

COTTAGE FOOD LAW REPORT

Winnebago County

Wisconsin · Oshkosh · FIPS 55139 · Population 171,197 ·
Crosodo Index #278*

STATE BASELINE

Wis. Stat. §97.29

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.

How to start — 60-second path

Winnebago County, Wisconsin — permit, pickup, and label steps before the full county rules.

HOME KITCHEN ALLOWED?

Yes

STATE SALES CAP

Tiered

HOME OCCUPATION PERMIT?

Conditional

ON-SITE / PORCH PICKUP?

Yes

INSPECTION

No

PETS

No explicit state restriction; good manufacturing practices apply.

BEFORE YOU SELL FROM THIS ADDRESS

- ☐ **1. Menu** — Confirm each product under Wisconsin cottage food rules (county cannot expand a state ban).
- ☐ **2. Pickup & zoning** — Home occupation and porch pickup cells above; HOA/lease may still block customer traffic.
- ☐ **3. Local tax / license** — Business license or sales tax certificate if your city/parish requires it (common even with no state food permit).
- ☐ **4. Training** — Food handler or state registration before market day.
- ☐ **5. Labels** — Disclaimer, allergens, ingredients, net quantity, producer info.
- ☐ **6. Call if unclear** — County health and planning for your exact address.

LABEL FIELDS TO INCLUDE

- ☐ Product name · producer name · address (or allowed alternative)
- ☐ Ingredients by weight · major allergens · net weight/quantity
- ☐ Wisconsin home-kitchen disclaimer (see live label one-pager)

CONTINUE ONLINE

[Open the live county page →](#)

[Wisconsin label one-pager →](#)

[Local notes & questions →](#)

Planning path only — not legal advice. Rules change. Always verify with state and local offices before selling.

WISCONSIN: WINNEBAGO COUNTY

CROSODO INDEX #278* · FIPS 55139 · Oshkosh

Winnebago County

Population 171,197 · State baseline: Wis. Stat. §97.29 · MEDIUM

QUICK VIEW FOR BAKERS IN THIS COUNTY

HOME KITCHEN ALLOWED?

Yes (Two pathways: (1) Kivirist court order (2017) allows home bakers to sell shelf-stable, nonhazardous BAKED goods directly to consumers at low volume without a license (no stated dollar cap). (2) Pickle Bill (§97.29(2)(b)2) allows unlicensed home-canned pickles and acidified vegetables/fruits (pH ≤4.6) up to \$5,000/year at community events or farmers markets only. Important: unbaked cottage food items (chocolate, fudge, candy) are NOT covered by the Kivirist exception per 2024 WI Court of Appeals ruling.)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

No explicit state restriction; good manufacturing practices apply.

HOME OCCUPATION PERMIT?

Conditional (Winnebago County may require home occupation permit for home-based businesses in residential zones. Wisconsin statute is complex (case law-based); no specific county-level cottage food ordinance found. Oshkosh has separate municipal zoning. County URLs were blank in input (input data had parsing issues for this entry).)

ON-SITE / PORCH PICKUP?

Yes

INSPECTION REQUIRED?

No (DATCP may not enforce licensure against qualifying home bakers per Kivirist court order. Complaint-based investigation possible.)

Home kitchen rules

HOME KITCHEN ALLOWED	Yes — Two pathways: (1) Kivirist court order (2017) allows home bakers to sell shelf-stable, nonhazardous BAKED goods directly to consumers at low volume without a license (no stated dollar cap). (2) Pickle Bill (§97.29(2)(b)2) allows unlicensed home-canned pickles and acidified vegetables/fruits (pH ≤4.6) up to \$5,000/year at community events or farmers markets only. Important: unbaked cottage food items (chocolate, fudge, candy) are NOT covered by the Kivirist exception per 2024 WI Court of Appeals ruling.
SEPARATE DEDICATED KITCHEN	No
PET RESTRICTIONS	No explicit state restriction; good manufacturing practices apply.
WATER SUPPLY	Potable water supply required.
HANDWASHING	Adequate handwashing per good manufacturing practices.
FOOD STORAGE	Shelf-stable storage for baked goods; pickles must meet pH standards.

