

ORDER OF THE STATE BOARD OF HEALTH

ADOPTING, AMENDING AND RENUMBERING RULES

Pursuant to authority vested in the State Board of Health by Sections 140.05 (3) and 160.06, Wis. Stats., the State Board of Health hereby adopts rules relative to mobile restaurant operation and vehicles used in the delivery of a pre-ordered meal or lunch, and amends and renumbers certain existing rules in Chapter # 96 as follows:

Subsection E 96.01 (3) of the WISCONSIN ADMINISTRATIVE CODE is created to read:

(3) Mobile restaurant. The term "mobile restaurant" shall mean a restaurant operating from a moveable structure which periodically or continuously changes location such as a vehicle or boat wherein meals or lunches are prepared or served or sold to transients or the general public, excepting that vehicles used in delivery of a pre-ordered meal or lunch prepared in a licensed restaurant shall not require separate licensing. The term "mobile restaurant" shall not include a common carrier regulated by the state or federal government.

X Section H 96.31 of the WISCONSIN ADMINISTRATIVE CODE is renumbered and amended to read: ✓

MAINTENANCE

H 96.15 Maintenance. (1) 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. ✓

X Section H 96.30 of the WISCONSIN ADMINISTRATIVE CODE is renumbered and amended to read: ✓

WASHING AND SANITIZATION OF DISHES

H 96.16 Washing and Sanitization of Dishes. (1) 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.

X ✓ Section H 96.51 of the WISCONSIN ADMINISTRATIVE CODE is renumbered and amended to read:

DISPOSAL OF WASTE

H 96.18 Disposal of Waste. (1) Kitchen garbage and refuse. All garbage while in the kitchen shall be kept in water tight 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.

X ↓ Section H 96.61 of the WISCONSIN ADMINISTRATIVE CODE is re-numbered and amended to read:

COMMUNICABLE DISEASE CONTROL

H 96.19 Communicable Disease Control. (1) 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 employe has contracted any disease in a communicable form or has become a carrier of such disease he shall exclude the employe from the restaurant and notify the local health officer immediately.

X ↓ Section H 96.71 of the WISCONSIN ADMINISTRATIVE CODE is re-numbered and amended to read:

MISCELLANEOUS

H 96.20 Miscellaneous. (1) Personal hygiene. All restaurant employes 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.

X ✓ Subsection H 96.20 (13) of the WISCONSIN ADMINISTRATIVE CODE is created to read:

(13) Delivery vehicles. Vehicles used in delivery of a pre-ordered meal or lunch prepared in a licensed restaurant shall be equipped with clean containers or cabinets to store the food while in transit. The container or cabinet shall be so constructed as to prevent food contamination by dust, insects, animals, vermin or infection. If the meal or lunch is readily perishable, the container or cabinet shall be capable of maintaining a temperature at or below 40° Fahrenheit or a temperature at or above 150° Fahrenheit until the food is delivered to the person placing the order.

Y ✓ Section H 96.81 of the WISCONSIN ADMINISTRATIVE CODE is re-numbered and amended to read:

TEMPORARY RESTAURANTS

H 96.21 Temporary Restaurants. (1) Restaurant regulations which apply. Temporary restaurants shall be required to meet all restaurant regulations under the paragraph headings H 96.13, Equipment; H 96.15, Maintenance; H 96.16, Washing and Sanitization of Dishes; H 96.17, Refrigeration; H 96.18, Disposal of Waste; H 96.19, Communicable Disease Control; and H 96.20, Miscellaneous, (except H 96.20 (3) (b)); as well as the special provisions under H 96.21 for temporary restaurants.

Section H 96.22 of the WISCONSIN ADMINISTRATIVE CODE is created to read:

MOBILE RESTAURANTS

✓ H 96.22 Mobile Restaurants. (1) Restaurant regulations which apply. Mobile restaurants, including the service base, shall be required to meet the applicable regulations under the paragraph headings H 96.11, Plumbing; H 96.12, Water supply and sewage disposal (for the moveable structures, see H 96.22 (5), (6), (7), (8), and (9)); H 96.13, Equipment; H 96.14, Rooms; H 96.15, Maintenance; H 96.16, Washing and Sanitization of Dishes; H 96.17, Refrigeration; H 96.18, Disposal of Waste; H 96.19, Communicable Disease Control; H 96.20, Miscellaneous, (except for H 96.20 (3) (a) and (b) which are not applicable to moveable structures); as well as the special provisions under H 96.22 for mobile restaurants.

(2) Permit required. (a) For each mobile restaurant and for each service base the owner or manager shall obtain a permit from the state board of health before operating. No permit will be issued without a prior inspection. Permits cannot be transferred from one person to another, from one service base to another or from one mobile restaurant to another mobile restaurant, and are valid only for the service base area for which issued.

