

## Chapter H 96

## RESTAURANTS

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## 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. The term "restaurant" does not apply to churches, religious, fraternal, youths' or patriotic organizations, service clubs and civic organizations which occasionally prepare or serve or sell meals or lunches to transients or the general public nor shall it include any private individual selling foods from a movable or temporary stand at public farm sales.

(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) **MOBILE RESTAURANT.** The term "mobile restaurant" shall mean a restaurant operating from a movable 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.

(4) **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.

(5) **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.

(6) **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.

**History:** 1-2-56; am. Register, June, 1956, No. 6; eff. July 1, 1956; am. (1), Register, April, 1960, No. 52, eff. 5-1-60; rn. (3), (4), (5), to be (4), (5), (6) and cr. (3), Register, April, 1962, No. 76, eff. 5-1-62.

## CONSTRUCTION

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

**History:** 1-2-56; am. Register, June, 1956, No. 6; eff. July 1, 1956.

**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 06.12  
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
Requirements	(a) A well is required on the premises.  (b) A privy is permitted.	(a) Connection to the public water supply is required.  (b) Connection to the public sewage disposal system is required.  (c) A privy is not permitted.	(a) A private sewage disposal system is required.  (b) Connection to the public water supply is required.  (c) A privy is not permitted.	(a) A well is required on the premises.  (b) A water pressure system is required.  (c) Connection to the public sewage disposal system is required.  (d) A privy is not permitted.
Exceptions	(c) Water may be transported from an approved source if a well on the premises is not practical.	(d) If connections to both the public sewage disposal system and water supply are not practical, then column (1) applies.  (e) If connection with only the public sewer or water supply is not practical, then requirements of column (3) or (4) apply.	(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.  (e) If a private sewage disposal system is not practical and connection to the public water supply is not practical, then column (1) applies.	(e) If a well on the premises is not practical or connection to the public sewer is not practical, then column (1) applies.

(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) **DISINFECTANT.** 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) **WATER.** Hot and cold water shall be available in rooms in which food is prepared or utensils are washed.

(8) **EMPLOYEES' HAND WASHING FACILITIES.** 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) **DRINKING RECEPTACLE.** 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) **PUBLIC TOILET ROOMS.** 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.

**History:** 1-2-56; am. Register, June, 1956, No. 6; eff. July 1, 1956.

**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) Utensils shall be stored in a clean, dry place protected from contamination and wherever practicable, utensils shall be covered or inverted.

(4) Any equipment for use in restaurants that bears the seal of approval of the National Sanitation Foundation or which is approved

by the Public Health Service may be used upon the endorsement of the board.

**History:** 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; cr. (4) Register, October, 1960, No. 58, eff. 11-1-60.

**H 96.14 Rooms. (1) FLOORS.** 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.** 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.

**History:** 1-2-56; am. Register, June, 1956, No. 6; eff. July 1, 1956.

## 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.

**(2) 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.

**(3) 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.

**(4) LINENS.** All linens, napkins, tablecloths, and underpads shall be clean. Soiled linens should be kept in containers used for such purpose exclusively.

**(5) 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.

**(6) ROOM FURNISHINGS.** All drapes, curtains, rugs and upholstered furniture shall be kept clean and free from odor.

**History:** (1) Renum. from H 96.21 to be H 96.15 (1) and am; (2) renum. from H 96.22 to be H 96.15 (2); (3) renum. from H 96.23 to be H 96.15 (3); (4) renum. from H 96.24 to be H 96.15 (4); (5) renum. from H 96.25 to be H 96.15 (5); (6) renum. from H 96.26 to be H 96.15 (6), Register, April, 1962, No. 76, eff. 5-1-62.

## 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.

(2) **MANUAL CLEANING.** (a) *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.

(b) *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.

(c) *Sanitizing of hand-washed dishes.* Following hand washing, all utensils shall be sanitized by either of the following two methods:

1. **First method.**

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

2. **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 2 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 3 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.

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

(3) **MECHANICAL CLEANING.** (a) *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.

(b) *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 20 seconds.

(c) *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.

(d) *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 the inlet and overflow.

(e) *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.

(f) *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.

(g) *Glass washer.* Automatic cold water glass washers, approved as provided under section H 96.13 (4), may be used when operated with a sanitizer approved by the state health officer for the specific purpose.

(4) **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.

**History:** (1) renum. from H 96.30 and am; (2) renum. from H 96.31; (3) renum. from H 96.32; (4) renum. from H 96.33, Register, April, 1962, No. 76, eff. 5-1-62.

