



The State of Wisconsin

BOARD OF HEALTH

STATE OFFICE BUILDING

IN REPLY PLEASE REFER TO:

H 95, 96

MADISON 2

May 25, 1956

Filed May 28 1956

Mr. James J. Burke
Revisor of Statutes
321 Northeast, State Capitol
Madison 2, Wisconsin

Dear Mr. Burke:

As provided in Section 227.023, Wisconsin Statutes, I hereby submit a certified copy of Chapter H 95, Hotels and Tourist Rooming Houses, and Chapter H 96, Restaurants, of the Wisconsin Administrative Code as adopted by the Wisconsin State Board of Health on May 25, 1956, for publication in the Wisconsin Administrative Register. It is hoped that the rules can be published in the June issue of the Register so the effective date may be July 1, 1956.

Copies of these rules are also being submitted to the Governor as required by Section 14.225, Wisconsin Statutes.

Respectfully submitted,

Carl N. Neupert

Carl N. Neupert, M. D.
Executive Secretary

CNN:dp

Enclosures 2

STATE OF WISCONSIN }
BOARD OF HEALTH } SS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carl N. Neupert, M.D., Executive Secretary of the Wisconsin State Board of Health and custodian of the official records of said Board, do hereby certify that Chapters H 95, Hotels (and restaurants in connection therewith), H 96, Restaurants, H 97, Tourist Rooming Houses, Cabins or Cottages, and H 98, Temporary Eating Places at Fairs, Carnivals, Parks, Street or Other Celebrations Outside of Permanent Buildings, of the Wisconsin Administrative Code were repealed and that the annexed rules and regulations (Chapters H 95 and H 96 of the Wisconsin Administrative Code) relating to Hotels and Tourist Rooming Houses, and to Restaurants, were duly approved and adopted by this Board on May 25, 1956 pursuant to authority vested in said Board by Sec. 140.05 (3), 160.05 and 160.06, Wis. Stats.

I further certify that said copies have been compared by me with the originals on file in this department, and that the same are true copies thereof, and of the whole of such originals.

The attached rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, as provided in Sec. 227.026 (1), Wis. Stats.

Seal

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at the State Office Building in the City of Madison, this 25th day of May, 1956.

Carl N. Neupert, M.D.
Executive Secretary

Chapter H 95

HOTELS AND TOURIST ROOMING HOUSES

DEFINITIONS

← Insert A

H 95.01 Definitions. (1) Hotel. "Hotel" means all places wherein sleeping accommodations are offered for pay to transients, in 5 or more rooms, and all places used in connection therewith. "Hotelkeeper" and "innkeeper" are synonymous and "inn" and "hotel" are synonymous. (Stat.)

(2) Tourist rooming house. "Tourist rooming house" means and includes all lodging places and tourist cabins and cottages, other than hotels, wherein sleeping accommodations are offered for pay to tourists or transients. It does not include private boarding or rooming houses, ordinarily conducted as such, not accommodating tourists or transients. (Stat.)

(3) Permits. Before opening for business, every hotel or tourist rooming house owner or manager shall obtain a permit from the State Board of Health through application made upon a blank furnished by the board. This permit must be conspicuously displayed at all times.

CONSTRUCTION

H 95.11 Plumbing. All plumbing shall meet the requirements of the Wisconsin Plumbing Code.

H 95.12 Water Supply and Sewage Disposal. The requirements covering the water supply and the sewage disposal facilities for all hotels and tourist rooming houses shall be based upon the availability of public utilities as well as the practicability of connection to the public utilities or the construction and operation of private utilities as indicated in Table H 95.12. The exceptions referred to in Table H 95.12 must be approved by the Board or its designated representative.

