.)

**ON-SITE / PORCH PICKUP?**

Yes

**INSPECTION REQUIRED?**

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

## Home kitchen rules

**HOME KITCHEN ALLOWED**

Yes — Under Wis. Stat. §97.29(2)(b)2, 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. Baked goods (shelf-stable, nonhazardous) may be sold directly to consumers at low volume without a license per the Kivirist court order (2017), but NOT unbaked nonhazardous goods (chocolates, fudge, candy) per 2024 WI App 69.

**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: pH 4.6 or lower. Baked goods: shelf-stable, nonhazardous. Stored in food-safe containers.

## Inspection & permitting

**INSPECTION REQUIRED**

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

**HOME OCCUPATION PERMIT**

Varies — Washington County (WI, near Milwaukee metro) zoning ordinance applies in unincorporated areas. City of West Bend and other municipalities have their own rules. No specific county-level cottage food ordinance identified.

**LOCAL BUSINESS LICENSE**

Varies

### Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Direct sales at community events and farmers markets for home-canned goods (up to \$5,000/year). Baked goods: direct-to-consumer at low volume. No internet or mail-order sales under Wisconsin’s current framework.
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. Input data had malformed fields (state\_dept\_name/state\_tier parsing errors; county\_govt\_url field showing 'Freedom'). No county-specific URLs available. Washington County (WI) is in the Milwaukee metro area — a suburban county. County follows state baseline. Confidence medium.

#### 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/washington-county-discuss>

## Bordering counties — cottage food law

Regulation	Washington County	Sheboygan County	Fond du Lac County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	Not prohibited by state statute; kitchen must maintain sanitary conditions.	No specific state restriction; standard food safety practices apply.	No specific state restriction.
INSPECTION REQUIRED	No	No	No
ON-SITE CUSTOMER PICKUP	Yes	Yes	Yes
ON-SITE SIGNAGE	Conditional	Conditional	Conditional
DELIVERY / PICKUP	Direct sales at community events and farmers markets for home-canned goods (up to \$5,000/year). Baked goods: direct-to-consumer at low volu...	Wisconsin: direct sales only. Pickle Bill: community events and farmers markets only. Kivist: direct consumer sales at low volume. No who...	Baked goods: direct-to-consumer, any channel, low volume. Pickles: community events and farmers markets only, \$5,000/year cap. Unbaked good...
HOME OCCUPATION PERMIT	Varies	Varies	Conditional
LOCAL BUSINESS LICENSE	Varies	Varies	Varies
RESTRICTIONS	Under Wis. Stat. §97.29(2)(b)2, home-canned pickles and acidified vegetables/fruits (pH 4.6 or lower) may be sold at community events or fa...	Wisconsin: (1) Pickle Bill (§97.29) allows home-canned acidified foods with pH ≤4.6 up to \$5,000/year at community events or farmers market...	Wisconsin's cottage food landscape: (1) §97.29(2)(b)2: home-canned pickles/acidified vegetables (pH 4.6 or lower) at community events or fa...
FOOD STORAGE	Home-canned: pH 4.6 or lower. Baked goods: shelf-stable, nonhazardous. Stored in food-safe containers.	Shelf-stable non-TCS baked goods and home-canned acidified foods (pH ≤4.6). Unbaked goods (chocolates, fudge, candy) require food processin...	Baked goods only under Kivist. Pickles/acidified vegetables under Pickle Bill (\$5,000 cap). Unbaked goods require DATCP food processing p...
POPULATION	136,842	117,741	104,027

## State context — Wisconsin cottage food law

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

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

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