

## COTTAGE FOOD LAW REPORT

# Waupaca County

Wisconsin · Waupaca · FIPS 55135 · Population 51,822 ·  
Crosodo Index #518\*

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: WAUPACA COUNTY

CROSODO INDEX #518\* · FIPS 55135 · Waupaca

# Waupaca County

Population 51,822 · State baseline: Wis. Stat. §97.29 · **MEDIUM**

## QUICK VIEW FOR BAKERS IN THIS COUNTY

**HOME KITCHEN ALLOWED?**

Yes (Under the Kivirist court order (2017), home bakers of good character may sell nonhazardous shelf-stable baked goods direct to consumer at low volume without a license. The §97.29(2)(b)2 'Pickle Bill' statutory exemption covers home-canned pickles and acidified vegetables/fruits (pH ≤4.6) capped at \$5,000/year at community events or farmers markets. Unbaked non-TCS items (chocolates, fudge, candy) are NOT covered by Kivirist per 2024 Court of Appeals ruling.)

**SEPARATE KITCHEN REQUIRED?**

No

**PETS ALLOWED?**

Not specified in state law.

**HOME OCCUPATION PERMIT?**

Conditional (No specific Waupaca County-level home occupation rules found in research. Individual townships within Waupaca County may have zoning regulations governing home occupations. Recommend verifying with Waupaca County Planning/Zoning.)

**ON-SITE / PORCH PICKUP?**

Conditional

**INSPECTION REQUIRED?**

No (No inspection for qualifying cottage food bakers. DATCP may not enforce licensing requirements against qualifying home bakers per Kivirist order.)

## Home kitchen rules

<b>HOME KITCHEN ALLOWED</b>	Yes — Under the Kivirist court order (2017), home bakers of good character may sell nonhazardous shelf-stable baked goods direct to consumer at low volume without a license. The §97.29(2)(b)2 'Pickle Bill' statutory exemption covers home-canned pickles and acidified vegetables/fruits (pH ≤4.6) capped at \$5,000/year at community events or farmers markets. Unbaked non-TCS items (chocolates, fudge, candy) are NOT covered by Kivirist per 2024 Court of Appeals ruling.
<b>SEPARATE DEDICATED KITCHEN</b>	No
<b>PET RESTRICTIONS</b>	Not specified in state law.
<b>WATER SUPPLY</b>	Not specified in state law.
<b>HANDWASHING</b>	Standard food safety practices; not specifically mandated.
<b>FOOD STORAGE</b>	Products must remain shelf-stable and nonhazardous.

## Inspection & permitting

<b>INSPECTION REQUIRED</b>	No — No inspection for qualifying cottage food bakers. DATCP may not enforce licensing requirements against qualifying home bakers per Kivirist order.
<b>HOME OCCUPATION PERMIT</b>	Conditional — No specific Waupaca County-level home occupation rules found in research. Individual townships within Waupaca County may have zoning regulations governing home occupations. Recommend verifying with Waupaca County Planning/Zoning.
<b>LOCAL BUSINESS LICENSE</b>	Varies

### Customer-facing rules

ON-SITE CUSTOMER PICKUP	Conditional
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Direct-to-consumer sales only for exempt operations. Pickle Bill limits sales to community events and farmers markets for home-canned goods. Kivist exception bakers may sell at home, markets, and events.
MAX EMPLOYEES IN HOME	Not specified in state or county rules found.

### Relevant county code

Wis. Stat. §97.29(2)(b)2; Kivist v. DATCP (2017); Wisconsin Cottage Food Association v. DATCP (2024 WI App 69)

#### RESEARCH NOTES

No Waupaca County-specific cottage food or home occupation rules found. State baseline applies. Wisconsin cottage food framework is complex due to Kivist court order and 2024 Court of Appeals ruling. Recommend contacting Waupaca County Planning/Zoning for local home occupation requirements. [Confidence reclassified low→medium: state baseline applies cleanly, no county override found.]

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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/waupaca-county-discuss>

## Bordering counties — cottage food law

Regulation	Waupaca County	Portage County	Marathon County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	Not specified in state law.	Not specified in state law	Not prohibited by state statute; kitchen must maintain sanitary conditions.
INSPECTION REQUIRED	No	No	No
ON-SITE CUSTOMER PICKUP	Conditional	Yes	Yes
ON-SITE SIGNAGE	Conditional	Conditional	Conditional
DELIVERY / PICKUP	Direct-to-consumer sales only for exempt operations. Pickle Bill limits sales to community events and farmers markets for home-canned goods...	Direct-to-consumer sales; direct delivery by producer permitted in-state	Direct sales only at community events and farmers markets for home-canned goods (up to \$5,000/year). Baked goods (Kivirist exception): dire...
HOME OCCUPATION PERMIT	Conditional	Varies	Varies
LOCAL BUSINESS LICENSE	Varies	Varies	Varies
RESTRICTIONS	Under the Kivirist court order (2017), home bakers of good character may sell nonhazardous shelf-stable baked goods direct to consumer at l...	No food handler cert required. No registration or inspection required. Direct-to-consumer sales only; no internet sales to out-of-state; no...	Wisconsin has an unusual cottage food landscape. Under Wis. Stat. §97.29(2)(b)2 ("Pickle Bill"), home-canned pickles and acidified vegetabl...
FOOD STORAGE	Products must remain shelf-stable and nonhazardous.	Appropriate storage for shelf-stable products	Home-canned items: pH 4.6 or lower. Baked goods: shelf-stable, nonhazardous. All stored in food-safe containers.
POPULATION	51,822	70,281	137,820

## State context — Wisconsin cottage food law

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

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

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