TABLE H 95.12

Water Supply and Sewage Disposal Requirements

	(1)	(2)	(3)	(4)
Public Utilities Available	No Public Water Supply or Sewage Disposal Available	Both Public Water Supply and Sewage Disposal Available	Public Water Supply only Available. No Public Sewage Disposal	Public Sewage Disposal only Available. No Public Water Supply
<u>Requirements</u>	<p>(a) A well is required on the premises.</p> <p>(b) A privy is permitted.</p>	<p>(a) Connection to the public water supply is required.</p> <p>(b) Connection to the public sewage disposal system is required</p> <p>(c) <u>A privy is not permitted.</u></p>	<p>(a) A private sewage disposal system is required.</p> <p>(b) Connection to the public water supply is required.</p> <p>(c) <u>A privy is not permitted.</u></p>	<p>(a) A well is required on the premises.</p> <p>(b) A water pressure system is required.</p> <p>(c) Connection to the public sewage disposal system is required.</p> <p>(d) <u>A Privy is not permitted.</u></p>
<u>Exceptions</u>	<p>(c) Water may be transported from an approved source if a well on the premises is not practical.</p>	<p>(d) If connections to both the public sewage disposal system and water supply are not practical, then column (1) applies.</p> <p>(e) If connection with only the public sewer or water supply is not practical, then requirements of column (3) or (4) apply.</p>	<p>(d) If a private sewage disposal system is not practical then (a) and (c) in column (3) do not apply, however connection to the public water supply is required.</p> <p>(e) If a private sewage disposal system is not practical and connection to the public water supply is not practical, then column (1) applies.</p>	<p>(e) If a well on the premises is not practical or connection to the public sewer is not practical, then column (1) applies.</p>

- (5) Private wells: Whenever private wells are permitted as a source of water the well shall be located and constructed and the pump installed in accordance with the regulations of the Board governing well drilling and pump installation. Whenever geological conditions are such that safe water cannot be obtained consistently from a well constructed in apparent compliance with the well code regulations, as evidenced by unsafe laboratory reports:
- (a) The well shall be reconstructed in accordance with plans and specifications approved by the Board or its designated representative; or,
 - (b) If such reconstruction is determined to be impractical by the Board or its designated representative or is found to be ineffective:
 - 1. The safety of the water shall be assured through continuous chlorination or other approved disinfection process, using equipment approved by the Board or its designated representative; or,
 - 2. The use of the well shall be discontinued and water transported from a source and in a manner approved as safe by the Board or its designated representative.
- (6) When well water is disinfected with chlorine the rate of application shall be such as to provide a residual content at the discharge side of a pressure tank or other storage unit of not less than 0.2 parts per million or as may be required by the Board or its designated representative.
- (7) Privies. Whenever privies are permitted they shall be constructed and located in accordance with the established specifications of the Bureau of Sanitary Engineering of the Board.
- (8) All hotels and tourist rooming houses which do not provide drinking water in the guest rooms shall be equipped with at least one drinking fountain or water cooler of a sanitary type so placed that it is available to the patrons.
- (9) All hotels and tourist rooming houses with 5 or more sleeping rooms without toilets in the rooms shall maintain at least one toilet and wash basin in separate rooms available to the public for each sex, and in addition shall provide at least one public toilet for every additional 15 sleeping rooms or fraction thereof that are without toilets. Tourist rooming houses with less than 5 sleeping rooms without toilet and wash basin facilities in the rooms shall maintain at least one toilet and wash basin available to the public.

H 95.13 Fire safety.

- (1) The furnace, boiler, fuel tanks and breaching shall be properly enclosed and separated from the rest of the building by fire resistive construction which will meet the requirements of the Wisconsin Industrial Commission regulations and orders.
- (2) Fire escapes, fire exits, fire extinguishers, fire alarm systems, exit lights and directions for escape shall be provided which will meet the requirements of the Wisconsin Industrial Commission regulations and orders.

H 95.14 Space heaters. All hotels and tourist rooming houses using space heaters shall comply with the following regulations:

- (1) All space heaters shall be vented to the outside atmosphere by connecting them to a masonry chimney, or its equivalent, constructed in accordance with the requirements of the Wisconsin Industrial Commission regulations and orders.
- (2) When space heaters are used in rooms equipped for sleeping, one of the two following conditions must be met:
 - (a) The room must have access to a constant supply of fresh air through a permanent opening which cannot be closed, with a minimum of one square inch of opening for each 1,000 Btu per hour of the rated heating capacity of the space heater. In no case shall the opening be less than 10 square inches.
 - (b) The space heater must be so constructed that the air used in the combustion of the fuel is taken directly from the outside rather than from the air in the room itself.
- (3) No space heaters shall have an output of more than 15 Btu per hour per cubic foot of room air space unless equipped with a thermostatic control.
- (4) All gas-fired space heaters shall be of a type which meets the requirements of the Wisconsin Industrial Commission regulations and orders.*

*Footnote: Space heaters which bear the seal of approval of the Underwriters' Laboratories, Inc. or of the American Gas Association meet the requirements of the Wisconsin Industrial Commission.

- (5) All gas-fired space heaters shall be equipped with an automatic control which will automatically shut off the gas supply to the burner in case the pilot light is not in operation.