## REFRIGERATION

**H 96.17 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.

**History:** Renum. from H 96.41, Register, April, 1962, No. 76, eff. 5-1-62.

## 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.

(2) **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.

**History:** (1) renum. from H 96.51 and am; (2) renum. from H 96.52, Register, April, 1962, No. 76, eff. 5-1-62.

### 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.

(2) **PROCEDURE WHEN INFECTION SUSPECTED.** The local health officer shall determine whether the employe 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.

(3) **RESTRICTIONS ON EMPLOYMENT; TYPHOID OR PARATYPHOID 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.

**History:** (1) renum. from H 96.61 and am; (2) renum. from H 96.62; (3) renum. from H 96.63, Register, April, 1962, No. 76, eff. 5-1-62.

### 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 employes shall refrain from using tobacco while on duty in food preparation and storage rooms and while serving food. Dressing rooms and lockers should be required.

(2) **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.

(3) **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:

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

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

(4) **HERMETICALLY SEALED SANDWICHES.** All establishments required by section 160.02 (1), Wis. Stats., 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.

(5) **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.

(6) **RESTRICTION ON USE.** Rooms in which food is prepared or stored, or dishes are washed, shall not be used for sleeping.

(7) **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.

(8) **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.

(9) **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:

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

(b) 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.

(10) **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.

(11) **DISPLAYED FOODS.** All foods when displayed must be protected from flies, insects, rodents, dust, sneeze or cough spray, and from handling by the public.

(12) **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.



(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.

**History:** (1) renum. from H 96.71 and am; (2) renum. from H 96.72; (3) renum. from H 96.73, (4) renum. from H 96.74, (5) renum. from H 96.75; (6) renum. from H 96.755; (7) renum. from H 96.76; (8) renum. from H 96.77; (9) renum. from H 96.78; (10) renum. from H 96.785; (11) renum. from H 96.79; (12) renum. from H 96.795. cr. (13) Register, April, 1962, No. 76, eff. 5-1-62.

**H 96.21 History:** 1-2-56; am. Register, June, 1956, No. 6; eff. 7-1-56; renum. to be H 96.15 (1) and am., Register, April, 1962, No. 76, eff. 5-1-62.

### 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.

(2) **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.

(3) **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.

(4) **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.

(5) **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.

(6) **TOILET FACILITIES.** Toilet facilities available within a reasonable distance of a temporary restaurant shall be deemed acceptable.

(7) 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.

**History:** (1) renum. from H 96.81 and am; (2) renum. from H 96.82; (3) renum. from H 96.83; (4) renum. from H 96.84; (5) renum. from H 96.85; (6) renum. from H 96.86; (7) renum. from H 96.87, Register, April, 1962, No. 76, eff. 5-1-62.

**H 96.22 History:** 1-2-56; am. Register, June, 1956, No. 6; eff. 7-1-56; renum. to be H 96.15 (2), Register, April, 1962, No. 76, eff. 5-1-62.

### 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 movable 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 movable 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, Wis. Stats.

(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 subsection 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 LIQUEFIED GAS.** If bottle or liquefied 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.

**History:** Cr. Register, April, 1962, No. 76, eff. 5-1-62.

**H 96.23 History:** 1-2-56; am. Register, June, 1956, No. 6; eff. 7-1-56; renum. to be H 96.15 (3), Register, April, 1962, No. 76, eff. 5-1-62.

## ENFORCEMENT

**H 96.23 Enforcement.** (1) **ENFORCEMENT OF RULES AND REGULATIONS.** Whenever upon inspection of a restaurant by an authorized employe 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 employe 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.

(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

(b) 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.

(3) 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 sections 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 sections 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.

(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, Wis. Stats., and the rules and regulations of the board pertaining to restaurants in the execution of subsections H 96.23 (1), (2) and (3).

**History:** (1) renum. from H 96.91 and am.; (2) (a) renum. from H 96.92(1) and am.; (2)(b) renum. from H 96.92(2); (3) renum. from H 96.93; (4) renum. from H 96.94 and am., Register, April, 1962, No. 76, eff. 5-1-62.

**H 96.24 History:** 1-2-56; am. Register, June, 1956, No. 6; eff. 7-1-56; renum. to be H 96.15 (4), Register, April, 1962, No. 76, eff. 5-1-62.

**H 96.25 History:** 1-2-56; am. Register, June, 1956, No. 6; eff. 7-1-56; renum. to be H 96.15(5), Register, April, 1962, No. 76, eff. 5-1-62.

**H 96.26 History:** 1-2-56; am. Register, June, 1956, No. 6; eff. 7-1-56; renum. to be H 96.15(6), Register, April, 1962, No. 76, eff. 5-1-62.

