

H 95, 96


STATE OF WISCONSIN)
) ss
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Wilbur J. Schmidt, Secretary of the Department of Health and Social Services and custodian of the official records of said department, do hereby certify that the amendments to rules and regulations, relating to Hotels and Tourist Rooming Houses and Restaurants were duly approved and adopted by this department on September 26, 1972.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department in the city of Madison, this 28th day of September, 1972.



Wilbur J. Schmidt, Secretary
Department of Health & Social Services

Seal

*Filed September 29, 1972
2:50 P.M.*

ORDER OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES ADOPTING RULES

Pursuant to authority vested in the Department of Health and Social Services in Section 140.05, Wis. Stats., and in accordance with Chapter 227, Wis. Stats., the following rules are hereby promulgated.

Sections H 95.02 (10), (11) and H 95.08 of the WISCONSIN ADMINISTRATIVE CODE are repealed and recreated to read:

Sections H 95.02 (12) through (15) of the WISCONSIN ADMINISTRATIVE CODE are created to read:

Sections H 96.02 (13) through (18), H 96.04 (4) through (11), H 96.05 (1)(c), H 96.05 (2) through (7), H 96.06, H 96.07 (1) through (3), H 96.08 (4), H 96.09 and H 96.10 of the WISCONSIN ADMINISTRATIVE CODE are repealed and recreated to read:

Sections H 96.02 (19) through (23) and H 96.05 (1)(d) of the WISCONSIN ADMINISTRATIVE CODE are created to read:

Chapter H 95

HOTELS AND TOURIST ROOMING HOUSES

H 95.02 Definitions. (10) GENERAL PUBLIC means the whole body of mankind and includes children and adults regardless of race, creed or color and also includes, but is not limited by enumeration herewith, members of churches, religious, fraternal, youth or patriotic organizations, members, employees and occupants of public or private service clubs, civic organizations, industrial plants, office buildings, businesses and institutions.

(11) PERSON means an individual, partnership, firm, company, corporation, municipality, county, town, whether tenant, owner, lessee, licensee, or their agent, heir or assign.

(12) PREMISE means the tract of land on which a licensed hotel or tourist rooming house is located and all associated buildings thereon.

(13) SLEEPING ACCOMMODATIONS OFFERED FOR PAY means all sleeping rooms on the premise including quarters occupied by permanent guests but excluding sleeping rooms occupied by the operator or owner or his immediate family.

(14) TOURIST OR TRANSIENT means a person who travels from place to place away from his permanent address for vacation, pleasure, recreation, culture, business or employment regardless of race, creed, color or blood relationship and regardless of the length of stay away from the permanent address.

(15) UTENSILS shall include but not be limited by enumeration herewith to any kitchenware, tableware, glassware, cutlery, containers or other appurtenances with which food or drink comes in contact during storage, preparation or serving.

H 95.08 Building structure and safety. (1) STATE BUILDING CODE. The state building code of the department of industry, labor and human relations shall apply to all hotels, motels and tourist rooming houses as it pertains to the physical structure and fire safety such as isolation of fire hazards, fire escapes, fire exits, fire extinguishers, fire alarm systems, exit lights, space heaters, ventilation and directions of escape.

(2) ADDITIONAL REQUIREMENTS. (a) Space Heaters. The room where any gas space heater is located must have access to a constant supply of fresh air through a permanent opening which cannot be closed, with a minimum opening of 10 square inches and at least one square inch for each 1,000 BTU per hour of the rated heating capacity of the heater, or be so constructed that the air used in the combustion of the fuel is taken directly from the outside in accordance with the manufacturers' recommendations.

(b) Space. Every sleeping room shall be of sufficient size to afford at least 400 cubic feet of air space for each occupant over 12 years of age and 200 cubic feet for each occupant under 12 years. For cabins and cottages having less than 3 sleeping rooms, each sleeping room shall be of sufficient size to afford at least 50 square feet of floor area, having a minimum ceiling depth of 7 feet and at least 400 cubic feet of air space for each occupant. No greater number of sleeping occupants than the number thus established shall be permitted in any such rooms.

(c) Locks. Doors to all sleeping rooms or cabins or cottages shall be provided with facilities for key locking from the outside and non-key locking from the inside.