H 95.15 Space. Every sleeping room shall provide a minimum of 50 square feet or 400 cubic feet of space for each occupant.

H 95.16 Ventilation. No room shall be used as a sleeping room which does not have, other than a door transom to the hallway, an outside window or a window opening on a well-ventilated light well, air shaft or court which can be opened for ventilation.

H 95.17 Locks on doors. Doors to all sleeping rooms or cabins or cottages shall be provided with facilities for locking.

H 95.18 Prohibited sleeping area. No basement sleeping rooms shall be permitted unless they conform to the requirements of the Wisconsin Industrial Commission.

MAINTENANCE

H 95.21 General requirement. Every hotel and tourist rooming house shall be maintained and equipped in a manner conducive to the health, comfort, and safety of its guests.

H 95.22 Cleanliness of rooms. The floors, walls, windows, and ceiling shall be kept free from dirt.

H 95.23 Cleanliness of linens. Bed linen, including pillow-slips and sheets and towels, shall be washed as frequently as they are assigned to a different guest. Blankets, spreads, mattresses and pillows shall be thoroughly aired, kept clean, and kept free of insect infestation. The use of quilts and comforters shall not be permitted. Sheets shall have a minimum length of 96 inches. Soiled linens should be kept in containers used for such purpose exclusively.

H 95.24 Condition of bed furnishings. All bed furnishings shall be replaced whenever they become worn out and unfit for further use.

H 95.25 Cleanliness of room furnishings. All rugs, carpets, drapes, curtains, and upholstered furniture and other equipment shall be kept clean and free from odor and in good repair.

H 95.26 Screens required. When flies, mosquitoes, or other insects are present, windows and the outside doors of sleeping rooms shall be screened, using 16 mesh or finer material.

COMMUNICABLE DISEASE CONTROL

H 95.61 Communicable disease -- employee. No person suffering from a communicable disease shall be employed in any capacity in a hotel or tourist rooming house and when the presence of such disease is suspected, the employee may be required by the local health officer or representative of the State Board of Health to present a certificate from a physician certifying that he is free from communicable disease.

H 95.62 Communicable disease -- guest. No person who has a communicable disease shall be granted lodging at a hotel or tourist rooming house, however this regulation does not authorize compulsory removal or refusal of shelter to any such person who is receiving accommodations at the hotel or tourist rooming house at the time illness is discovered if removal would endanger his life or health.

H 95.63 Disinfection, when required. Whenever a room in any hotel or tourist rooming house has been occupied by a guest ill with a communicable disease, the room and furnishings shall be thoroughly cleaned with soap and water before being occupied by another guest.

MISCELLANEOUS

H 95.71 Preparation and serving of food. Any hotel or tourist rooming house which prepares or serves food shall be required to meet the regulations of the State Board of Health pertaining to restaurants and obtain a restaurant permit.

H 95.72 Ice for cooling drinks or food. All ice used in a hotel or tourist rooming house for cooling drinks or food by direct contact shall be made from water which has been approved as safe and free from contamination.

H 95.73 Garbage disposal, when required. Any hotel or tourist rooming house which provides facilities for guests for the preparation or cooking of food shall provide a convenient and sanitary method for disposal of garbage and shall thoroughly sanitize all utensils after the occupant or occupants have departed and before accepting any new occupants.

H 95.74 Posting of rates. The manager of all hotels and tourist rooming houses shall post in a conspicuous place in each sleeping room in his establishment, in 12 point type or larger, the rates per day for each occupant. Special rates may be made for the use of sleeping rooms, either by the week, month or for longer periods, or for use by families or other collective groups.

H 95.75 Registration. Each hotel and tourist rooming house shall provide a register and require all guests to register their true names and addresses before being assigned sleeping quarters, and this register shall be kept intact and available for inspection by proper authorities.

ENFORCEMENT

H 95.91 Enforcement of rules and regulations. Whenever upon inspection of a hotel or tourist rooming house by an authorized employee or agent of the State Board of Health it shall be found that such hotel or tourist rooming house is not conducted or equipped as required in the rules, the authorized employee or agent of the State Board of Health shall notify the owner in writing and shall specify the requirements prescribed by the law and rules of the board to make such place of business conform with the standards established and the time limit within which compliance must be effected. If the order is not fulfilled at the expiration of the time stipulated in said order, or any extension of time granted for compliance, then the permit to operate the hotel or tourist rooming house may be summarily suspended or revoked by the State Board of Health.