Note: The owner or manager is reminded that in addition, a transient merchant's license is required. This license is issued by the State Motor Vehicle Department, State Office Building, Madison 2, Wis.

(b) A mobile restaurant permit does not in any way limit or interfere with the rights of any town, village or city as provided or established in Chapter 129, Wisconsin Statutes.

(c) Permits and such other identification issued by the state board of health shall be conspicuously displayed on the licensed premises of each operation.

(d) Operators or managers of mobile restaurants whom the state board of health has found to be uncooperative or habitual violators of restaurant regulations may be denied a permit to operate. Hotel and restaurant sanitarians of the state board of health are authorized to summarily suspend the permit of any mobile restaurant found to be violating regulations of the board of health until such regulations have been complied with.

(3) Service base. Every mobile restaurant shall have a service base of operations consisting of an enclosed building for servicing, cleaning, inspection and maintenance of all vehicles. See H 96.22 (1) for regulations which apply.

(4) Boundary of operation. The boundary of a mobile restaurant's operation shall be limited to that distance which it can reasonably be expected to travel in one direction in four hours. Itineraries of each mobile restaurant shall be available at the service base. Each mobile restaurant shall return to its service base not less than once in each 24 hours for servicing and maintenance and oftener if so required. On request of a representative of the board each mobile

restaurant shall be made available for inspection for a prearranged period of not less than one hour between 8 a.m. and 5 p.m. at the service base. A mobile restaurant shall also be open to inspection by a board representative at any time while it is in operation.

(5) Watering point. (a) The watering point shall be located in the service base and shall be located and maintained in a manner that will assure protection against contamination.

(b) The service base watering tap fixture shall have a one-half inch maximum diameter threaded outlet. The tap shall terminate in a bend or gooseneck directed downward if it is not otherwise protected by a self-closing cover. In no case shall the outlet terminate upward.

(c) Hoses shall be of approved material. Each end of the hose shall have a threaded attachment for connection to the one-half inch threaded outlet of the service base watering tap fixture and the water storage tank respectively. Both ends of the hose shall be prevented from touching the ground or any contaminating material by permanent placement of a 6 inch metal disk near each end. Hoses shall be used for this purpose only and shall be stored on a special reel or in a special locker labeled: "For Watering Point Hose Only."

(6) Water storage tank. (a) Every mobile restaurant shall be equipped with a gravity storage tank having a minimum capacity of 40 gallons. Water for this tank shall be obtained only from the service base watering point and the vehicle shall return to the

service base whenever the amount of water in storage does not equal at least 5 gallons.

(b) The water storage tank containing a one-half inch maximum diameter threaded inlet shall be of durable construction using at least 14 gauge metal. It shall be provided with a glass sight gauge graduated to read water volume in gallons. An overflow vent terminated in a bend or gooseneck downward shall be provided. If an opening in addition to an inlet tap is provided, such shall be locked and the key stored at the service base.

(7) Watering point procedure. Water must be conducted from the service base fixture to the mobile restaurant storage tank through an approved hose and fitting specified in subsection H 96.22

(5) (b). After connecting the hose to the watering point tap, and before using any water from it, the hose shall be thoroughly flushed. The water filling attachment on the water tank shall be flushed just before the hose is attached for filling the tank.

(8) Liquid waste disposal. (a) Every service base shall have provision for the sanitary disposal of liquid wastes to receive the gravity flow of waste water from the vehicle waste water collection tank.

(b) A hose with a half-union type attachment reduced from 1½ inches to ¾ inch for connection to the vehicle waste water tank shall be provided. The hose shall be maintained in a clean and serviceable condition and when not in use shall be stored in a

separate cabinet labeled: "For Waste Water Hose Only."

(9) Liquid waste storage tank and disposal. (a) Every mobile restaurant shall be equipped with a waste water storage tank having a total water capacity of 50 gallons or at least 10 gallons larger than the water storage tank. The contents of the tank shall be emptied only at the service base in an approved manner to an approved sewage disposal system. The tank shall be completely emptied each time the water supply is replenished.

(b) The waste storage tank shall be of durable construction using at least 14 gauge metal. The tank discharge connection shall contain a 1½-inch half-union attachment for gravity draining. A leak-proof valve shall be located between the attachment and tank proper. The waste storage tank shall be maintained in a reasonably sanitary condition.

(10) Separation of facilities. No food, food containers, wrappers, packaging materials or utensils shall be kept in the driver's compartment of any mobile restaurant. The driver's compartment shall be separated by a complete partition from the area for food preparation, service or storage.