**H 96.30 History:** 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56 renum. to be H 96.16(1) and am., Register, April, 1962, No. 76, eff. 5-1-62

**H 96.31 History:** 1-2-56; am. Register, June, 1956, No. 6; eff. 7-1-56; renum. to be H 96.16(2), Register, April, 1962, No. 76, eff. 5-1-62.

**H 96.32 History:** 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; cr. (7), Register, October, 1960, No. 58, eff. 11-1-60; renum. to be H 96.16(3), Register, April, 1962, No. 76, eff. 5-1-62.

**H 96.33 History:** 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; renum. to be H 96.16(4), Register, April, 1962, No. 76, eff. 5-1-62.

**H 96.41 History:** 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; renum. to be H 96.17, Register, April, 1962, No. 76, eff. 5-1-62.

**H 96.51 History:** 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; renum. to be H 96.18(1) and am., Register, April, 1962, No. 76, eff. 5-1-62.

**H 96.52 History:** 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; renum. to be H 96.18(2), Register, April, 1962, No. 76, eff. 5-1-62.

**H 96.61 History:** 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; renum. to be H 96.19(1) and am., Register, April, 1962, No. 76, eff. 5-1-62.

**H 96.62 History:** 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; renum. to be H 96.19(2), Register, April, 1962, No. 76, eff. 5-1-62.

**H 96.63 History:** 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; renum. to be H 96.19(3), Register, April, 1962, No. 76, eff. 5-1-62.

- H 96.71 History:** 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; renum. to be H 96.20(1) and am., Register, April, 1962, No. 76, eff. 5-1-62.
- H 96.72 History:** 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; renum. to be H 96.20(2), Register, April, 1962, No. 76, eff. 5-1-62.
- H 96.73 History:** 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; renum. to be H 96.20(3), Register, April, 1962, No. 76, eff. 5-1-62.
- H 96.74 History:** 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; renum. to be H 96.20(4), Register, April, 1962, No. 76, eff. 5-1-62.
- H 96.75 History:** 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; renum. to be H 96.20(5), Register, April, 1962, No. 76, eff. 5-1-62.
- H 96.755 History:** 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; renum. to be H 96.20(6), Register, April, 1962, No. 76, eff. 5-1-62.
- H 96.76 History:** 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; renum. to be H 96.20(7), Register, April, 1962, No. 76, eff. 5-1-62.
- H 96.77 History:** 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; renum. to be H 96.20(8), Register, April, 1962, No. 76, eff. 5-1-62.
- H 96.78 History:** 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; renum. to be H 96.20(9), Register, April, 1962, No. 76, eff. 5-1-62.
- H 96.785 History:** 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; renum. to be H 96.20(10), Register, April, 1962, No. 76, eff. 5-1-62.
- H 96.79 History:** 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; renum. to be H 96.20(11), Register, April, 1962, No. 76, eff. 5-1-62.
- H 96.795 History:** 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; renum. to be H 96.20(12), Register, April, 1962, No. 76, eff. 5-1-62.
- H 96.81 History:** 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; renum. to be H 96.21(1) and am., Register, April, 1962, No. 76, eff. 5-1-62.
- H 96.82 History:** 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; renum. to be H 96.21(2), Register, April, 1962, No. 76, eff. 5-1-62.
- H 96.83 History:** 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; renum. to be H 96.21(3), Register, April, 1962, No. 76, eff. 5-1-62.
- H 96.84 History:** 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; renum. to be H 96.21(4), Register, April, 1962, No. 76, eff. 5-1-62.
- H 96.85 History:** 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; renum. to be H 96.21(5), Register, April, 1962, No. 76, eff. 5-1-62.
- H 96.86 History:** 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; renum. to be H 96.21(6), Register, April, 1962, No. 76, eff. 5-1-62.
- H 96.87 History:** 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; renum. to be H 96.21(7), Register, April, 1962, No. 76, eff. 5-1-62.
- H 96.91 History:** 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; renum. to be H 96.23(1) and am., Register, April, 1962, No. 76, eff. 5-1-62.
- H 96.92 History:** 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; (1) renum. to be H 96.23(2)(a) and am.; (2) renum. to be H 96.23(2)(b), Register, April, 1962, No. 76, eff. 5-1-62.
- H 96.93 History:** 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; renum. to be H 96.23(3), Register, April, 1962, No. 76, eff. 5-1-62.
- H 96.94 History:** 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; renum. to be H 96.23(4) and am., Register, April, 1962, No. 76, eff. 5-1-62.