H 95.92 Enforcement policy. (1) The hotel and tourist rooming house regulations which the Board designates as of the greatest significance to the public health are as follows:

H 95.12	Water Supply and Sewage Disposal
H 95.13	Fire Safety
H 95.14	Space Heaters
H 95.61 - 95.63	Communicable Disease Control

(2) Failure to comply with these rules shall be sufficient cause for summary revocation or suspension of the permit to operate the establishment. Nothing in this rule shall preclude revocation or suspension of a permit for violation of other rules not itemized in this section, should the circumstances warrant.

H 95.93 Appeal by the operator. Any person aggrieved by an order of the Board may appeal to the board within 30 days after issuance of the order in the manner prescribed by H 1.21 and 1.22. The Board shall at its next regular meeting either reaffirm, summarily set aside or modify the order, or set a date for hearing on the matter as provided in H 1.21 and 1.22. The action taken by the Board may either suspend the order or continue it in force pending determination of the issues. If the board has summarily modified the order, the person aggrieved may appeal from the modified order as herein provided.

H 95.94 State Health Officer empowered to act. The State Health Officer is empowered to act for the Board in the administration and enforcement of all provisions of Chapter 160 of the statutes and the rules and regulations of the Board pertaining to hotels and tourist rooming houses and in the execution of paragraphs H 95.91, 95.92 and 95.93.

Chapter H 96

RESTAURANTS

DEFINITIONS

H 96.01 Definitions (1) Restaurant. "Restaurant" means and includes any building, room or place wherein meals or lunches are prepared or served or sold to transients or the general public, and all places used in connection therewith. "Meals or lunches" shall not include soft drinks, ice cream, milk, milk drinks, ices and confections. The serving in taverns of free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish or bread and butter shall not constitute such taverns to be restaurants. (Stat.)

(2) Temporary restaurant. The term "temporary restaurant" shall mean one operating for a temporary period in connection with a fair, carnival, circus, public exhibition, or other similar gathering.

(3) Employee. The term "employee" shall mean any person who handles food or drink during preparation or serving, or who comes in contact with any eating or cooking utensils, or who works in a room in which food or drink is prepared or served.

(4) Utensils. "Utensils" shall include any kitchenware, tableware, glassware, cutlery, containers, or other equipment with which food or drink comes in contact during storage, preparation, or serving.

(5) Permits. Before opening for business, every restaurant owner or manager shall obtain a permit from the State Board of Health through application made upon a blank furnished by the Board. Original permits shall not be granted without a prior inspection. The restaurant permit must be conspicuously displayed.

CONSTRUCTION

H 96.11 Plumbing. All plumbing shall meet the requirements of the Wisconsin Plumbing Code.

H 96.12 Water Supply and Sewage Disposal. The requirements covering the water supply and the sewage disposal facilities for all restaurants shall be based upon the availability of public utilities as well as the practicability of connection to the public utilities or the construction and operation of private utilities as indicated in Table H 96.12. The exceptions referred to in Table H 96.12 must be approved by the Board or its designated representative.

TABLE H ^{96.12}_{95.12}

Water Supply and Sewage Disposal Requirements

	(1)	(2)	(3)	(4)
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<u>Requirements</u>	<p>(a) A well is required on the premises.</p> <p>(b) A privy is permitted.</p>	<p>(a) Connection to the public water supply is required.</p> <p>(b) Connection to the public sewage disposal system is required</p> <p>(c) <u>A privy is not permitted.</u></p>	<p>(a) A private sewage disposal system is required.</p> <p>(b) Connection to the public water supply is required.</p> <p>(c) <u>A privy is not permitted.</u></p>	<p>(a) A well is required on the premises.</p> <p>(b) A water pressure system is required.</p> <p>(c) Connection to the public sewage disposal system is required.</p> <p>(d) <u>A Privy is not permitted.</u></p>
<u>Exceptions</u>	<p>(c) Water may be transported from an approved source if a well on the premises is not practical.</p>	<p>(d) If connections to both the public sewage disposal system and water supply are not practical, then column (1) applies.</p> <p>(e) If connection with only the public sewer or water supply is not practical, then requirements of column (3) or (4) apply.</p>	<p>(d) If a private sewage disposal system is not practical then (a) and (c) in column (3) do not apply, however connection to the public water supply is required.</p> <p>(e) If a private sewage disposal system is not practical and connection to the public water supply is not practical, then column (1) applies.</p>	<p>(e) If a well on the premises is not practical or connection to the public sewer is not practical, then column (1) applies.</p>

