

## Information Regarding Food Preparation and Sales - Licensing:



As a reminder to vendors who handle, process, and prepare food for sale at the market, certain activities may require licensing and compliance with state regulations.

For those vendors who are new to Farmers Markets or retailing food items at community events, please find a reference to the requirements below along with advisory safeguards for food handling and preparation.

If you find that these regulations involve the vending activities you will be engaged in at the Saukville Market, please contact the Wisconsin Department of Agriculture, Trade and Consumer Protection at (608)224-4720 to obtain assistance with State licensing for retail food establishments. Vendors obligated to obtain licenses will be required to display them at the market during hours open to the public. **Vendors not properly licensed will not be allowed to participate in the Saukville Farmers Market.**

### **Subchapter II — Retail Food Establishments; Licensing and Standards**

#### **ATCP 75.03 Retail food establishments; licensing.**

**(1) LICENSE REQUIRED.** Except as provided under sub. (9), no person may operate a retail food establishment without a valid license issued by the department or an agent municipality or county. Licenses expire on June 30 annually. Each retail food establishment shall have a separate license, which shall be prominently displayed in the retail food establishment. A license is not transferable between persons or establishments.

**(2) LICENSE APPLICATION.** A person applying for a retail food establishment license shall apply on a form provided by the department, or by the agent municipality or county. The application shall include applicable fees required under this section.

**(3) ANNUAL LICENSE FEE.** An applicant for a retail food establishment license shall pay an annual license fee as follows (subject to change):

- (a) For a retail food establishment that has annual sales of at least \$25,000 but less than \$1,000,000 and processes potentially hazardous food, an annual license fee of \$265.
- (b) For a retail food establishment that has annual sales of at least \$1,000,000 and processes potentially hazardous food, an annual license fee of \$685.
- (c) For a retail food establishment that has annual sales of at least \$25,000 and is engaged in food processing, but does not process potentially hazardous food, an annual license fee of \$190.
- (d) For a retail food establishment that has annual food sales of less than \$25,000, and is engaged in food processing, an annual license fee of \$60.

**(9) LICENSE EXEMPTIONS.** A retail food establishment license is not required under s. 97.30, Stats., or this section for any of the following:

- (a) A retail food establishment that sells only packaged foods or fresh fruits and vegetables, provided the establishment does not sell potentially hazardous food and does not engage in food processing.
- (b) A retail food establishment operated by a person holding a food processing plant license under s. 97.29, Stats., if all the following apply:
  1. The person operates the retail food establishment at the same location as the licensed food processing plant.
  2. Sales from the retail food establishment are included in the computation of the food processing plant license fee under s.97.29 (3), Stats.
- (c) A retail food establishment operated by a person holding a restaurant permit issued under s. 254.64, Stats., if all of the following apply:
  1. The person operates the retail food establishment at the same location as the restaurant for which the person holds a permit under s. 254.64, Stats.
  2. Non-meal food sales from that location comprise no more than 50% by dollar volume of all meal and non-meal food sales from that location. Sales of alcohol beverages and vitamin supplements shall be excluded from the calculation of food sales under this subdivision.
- (d) A restaurant, vending machine, vending machine commissary or other establishment for which a permit is issued under s.254.64, Stats., to the extent that the activities of the establishment are covered by that permit.

- (e) A retail food establishment operated by a person holding a dairy plant license under s. 97.20, Stats. if all the following apply:
  - 1. The person operates the retail food establishment at the same location as the licensed dairy plant.
  - 2. Food sales from that location, other than sales of dairy products produced at that location, comprise no more than 25% by dollar volume of all dairy and non-dairy food sales from that location.
- (f) A retail food establishment operated in conjunction with a state licensed or federally inspected meat establishment if all the following apply:
  - 1. The meat establishment is licensed under s. 97.42, Stats., or inspected under 21 USC 601 et seq. or 21 USC 451 et seq.
  - 2. The person operating the meat establishment operates the retail food establishment at the same location.
  - 3. Food sales from that location, other than sales of inspected meat or meat products produced at that location, comprise no more than 25% by dollar volume of all meat and non-meat food sales from that location.
- (g) A retail food establishment primarily engaged in selling fresh fruits and vegetables, honey, cider, sorghum or maple syrup produced by the operator of the retail food establishment if no other food processing activities are conducted at that retail food establishment.
- (h) A temporary retail food establishment operated by a religious, charitable or non-profit organization for no more than 12 days in any license year.

### **Guidelines for Selling Home-Prepared Food at Community Events**

Selling jam or jelly made from Grandma's favorite recipe can boost sales at a church bazaar. And packages of home-made sweet rolls can find eager buyers at a society fund-raising event. But before you decide to sell home-prepared foods to the general public, remember that there are several rules you must follow.

**In general, producers who sell processed foods such as cheese or other dairy products, fresh eggs, bakery foods, or meat products must be licensed as retail food establishments. These licenses are obtained from the Wisconsin Department of Agriculture, Trade and Consumer Protection:**  
<http://datcp.state.wi.us/index.jsp>

**THIS IS JUST A REPRESENTATION OF RULES AND REGULATIONS.  
PLEASE REVIEW ALL CURRENT WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND  
CONSUMER PROTECTION REGULATIONS BEFORE PREPARING/SELLING ANY CONSUMABLES.**

### **A Retail License Is Not Required If:**

- You are selling items at a function sponsored by a tax-exempt charitable organization that sponsors such events less than 12 days per year.
- You sell only raw agricultural products, such as uncut fruits and vegetables.
- You sell maple syrup, honey or sorghum.
- You sell only packaged foods that are not potentially hazardous and are obtained from a licensed food processor.

But even if you don't need to obtain a retail food license, you should still follow some common-sense guidelines in offering food for sale.

◆ Use only high quality ingredients from approved sources. This is no time to use up those tomatoes that you canned at home 20 years ago, or the flour that you rescued from the mice last winter.

◆ Follow safe food handling recommendations:

o *Wash hands often, always before handling food and after eating;*

o *Clean surfaces, utensils and countertops with warm, soapy water to prevent cross contamination;*

o *Separate perishable foods like raw meat from ready-to-eat foods like baked goods;*

o *Refrigerate leftovers promptly;*

o *Cook foods to proper temperatures.*

◆ Process home-canned food using research-tested recipes. Such recipes can be found in the booklets of the **Wisconsin Safe Food Preservation Series** <http://cecommerce.uwex.edu/> or through the **USDA Complete Guide to Home Canning:**

[http://www.uga.edu/nchfp/publications/publications\\_home.html](http://www.uga.edu/nchfp/publications/publications_home.html)

◆ Refrigerate perishable foods such as cheesecakes, cream-filled pastries, pumpkin or cream pies - on ice at the point of sale. Provide instructions on the label to 'Keep Refrigerated'.

◆ Keep hot dishes hot – at or above 140°F.

Following a few simple guidelines can mean that the food sold by your organization will receive high marks for both quality and safety. **For more information, contact your County University of Wisconsin - Extension office, your local public health office, or, for licensing information, the area office of the Wisconsin Department of Agriculture, Trade, and Consumer Protection.**

Thank you again for your participation in this wonderful community event.

Village of Saukville

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