(d) Screening. All windows in sleeping rooms, capable of being opened, shall be screened, using 16 mesh or finer material. Unless the room is effectively air conditioned, doors to sleeping rooms opening to the outdoors shall be similarly screened.

Chapter H 96

RESTAURANTS

H 96.02 Definitions. (13) GENERAL PUBLIC means the whole body of mankind and includes children and adults regardless of race, creed or color and also includes, but is not limited by enumeration herewith, members of churches, religious, fraternal, youth or patriotic organizations, members, employees and occupants of public or private service clubs, civic organizations, industrial plants, office buildings, businesses and institutions.

(14) LUNCH OR MEAL means all raw, cooked, or processed foods, beverages other than those exempt by the statutes, or ingredients prepared, served or sold at retail for human consumption to any part of the general public but not limited by enumeration herewith at any fixed or mobile restaurant; coffee shop; cafeteria; cafe; luncheonette; grill; tearoom; sandwich shop; drive-in restaurant; caterer, whether meals or lunches are sold at a stated price or contracted by the meal or on an hourly basis; commissary; delicatessen, selling food, hot or cold, by the count, weight, or volume at retail; industrial feeding establishment; private organization operating a food service in a hospital, school, or temporary restaurant.

(15) OCCASIONAL means less than (4) four days during any twelve-month period.

(16) PERSON means an individual, partnership, firm, company, corporation, municipality, county, town, whether tenant, owner, lessee, licensee, or their agent, heir or assign.

(17) POTENTIALLY HAZARDOUS FOOD means any perishable food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish

or other ingredients capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms.

(18) PREMISE means the tract of land on which a licensed restaurant is located and all associated buildings thereon except the premise of a temporary restaurant is each individual space or stand where lunches or meals are prepared or served or sold.

(19) PRE-WASH means the process of water scraping of utensils prior to washing.

(20) SANITIZE means effective bactericidal treatment of clean surfaces of equipment and utensils by a process which has been approved by the department as being effective in destroying micro-organisms, including pathogens.

(21) TOURIST OR TRANSIENT means a person who travels from place to place away from his permanent address for vacation, pleasure, recreation, culture, business or employment regardless of race, creed, color or blood relationship and regardless of the length of stay away from the permanent address.

(22) UTENSILS shall include but not be limited by enumeration herewith to any kitchenware, tableware, glassware, cutlery, containers or other appurtenances with which food or drink comes in contact during storage, preparation or serving.

(23) WHOLESOME means in sound condition, clean, free from adulteration and otherwise suitable for use as human food.

H 96.04 Water Supply and waste disposal. (4) PRIVATE SEWAGE DISPOSAL.

(a) Private sewage disposal systems are permitted when a public sewer facility is not available to the premise. The system shall be located on the premise and be designed and constructed in accordance with the Wisconsin state plumbing code, chapter H 62, Wis. Adm. Code.

(b) Plans and installation details covering the design and construction, alteration or extension of private sewage disposal systems shall be approved by the section of plumbing and fire protection systems of the department prior to construction.

(c) Privies are only acceptable at existing restaurants and shall be constructed in accordance with the applicable requirements of the Wisconsin Administrative Code and be acceptable to the department. When a change of licensee of a restaurant occurs, privies shall be eliminated.

(5) PLUMBING. (a) All plumbing shall meet the requirements contained in the Wisconsin state plumbing code.

(b) All plumbing fixtures shall be connected to the building drainage system with discharge to a public sewer or private sewage disposal system.

(c) All plumbing shall be maintained in a good state of repair. Leaks in water or waste piping and fixtures shall be promptly repaired or the piping or fixtures replaced.

(6) DRAINAGE OF REFRIGERATORS. Drains from ice-making machines, ice storage compartments, refrigerators or similar equipment shall be installed in accordance with the Wisconsin state plumbing code. Where a building drain is not available, a drain pipe shall be provided and wastes disposed of in such a manner as to avoid a nuisance.

(7) WATER. Hot and cold water under pressure shall be available at all sink compartments in rooms in which food is prepared or utensils are washed and at all lavatories in all employe and public toilet rooms.