- (5) Private wells: Whenever private wells are permitted as a source of water the well shall be located and constructed and the pump installed in accordance with the regulations of the Board governing well drilling and pump installation. Whenever geological conditions are such that safe water cannot be obtained consistently from a well constructed in apparent compliance with the well code regulations, as evidenced by unsafe laboratory reports:
- (a) The well shall be reconstructed in accordance with plans and specifications approved by the Board or its designated representative; or,
 - (b) If such reconstruction is determined to be impractical by the Board or its designated representative or is found to be ineffective:
 - 1. The safety of the water shall be assured through continuous chlorination or other approved disinfection process, using equipment approved by the Board or its designated representative; or,
 - 2. The use of the well shall be discontinued and water transported from a source and in a manner approved as safe by the Board or its designated representative.
- (6) When well water is disinfected with chlorine the rate of application shall be such as to provide a residual content at the discharge side of a pressure tank or other storage unit of not less than 0.2 parts per million or as may be required by the Board or its designated representative.
- (7) Hot and cold water shall be available in rooms in which food is prepared or utensils are washed.
- (8) Employees' hand washing facilities shall be separate from utensil washing facilities. Hot and cold water shall be available with such facilities for employees' use. Water shall also be available for use in public wash basins.
- (9) The use of the common drinking cup is prohibited. The use of any fountain or cooler for filling glasses or other drinking receptacle where the top rim of receptacle comes in contact with any part of the appliance is prohibited.
- (10) Every restaurant which sells food for consumption on the premises shall provide at least one toilet and wash basin available to the public. The toilet room shall be so located that it is not necessary for patrons to pass through any area in which food is prepared. Doors of toilet rooms shall be self closing. Toilet rooms shall be well ventilated and lighted.

Where the seating capacity of the restaurant is 25 or more, at least one toilet for each sex shall be available to the public in separate rooms. Soap and single service towels or air dryers shall be available near the wash basin.

- (11) Privies. Whenever privies are permitted they shall be constructed and located in accordance with the established specifications of the Bureau of Sanitary Engineering of the Board.

H 96.13 Equipment.

- (1) All display cases, counters, shelves, tables, cutting blocks, refrigerating equipment, sinks, cooking and baking equipment, mechanical dishwashing equipment and other equipment used in connection with the operation of a restaurant shall be so constructed as to be easily cleaned and shall be kept in good repair.
- (2) All multi-use utensils, cutlery, glassware, dishes, and silverware shall be so constructed as to be easily cleaned. Single service metal food containers shall not be reused.
- (3) Storage: Utensils shall be stored in a clean, dry place protected from contamination and wherever practicable, utensils shall be covered or inverted.

H 96.14 Rooms.

- (1) The floors of all rooms in which food or drink is stored, prepared or served, or in which utensils are washed, and the floors of toilet rooms shall be of such construction as to be easily cleaned, shall be smooth and shall be kept in good repair. Newly constructed or reconstructed floors in toilet rooms shall meet the plumbing code requirements of the State Board of Health.
- (2) Walls and ceilings of all rooms where food is prepared or utensils are washed shall have a smooth, nonabsorbent, light-colored, washable surface.
- (3) Doors and windows: All room openings to the outer air shall be effectively screened and doors shall be self-closing, unless other effective fly control measures are employed.
- (4) Lighting: All rooms in which food or drink is stored or prepared or in which utensils are washed shall be well lighted.
- (5) Ventilation: All rooms in which food is stored, prepared, or served, or in which utensils are washed, shall be well ventilated. Refrigerated storage rooms need not be ventilated.

MAINTENANCE

H 96.21 Cleanliness of rooms. The floors, walls and ceilings of all rooms in which food or drink is stored, prepared or served, or in which utensils are washed, and all toilet rooms and lavatories shall be maintained in a clean and sanitary condition.

H 96.22 Cleanliness of equipment. All equipment, including furniture, display cases, counters, shelves, tables, cutting blocks, refrigeration equipment, sinks, cooking and baking equipment, mechanical dishwashing equipment and other equipment used in connection with the operation of a restaurant shall be maintained in a clean and sanitary condition.

H 96.23 Condition of utensils. All multi-use utensils, cutlery, glassware, dishes and silverware shall be maintained in a clean and sanitary condition. Cracked or chipped utensils or those with open seams shall be discarded.

H 96.24 Linens. All linen, napkins, tablecloths, and underpads shall be clean. Soiled linens should be kept in containers used for such purpose exclusively.