(11) Bottle or liquified gas. If bottle or liquified gas is used within a mobile restaurant, the owner or manager shall show, upon demand, that the installation conforms to regulations of the Industrial Commission for design, construction, location and installation of said equipment.

(12) Mobile restaurant toilet facilities. Arrangements must be provided by written agreement between owners of public or private toilet facilities and owners or managers of mobile restaurants for the use by personnel operating the mobile restaurant of said toilet facilities located within the boundary of operation at all hours the mobile restaurant is in operation.

(13) Restrictions. (a) No mobile restaurant shall be used for living or sleeping purposes.

(b) Mobile restaurants shall not be used for any other purpose or business.

(c) Non-employees shall not be permitted in the vehicle.

✓ Section H 96.91 of the WISCONSIN ADMINISTRATIVE CODE is re-numbered and amended to read:

ENFORCEMENT

H 96.23 Enforcement. (1) 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 board 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 board.

✓ Subsection H 96.92 (1) of the WISCONSIN ADMINISTRATIVE CODE is renumbered H 96.23 (2) (a) and amended to read:

(2) Enforcement policy. (a) 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 96.16 Washing and sanitization of dishes

- H 96.17 Refrigeration
- H 96.19 Communicable disease control
- H 96.20 (12) Storage of food

Section H 96.24 of the WISCONSIN ADMINISTRATIVE CODE is re-numbered H 96.23 (4) and amended to read:

(4) 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, Wisconsin Statutes, and the rules and regulations of the board pertaining to restaurants in the execution of sections H 96.23 (1), (2) and (3).

The following sections of the WISCONSIN ADMINISTRATIVE CODE are renumbered as indicated below:

<u>Previous Number</u>	<u>New Number</u>
✓ H 96.01 (3)	H 96.01 (4)
H 96.01 (4)	H 96.01 (5)
H 96.01 (5)	H 96.01 (6)
H 96.22	H 96.15 (2) ✓
H 96.23	H 96.15 (3)
H 96.24	H 96.15 (4)
H 96.25	H 96.15 (5) ✓
H 96.26	H 96.15 (6) ✓
H 96.31	H 96.16 (3)
↓ H 96.31 (1)	H 96.16 (2) (a)
H 96.31 (2)	H 96.16 (2) (b)

Previous Number

New Number

✓ Н 96.31 (3)

Н 96.16 (2) (e)

Н 96.31 (3) (a)

Н 96.16 (2) (e) 1.

Н 96.31 (3) (b)

Н 96.16 (2) (e) 2.

Н 96.31 (4)

Н 96.16 (2) (d)

✓ Н 96.32

Н 96.16 (3)

Н 96.32 (1)

Н 96.16 (3) (a)

Н 96.32 (2)

Н 96.16 (3) (b)

Н 96.32 (3)

Н 96.16 (3) (c)

Н 96.32 (4)

Н 96.16 (3) (d)

Н 96.32 (5)

Н 96.16 (3) (e)

Н 96.32 (6)

Н 96.16 (3) (f)

Н 96.32 (7)

Н 96.16 (3) (g)

Н 96.33

Н 96.16 (4)

Н 96.41

Н 96.17

Н 96.52

Н 96.18 (2)

Н 96.62

Н 96.19 (2)

Н 96.63

Н 96.19 (3)

Н 96.72

Н 96.20 (2)

Н 96.73

Н 96.20 (3)

Н 96.73 (1)

Н 96.20 (3) (a)

Н 96.73 (2)

Н 96.20 (3) (b)

Н 96.74

Н 96.20 (4)

Н 96.75

Н 96.20 (5)

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<u>Previous Number</u>	<u>New Number</u>
H 96.755	H 96.20 (6)
H 96.76	H 96.20 (7)
H 96.77	H 96.20 (8)
√ H 96.78	H 96.20 (9)
H 96.78 (1)	H 96.20 (9) (a)
H 96.78 (2)	H 96.20 (9) (b)
H 96.785	H 96.20 (10)
H 96.79	H 96.20 (11)
H 96.795	H 96.20 (12)
H 96.82	H 96.21 (2)
H 96.83	H 96.21 (3)
H 96.84	H 96.21 (4)
H 96.85	H 96.21 (5)
H 96.86	H 96.21 (6)
H 96.87	H 96.21 (7)
H 96.92 (2)	H 96.23 (2) (b)
H 96.93	H 96.23 (3)

The rules, amendments and renumbering contained herein shall take effect on May 1, 1962 as provided in Section 227.026 (1), Wis. Stats., subject to approval under the provisions of Section 14.225, Wis. Stats.

Dated March 26, 1962

STATE BOARD OF HEALTH

Seal

Carl G. Neupert, M.D.
Executive Secretary