(8) HANDWASHING FACILITIES. (a) Employes' handwashing facilities shall be separate from utensil washing facilities and shall be located in or immediately adjacent to the food preparation area whenever possible in existing restaurants.

(b) In all new or at the time of change in licensee of existing restaurants, handwashing facilities for employes shall be provided in the food preparation area.

(c) Handwashing facilities shall be provided in each public toilet room.

(d) Soap and single-service towels for drying hands shall be provided for employes' handwashing facilities and in public toilet rooms. Approved electric hand dryers may be used to supplement toweling.

(9) PUBLIC TOILET ROOMS: (a) Every existing restaurant which sells food for consumption on the premises that can accommodate 25 customers or less shall provide one toilet room for public use.

(b) In all new restaurants or existing restaurants changing licensee, at least one toilet room shall be provided for each sex.

(c) Restaurants that can accommodate in excess of 25 customers shall have additional toilet fixtures based on the requirements contained in the applicable regulations of the department of industry, labor and human relations.

(d) At drive-in restaurants, toilet fixture requirements shall be based on $2\frac{1}{4}$ customers per car stall.

(e) Toilet rooms shall be under the supervision of the restaurant operator.

(f) All toilet room doors shall be self-closing.

(g) All public toilet rooms shall be so located that it is not necessary for patrons using the facilities to pass through a food preparation, serving or storage area or an area where utensils are washed.

(h) Public toilet rooms at new restaurants shall be located contiguous to the dining or serving areas.

(i) Toilet room doors or room labels shall be marked with the words "Men" or "Women," respectively, in letters not less than one inch in height.

(j) Directions to toilet rooms not located adjacent to the dining or serving areas at existing restaurants shall be conspicuously posted.

(k) Toilet rooms and fixtures shall be maintained in a clean sanitary condition.

NOTE: See also H 96.04(8)(c).

(10) GARBAGE AND REFUSE. (a) All garbage and refuse while in the kitchen shall be kept in water-tight, covered containers.

(b) All garbage which is not stored in kitchen areas shall be kept in separate, leakproof, nonabsorbent containers equipped with tight-fitting covers unless otherwise protected from flies and insects.

(c) The use of wooden or paper containers for garbage is prohibited.

(d) Fly-tight containers with covers shall be provided for cans, bottles and other rubbish.

(e) Garbage cans shall be washed each time they are emptied unless provided with a single-service sanitary, removable, water-proof liner. Garbage and refuse storage areas shall be maintained in a clean sanitary condition.

(f) Stored garbage and refuse shall be disposed of as often as necessary to prevent decomposition or overflow. Kitchen garbage containers shall be emptied or removed daily.

(11) PROHIBITION. The use of the common drinking cup is prohibited.

H 96.05 Equipment, utensils and furnishings. (1) APPROVAL. (c) Equipment and utensils not suitable for use or not capable of being maintained in a sanitary condition shall be removed from the premises.

(d) Cracked, chipped or porous utensils or those with open seams shall be discarded.

(2) DESIGN. (a) All equipment, utensils and furnishing shall be so designed and of such material and workmanship as to be smooth, easily cleanable and durable; and the food-contact surfaces of equipment and utensils shall be nontoxic, corrosion resistant, relatively nonabsorbent and easily accessible for cleaning.

(b) All utensils reused for food preparation, eating and drinking utensils or storage shall be nontoxic and designed by the manufacturer as multi-use utensils.

(c) The use of any fountain, cooler or dispenser for filling glasses or other drinking receptacle where the top rim of receptacle comes in contact with any part of the appliance is prohibited.

(3) INSTALLATION. (a) All equipment and furnishings shall be so installed as to facilitate the cleaning thereof and of all adjacent areas.

(b) Soft drink, water or other similar dispensing devices shall be located over a sink or basin not used for ice storage or for washing, rinsing or sanitizing utensils.

(4) UTENSIL STORAGE. (a) After cleaning and until use, all food-contact surfaces of equipment and utensils shall be so stored and handled as to be protected from contamination.

(b) Utensils shall be stored on a clean, smooth impervious surface in a clean, dry place protected from contamination and, wherever practicable, utensils shall be covered or inverted. Cups or glasses shall not be nested.