H 96.25 Washing aids. All washing aids, such as brushes, dish mops, dish cloths, and other hand aids used in dishwashing shall be effectively washed and maintained in a clean condition.

H 96.26 Room furnishings. All drapes, curtains, rugs and upholstered furniture shall be kept clean and free from odor.

WASHING AND SANITIZATION OF DISHES

H 96.30 Pre-wash. The term "pre-wash" is applied to the process of water scraping of utensils prior to washing. Better washing and sanitizing can be accomplished, either manual or mechanical, if pre-washing is practiced. It is recommended that pre-washing be made an integral part of both manual and mechanical utensil washing operation.

H 96.31 Manual cleaning.

- (1) Sinks for hand dishwashing: A two-compartment sink shall be provided for all establishments and it is recommended that a three-compartment sink be provided in all new installations.
- (2) Hand dishwashing: The utensils shall be washed in hot water at a temperature of 110 to 120° Fahrenheit, containing an adequate amount of an effective soap or detergent. Water shall be kept clean by changing it frequently.
- (3) Sanitizing of hand-washed dishes: Following hand washing, all utensils shall be sanitized by either of the following two methods:

(a) First method:

Submerge all utensils for 30 seconds in clean water maintained at a temperature of 170° Fahrenheit or more.

(b) Second method:

All utensils should be submerged or rinsed following the washing operation in hot water at a minimum temperature of 110° Fahrenheit to remove soap or detergent, and then be submerged for at least two minutes in a hypochlorite solution. The solution shall be made up with a chlorine concentration of at least 100 parts per million and shall be discarded when the chlorine concentration goes below 50 parts per million. All hypochlorite solutions shall be prepared fresh at least three times each day prior to its use in sanitizing the dishes used at each main meal period, and at least twice each day if only glassware is sanitized. Soaps, water softeners, washing compounds and detergents shall not be added to hypochlorite solutions. Utensils should be racked in baskets so that all surfaces will be reached by the chemical solution while submerged. Other chemical sanitizing solutions may be approved for use by the State Health Officer in which case the concentration will be specified.

- (4) A suitable thermometer shall be provided for frequent determination of the temperature of the water used for sanitizing, washing and rinsing utensils.

H 96.32 Mechanical cleaning.

- (1) Racking of utensils: Utensils shall be stacked in racks or trays so as to avoid overcrowding and in such manner as to assure complete washing contact with all surfaces of each article.
- (2) Wash water--mechanical dishwashing: The wash water temperature of the utensil washing machine shall be held at from 130° to 150° Fahrenheit. The utensils shall be in the washing section for at least twenty seconds.
- (3) Detergent: A detergent shall be used in all utensil washing machines and it is recommended that they be equipped with automatic detergent dispensers so that the maximum efficiency of the machines can be obtained.
- (4) Sanitizing--mechanical: For sanitizing in a spray type machine, dishes shall be subjected to a rinse period of 10 seconds or more at a temperature in the line of at least 180° Fahrenheit. For sanitizing in an immersion tank type machine, dishes shall be submerged for 30 seconds or more with water at a temperature of 170°

Fahrenheit or more. There shall be a constant change of water through inlet and overflow.

- (5) Dishwasher thermometers: Thermometers shall be located in both the wash compartment and rinse water lines at the machine so as to be readily visible. Thermostatic control of the temperature of the wash and rinse water shall be provided in new equipment and is recommended for existing equipment.
- (6) Dishwasher water pressure: The pressure of the water used in spray washing and rinsing shall be 15 to 25 pounds per square inch at the machine nozzles.

H 96.33 Drying of utensils. Drying cloths, if used, shall be clean and shall be used for no other purpose. It is recommended that utensils be allowed to drain and air dry in racks or baskets.

REFRIGERATION

H 96.41 Handling and refrigeration of foods. All readily perishable food and drink except when being prepared or served shall be kept in a refrigerator which shall have a temperature maintained at or below 40° Fahrenheit. This shall include all custard-filled and cream-filled pastries; milk and milk products; meat, fish, shellfish, gravy, poultry stuffing and sauces; dressings; salads containing meat, fish, eggs, milk or milk products; and any other food or food products liable to food spoilage. All ice used for cooling drinks or food by direct contact shall be made from water from a public water supply or from water the source of which has been approved by the Board as safe and free from contamination.