Inspection & permitting

INSPECTION REQUIRED	No — DATCP may not enforce licensure against qualifying home bakers per Kivirist court order. Complaint-based investigation possible.
HOME OCCUPATION PERMIT	Conditional — Winnebago County may require home occupation permit for home-based businesses in residential zones. Wisconsin statute is complex (case law-based); no specific county-level cottage food ordinance found. Oshkosh has separate municipal zoning. County URLs were blank in input (input data had parsing issues for this entry).
LOCAL BUSINESS LICENSE	Varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Direct sales from home, farmers markets, and community events. Pickle Bill sales limited to community events and farmers markets only.
MAX EMPLOYEES IN HOME	No state restriction specified for qualifying operations.

Relevant county code

Wis. Stat. §97.29; Kivirist v. DATCP (2017 Lafayette County Circuit Court order); Wisconsin Cottage Food Association v. DATCP (2024 WI App 69)

RESEARCH NOTES

Wisconsin has unusual cottage food law shaped by case law. 2024 Court of Appeals ruling (2024 WI App 69) limited Kivirist exception to baked goods only — chocolates, fudge, candy not covered. Wisconsin Supreme Court denied review.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.winnebagocounty.com>

https://datcp.wi.gov/Pages/Programs_Services/CottageFoodLaws.aspx

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

Questions about this county? Local notes and a place to leave a question: crosodo.com/nb/wisconsin/winnebago-county-discuss

Bordering counties — cottage food law

Regulation	Winnebago County	Outagamie County	Fond du Lac County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	No explicit state restriction; good manufacturing practices apply.	No explicit state-level pet restriction in Wisconsin cottage food framework.	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 from home, farmers markets, and community events. Pickle Bill sales limited to community events and farmers markets only.	Kivirist path: direct-to-consumer; no specific channel restrictions stated. Pickle Bill path: only at community events or farmers markets. ...	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	Conditional	Conditional	Conditional
LOCAL BUSINESS LICENSE	Varies	Varies	Varies
RESTRICTIONS	Two pathways: (1) Kivirist court order (2017) allows home bakers to sell shelf-stable, nonhazardous BAKED goods directly to consumers at lo...	Wisconsin cottage food framework: (1) Pickle Bill (§97.29(2)(b)2): home-canned pickles and acidified vegetables/fruits (pH 4.6 or lower) at...	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	Shelf-stable storage for baked goods; pickles must meet pH standards.	Shelf-stable, non-TCS baked goods under Kivirist path. Pickle Bill: home-canned acidified items only. Standard GMP storage.	Baked goods only under Kivirist. Pickles/acidified vegetables under Pickle Bill (\$5,000 cap). Unbaked goods require DATCP food processing p...
POPULATION	171,197	190,611	104,027

State context — Wisconsin cottage food law

Winnebago 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** on Crosodo, or open the live guide: crosodo.com/states/wisconsin.

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 about Winnebago County? Local notes and a place to leave a question are on Crosodo. We monitor new threads — start with zoning, permits, or porch pickup.

crosodo.com/nb/wisconsin/winnebago-county-discuss

Classifieds

Resources for cottage food & home bakers · crosodo.com/advertise

NATIONAL

SUPPLIES

Advertise here — Supplies

Reach home bakers across the country. crosodo.com/advertise

COURSES

Advertise here — Courses

Reach home bakers across the country. crosodo.com/advertise

INSURANCE

Advertise here — Insurance

Reach home bakers across the country. crosodo.com/advertise

LOCAL

Advertise here

Reach home bakers in Winnebago County, Wisconsin. Supply stores, farmers markets, kitchen rentals, and bakery services welcome.

crosodo.com/advertise

Your business here

Local cottage food listings, kitchen rentals, co-packer referrals, and community events — post yours on Crosodo.

crosodo.com/nb/wisconsin/winnebago-county-discuss

Free ad space available

Let us know if you're a non-profit or community organization. Farmers markets, kitchen rentals, and cottage food events near you welcome.

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