(c) Dipping utensils for ice cream, ice milk or similar products shall be stored in a running water well or in another manner approved by the department.

(5) FURNISHINGS. (a) All furnishings shall be maintained in a clean and sanitary manner and in a good state of repair.

(b) Soiled linens should be kept in containers used exclusively for such purpose.

(6) SINGLE-SERVICE ITEMS. (a) Single-service utensils such as paper plates, cups and straws shall be stored in the original wrapper and in a clean dry place until used.

(b) When straws are used they shall be furnished to the customer in the original individual unopened wrapper or, if unwrapped, served by means of an approved dispensing device.

(c) Cups shall be served by means of an approved, covered dispensing device.

(d) Single-service utensils and food containers shall not be reused and shall be made from nontoxic materials.

(7) WASHING AIDS. (a) All washing aids such as brushes, dish mops, dish cloths and other hand aids used in dishwashing shall be maintained in a clean and sanitary condition.

(b) Floor cleaning aids such as mops, brooms and buckets shall not be stored in food preparation or storage areas.

H 96.06 Washing, rinsing and sanitizing utensils. (1) CLEANING OF UTENSILS AND EQUIPMENT. (a) All kitchen utensils and food-contact surfaces of equipment, exclusive of cooking surfaces of equipment, used in the preparation, service, display or storage of potentially hazardous food shall be thoroughly cleaned and sanitized after use.

(b) Cooking surfaces of equipment shall be cleaned at least once a day.

(c) All eating and drinking utensils shall be washed and sanitized immediately after use.

(d) Non-food-contact surfaces of equipment shall be cleaned at such intervals as to keep them in a clean and sanitary condition.

(2) PRE-WASH. All new restaurants and existing restaurants where dishwashing equipment is being replaced shall include pre-washing as an integral part of manual and mechanical utensil washing operations.

(3) MANUAL CLEANING. (a) A 2-compartment sink for manual dishwashing is permitted for existing restaurants only.

(b) A 3-compartment sink for washing, rinsing and sanitizing utensils, with adequate drain boards at each end, is required at all new installations and at the time of replacing sinks at existing restaurants. In addition, a single-compartment sink located adjacent to the soiled utensil drain board is required

for pre-washing. The additional sink may also be used for liquid waste disposal, counter cloth washing and as an employes' handwashing facility if the utensil washing area is in the food preparation or serving room. In lieu of the additional sink for pre-washing, a well-type garbage disposal with overhead spray wash may be provided.

(c) The size of each sink compartment shall be adequate to permit immersion of at least 50% of the largest utensil used.

(d) The utensils shall be washed in water having a minimum temperature of 110° Fahrenheit, containing an adequate amount of an effective soap or detergent. Water shall be kept clean by changing it frequently. Following washing, all utensils shall be rinsed in clean water to remove soap or detergent.

(e) Following manual dishwashing and rinsing, all utensils shall be sanitized by either of the following two methods:

1. Submerge for 30 seconds in clean water continuously maintained at a temperature of 170° Fahrenheit or more. A thermometer with an accuracy of $\pm 2^\circ$ Fahrenheit must be installed in the final rinse compartment.

2. Submerge for at least 2 minutes in a hypochlorite solution with a chlorine concentration continuously maintained at 100 parts per million, or other approved sanitizing solutions which may be used at the concentration at which tested and approved by the department.

(f) All sanitizing solutions shall be prepared fresh when the restaurant opens or after each meal period and changed as often as necessary to keep sanitizing solutions clean.

(g) Soaps, water softeners, washing compounds and detergents shall not be added to sanitizing solutions.

(h) Utensils shall be racked in baskets so that all surfaces will be reached by the sanitizing solution while submerged, and after sanitizing be placed on a rack or drain board to air dry.

(4) MECHANICAL CLEANING. (a) Utensils shall be stacked in racks or trays so as to avoid overcrowding and in such manner as to assure complete washing contact of all surfaces of each article.

(b) The wash water temperature shall be held at from 130° to 150° Fahrenheit. The utensils shall be in the washing section for at least 20 seconds.

(c) A detergent shall be used in all utensil washing machines. An automatic detergent dispenser is required on all new mechanical dishwashing machines that reuse wash water.