DISPOSAL OF WASTE

H 96.51 Kitchen garbage and refuse. All garbage while in the kitchen shall be kept in watertight containers and removed daily. All garbage and kitchen refuse which is not disposed of through a garbage disposal unit connected with the sewerage system must be kept in separate watertight metal cans, provided with close fitting metal covers unless otherwise protected from flies and insects, and the contents must be removed as often as necessary to prevent decomposition and overflow. Garbage cans shall be washed each time emptied. The use of wooden containers for garbage is prohibited either in the kitchen or on the premises. No waste water, including dish water, shall be discharged on or near the premises so as to create a nuisance. Separate fly-tight containers must be provided for cans, bottles and similar rubbish.

H 96.52 Drainage of ice boxes and refrigerators. Drains from ice boxes and refrigerators must be connected in accordance with the plumbing code of the State Board of Health. Where a building drain is not available, a drain pipe must be provided and wastes disposed of in such a manner as to avoid a nuisance.

COMMUNICABLE DISEASE CONTROL

H 96.61 Disease control. No person who is affected with any disease in a communicable form or is a carrier of such disease shall work in any restaurant, and no restaurant shall employ any such person or any person suspected of being affected with any disease in a communicable form or of being a carrier of such disease. If the restaurant manager suspects that any employee has contracted any disease in a communicable form or has become a carrier of such disease he shall exclude the employee from the restaurant and notify the local health officer immediately.

H 96.62 Procedure when infection suspected. The local health officer shall determine whether the employee has a communicable disease or is a carrier of such disease. If the local health officer is not a physician he shall make arrangements to employ a physician to aid in making the diagnosis or call upon the State Board of Health for such service. Laboratory examinations as may be indicated may be required by the physician.

H 96.63 Restrictions on employment--typhoid/fever. Persons who at any time have had typhoid or paratyphoid fever shall not be employed in a restaurant, kitchen or as a handler of foods or food materials until it has been definitely determined by appropriate tests that such persons are not typhoid or paratyphoid carriers.

MISCELLANEOUS

H 96.71 Personal hygiene. All restaurant employees shall maintain personal cleanliness and shall wash their hands with soap and clean water before beginning work and after each time they use the toilet. Cooks and helpers in the restaurant shall wear caps and waitresses shall wear hair nets. All employees shall refrain from using tobacco while on duty in food preparation and storage rooms and while serving food. Dressing rooms and lockers should be provided.

H 96.72 Single service utensils. Single service utensils, such as paper plates, shall be stored in the original wrapper until used. When straws are used they shall be furnished to the customer in the original individual wrapper, unopened.

H 96.73 Serving food in open air. Food may be served at drive-ins, open air dining rooms, and other similar restaurants where screening is not provided for the dining room provided that:

(1) The areas where food is served are kept free of flies and other insects through chemical spraying.

(2) All food served and all utensils used in connection therewith are covered or wrapped.

H 96.74 Hermetically sealed sandwiches. All establishments required by section 160.02 (1) of the statutes to have a permit shall be required to comply with these rules and regulations with the

exception that establishments which sell or serve hermetically sealed sandwiches only and do not use dishes, glassware or silverware in connection with their business shall not be required to maintain hot running water and dishwashing facilities.

H 96.75 Harboring of animals. The harboring of birds, cats, dogs, or other animals is not permitted in rooms in which food is prepared or stored or where utensils are washed.

H 96.755 Restriction on use. Rooms in which food is prepared or stored, or dishes are washed, shall not be used for sleeping.

H 96.76 Location of preparation room. No food can be served in any restaurant unless it is prepared on the premises or in another place licensed by the appropriate state agency.

H 96.77 Handling, preparation and serving of food. All foods shall be handled, prepared and served under clean and sanitary conditions. The use of tainted or spoiled foods is prohibited. All foods, including vegetables, served raw shall be thoroughly washed in clean water from an approved source.

H 96.78 Milk. Whenever available, only milk which meets the Grade A milk standards of the State Department of Agriculture and State Board of Health shall be served or used. All milk shall be kept in the original containers in which delivered and under refrigeration until served or used. Dipping of milk or milk products is not permitted. Bulk milk dispensers which have been approved by the State Board of Health as to design and construction may be used provided that:

(1) No surfaces with which milk comes in contact, other than the delivery orifice, shall be accessible to manual contact, droplets, dust or flies.

(2) The milk dispensing device shall be cleaned, sanitized, filled and sealed only at a milk plant which meets the Grade A milk requirements adopted by the State Department of Agriculture and the State Board of Health.

H 96.785 Cream. Cream shall be kept in the original container in which delivered and under refrigeration until served or used. It should be served, whenever practical, from the original container.

H 96.79 Displayed foods. All foods when displayed must be protected from flies, insects, rodents, dust, sneeze or cough spray, and from handling by the public.

H 96.795 Food storage. Foods shall not be stored in any basement or room or receptacle that is subject to sewage or waste water back flow, or to contamination by condensation or leakage, nor in any place where rodents or vermin may gain access. Food shall be stored at least 12 inches above the floor.

TEMPORARY RESTAURANTS

H 96.81 Restaurant regulations which apply. Temporary restaurants shall be required to meet all restaurant regulations under the paragraph headings H 96.13, Equipment; H 96.21 - 96.26, Maintenance; H 96.30 - 96.33, Washing and Sanitization of Dishes; H 96.41, Refrigeration; H 96.51 - 96.52, Disposal of Waste; H 96.61 - 96.63, Communicable Disease Control; and H 96.71 - 96.795, Miscellaneous, (except H 96.73 (2)); as well as the special provisions under H 96.82 - 96.87 for temporary restaurants.

H 96.82 Permit required. No temporary restaurant may be operated before being granted a permit by the State Board of Health. No permit will be issued without a prior inspection. Permits cannot be transferred from one person to another and are valid only for the location for which issued. Permits shall be conspicuously displayed. Operators or managers of temporary restaurants whom the Board has found to be uncooperative or habitual violators of restaurant regulations may be denied a permit to operate. Hotel and restaurant inspectors of the State Board of Health are authorized to summarily suspend the permit of any temporary restaurant found to be violating regulations of the Board of Health until such regulations have been complied with.

H 96.83 Roof, sidewalls, and floors. No temporary eating place shall be operated without suitable cover or roof, and suitable sidewalls to be used when deemed necessary. Floors shall be maintained in a sanitary condition.

H 96.84 Location. No temporary stand with a seating capacity in or out may be located within four feet of any other stand or building except where exits are provided at both front and rear of stand.

H 96.85 Enclosure of kitchen. All kitchens maintained in connection with temporary eating places must be enclosed or screened, with necessary exits or opening for service from kitchen to dining room. All stoves and griddles at counters, not enclosed, must be equipped with a glass or metal shield covering front, ends and a portion of the top.

H 96.86 Toilet facilities. Toilet facilities available within a reasonable distance of a temporary restaurant shall be deemed acceptable.

H 96.87 Water. Water transported to the temporary restaurant from an approved supply shall be deemed acceptable. The temporary restaurant shall not be required to have running water. Facilities for properly washing and drying hands must be provided. Two pans may be substituted for a two-compartment sink.

ENFORCEMENT

H 96.91 Enforcement of rules and regulations. Whenever upon inspection of a restaurant by an authorized employee or agent of the State Board of Health it shall be found that such restaurant is not conducted or equipped as required in the rules, the authorized

employee or agent of the State Board of Health shall notify the owner in writing and shall specify the requirements prescribed by the law and rules of the Board to make such place of business conform with the standards established and the time limit within which compliance must be effected. If the order is not fulfilled at the expiration of the time stipulated in said order, or any extension of time granted for compliance, then the permit to operate the restaurant may be summarily suspended or revoked by the State Board of Health.

H 96.92 Enforcement policy. (1) The restaurant regulations which the board designated as of the greatest significance to the public health are as follows:

H 96.12	Water Supply and Sewage Disposal
H 96.30 - 96.33	Washing and Sanitization of Dishes
H 96.41	Refrigeration
H 96.61 - 96.63	Communicable Disease Control
H 96.795	Storage of Food

(2) Failure to comply with these rules shall be sufficient cause for summary revocation or suspension of the permit to operate the establishment. Nothing in this rule shall preclude revocation or suspension of a permit for violation of other rules not itemized in this section, should the circumstances warrant.

H 96.93 Appeal by the operator. Any person aggrieved by an order of the Board may appeal to the Board within 30 days after issuance of the order in the manner prescribed by H 1.21 and 1.22. The Board shall at its next regular meeting either reaffirm, summarily set aside or modify the order, or set a date for hearing on the matter as provided in H 1.21 and 1.22. The action taken by the Board may either suspend the order or continue it in force pending determination of the issues. If the Board has summarily modified the order, the person aggrieved may appeal from the modified order as herein provided.

H 96.94 State Health Officer empowered to act. The State Health Officer is empowered to act for the Board in the administration and enforcement of all provisions of Chapter 160 of the statutes and the rules and regulations of the Board pertaining to restaurants in the execution of paragraphs H 96.91, H 96.92 and H 96.93.