(d) Sanitizing shall be accomplished by either of the following two methods:

1. For sanitizing in a spray type machine, dishes shall be subjected to a rinse period of at least 10 seconds at a temperature in the supply line at the machine of at least 180° Fahrenheit.

2. For sanitizing in an immersion tank type machine, dishes shall be submerged for at least 30 seconds with the water continuously maintained at a minimum temperature of 170° Fahrenheit. There shall be a constant change of water through the inlet and overflow.

(e) On all new installations, a smooth-end type sampling tap shall be provided in the sanitizing rinse line of all spray type dishwashing machines to facilitate temperature measurement of the sanitizing rinse water.

(f) On all new installations of spray type mechanical dishwashers, a pressure gauge shall be installed in the rinse line on the machine side of the final rinse valve or any other plumbing fitting in the line. The pressure shall be maintained between 8 and 12 pounds per square inch.

(g) Temperature gauges shall be located in the wash compartment of all mechanical dishwashers and in the rinse water line of a spray type mechanical dishwasher or in the rinse tank of an immersion type dishwasher. The temperature gauges shall be readily visible, fast acting and accurate to $\pm 2^{\circ}$ Fahrenheit.

(5) DRYING OF UTENSILS. All utensils shall be air dried in racks or baskets or on drain boards.

H 96.07 Food. (1) APPROVED SOURCE. (a) All food shall be from sources approved or considered satisfactory by the department and shall be clean, wholesome, free from spoilage, free from adulteration and misbranding and safe for human consumption.

(b) No hermetically sealed, nonacid and low-acid food which has been processed in a place other than a commercial food processing establishment shall be used.

(c) Canned and pre-packaged foods shall be identified with the manufacturer's, processor's or distributor's name and the list of contents or product name.

(d) Only milk and milk products which meet the Grade "A" milk standards of the Wisconsin department of agriculture and are certified by the department shall be served or used.

(e) All ice used for cooling drinks or food by direct contact shall be made from water from an approved public or private water supply.

(f) 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.

(2) PROTECTION. (a) All food while being stored, prepared, served or sold at restaurants, or during transportation shall be protected from contamination by dust, flies, rodents, other vermin, unclean equipment, utensils and work surfaces.

(b) All food shall be stored and displayed at such temperatures as will protect against spoilage. All perishable and potentially hazardous food which includes 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 rapid food spoilage shall be continuously maintained at safe temperatures, 40° Fahrenheit or below or 150° Fahrenheit or above, except during necessary periods of preparation and service. Each cold storage facility used for the storage of perishable and potentially hazardous food in a nonfrozen state shall be maintained at a temperature of 40° Fahrenheit or lower.

(c) Stuffings, poultry, stuffed meats and poultry and pork and pork products shall be thoroughly cooked before being served.

(d) Individual portions of food once served to the customer shall not be served again, except that wrapped food which has not been unwrapped and which is wholesome may be re-served.

(e) Each cold storage facility used for the storage of perishable food in a nonfrozen state shall be provided with an indicating thermometer accurate to $\pm 2^{\circ}$ Fahrenheit. The thermometer shall be located in the warmest part of the facility in which food is stored, and be of such type and so situated that the thermometer can be easily read.

(f) Only such poisonous and toxic materials as are required to maintain sanitary conditions may be used or stored in restaurants. Poisonous and toxic materials shall be labeled and stored in cabinets used for no other purpose. The cabinets shall not be located in the food preparation room or area. Poisonous and toxic materials shall be used only in such manner and under such conditions as will not contaminate food or constitute a hazard to employes or customers.

(g) All milk, cream and other milk products shall be kept in the original containers in which delivered and under refrigeration until served or used. Dipping of milk is not permitted. No surfaces of bulk milk dispensers with which milk comes in contact, other than the delivery orifice, shall be accessible to manual contact, droplets, dust or flies and the product container shall be cleaned, sanitized, filled and sealed only at a milk plant which meets the

Grade "A" milk standards of the Wisconsin department of agriculture and certified by the department. Cream pitchers, if used, shall be provided with covers.

(h) All ice shall be stored in a smooth-surfaced, easily cleanable container. Packaged ice shall be stored in a clean area and protected against contamination.

(i) Foods shall be stored in such manner so as to prevent contamination by sewage, waste water backflow, condensation, leakage or vermin. Food shall be stored at least 8 inches above the floor in basement storage areas and at a sufficient height so the floor under the shelves can be cleaned. In other than basement storage areas, food shall be stored above the floor on clean racks, dollies or other clean surfaces which can be moved for cleaning and be protected from splash or other contamination. Food in walk-in refrigeration shall be stored at least 6 inches above the floor.

(j) The wet storage of food or beverages is prohibited.

(k) All foods when displayed must be protected from flies, insects, rodents, dust, sneeze or cough spray and from handling by the public. Where unwrapped food is placed on display in all types of restaurant operations, including smorgasbords, buffets and cafeterias, it shall be protected against contamination by customers and other sources by effective, easily cleanable, counter-protector devices, sneeze rails, cabinets, display cases, containers or other similar type of protective equipment. All potentially hazardous food while on display should be served by restaurant personnel whenever possible. Self-service openings in counter guards shall be so designed and arranged as to protect food from manual contact by customers.

(l) Food containers shall be constructed of materials that are good conductors of heat and so arranged to minimize the reaching over of food by patrons.

(2) ADDITIONAL REQUIREMENTS. (a) The floor surfaces in kitchens, behind bars, in walk-in refrigerators and in all other rooms and areas in which food is stored or prepared and in which utensils are washed shall be of smooth, nonabsorbent materials and so constructed as to be easily cleanable. Carpeting is not permitted in such rooms or areas or in toilet rooms.

(b) In areas subject to spilling or dripping of grease or fatty substances, the floor coverings shall be of grease-resistant material. It is recommended that floor material used below dishwashing machines be impervious to water in all new establishments and establishments extensively remodeled and the floor be sloped to a drain.

(c) All walls and ceilings of rooms or areas in which food is prepared or stored or utensils are washed shall be durable, easily washable, smooth and light colored. Coved type joints shall exist between walls and floors at all new installations. Materials which are absorbent or have perforated or sculptured surfaces or have other than sealed butt joints are not acceptable for room surfaces in kitchens or cooking areas.

(d) All doors and windows opening to the outer air shall be effectively screened and doors shall be self-closing, unless other effective fly control measures are employed.

(e) All areas in which food is prepared or stored or utensils are washed, handwashing areas, dressing or locker rooms, toilet rooms and garbage and refuse storage areas shall be well lighted. During all clean-up activities, adequate light shall be provided in the area being cleaned, and upon or around equipment being cleaned. Lighting fixtures directly over food preparation surfaces should have protective shielding to prevent broken glass from falling into food.

(f) All rooms in which food is prepared or served or utensils are washed, dressing or locker rooms, toilet rooms and garbage and refuse storage areas shall be well ventilated. An adequate size ventilation hood with grease filters shall be provided over each cooking area. Filters shall be readily removable for

cleaning or replacement and be cleaned at least once each week and more often if necessary.

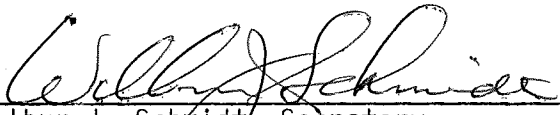
H 96.10 Maintenance. (1) FLOORS, WALLS AND CEILINGS. The floors, including carpeting, walls and ceilings of all rooms shall be maintained in a clean and sanitary condition and in good state of repair.

(2) VERMIN. The premises shall be kept in such condition as to prevent the entrance, harborage or feeding of vermin.

(3) PREMISES. The premises shall be maintained in a clean, neat condition free from refuse. Surfaces of land surrounding the restaurant shall be well drained. Parking areas of drive-in restaurants shall be treated to minimize dust and dirt. The exterior of all restaurant buildings shall be well maintained and kept in good repair.

8/8/72

The rules contained herein shall take effect on November 1, 1972 as provided in Section 227.026(1), Wis. Stats., subject to the provisions of Section 14.06, Wis. Stats.



Wilbur J. Schmidt, Secretary
Department of Health and Social Services

Dated September 28, 1972

Seal