

ATCP 72.19 Building and premises maintenance. (1) MAINTAINED CLEAN AND IN GOOD REPAIR.

(a) *Sleeping rooms.* The floors, walls, ceiling, and equipment in a sleeping room shall meet all of the following:

1. Maintained in a clean condition.
2. Maintained in good repair.

(b) *Common areas.* 1. The floors, walls, ceiling, and equipment in areas other than sleeping rooms shall meet all of the following:

1. Maintained in a clean condition.
2. Maintained in good repair.

(c) *Exterior premises.* 1. A roof, exterior walls, doors and windows shall be maintained in good repair.
2. Parking areas and roadways shall be properly graded, drained, and maintained to minimize dust and dirt.

(2) PEST CONTROL. Every lodging facility shall be maintained to prevent the entrance, harborage, or breeding of flies, cockroaches, bed bugs, rats, mice, and all other insects, vermin, or wildlife.

(a) *Effective measures.* 1. Effective measures to minimize the presence of pests shall be utilized. The department or its agent may order the operator to hire a licensed pest control operator to exterminate the pests under the following conditions:

a. The infestation is so extensive that it is unlikely that a nonprofessional can eradicate the pests effectively.

b. Upon a reinspection from the department or its agent pursuant to s. ATCP 72.09 (1) (b), the establishment continues to be in noncompliance with a prior order to rid the establishment of pests.

2. a. Openings to the outside shall be protected from the entrance of pests.

b. All windows that can be opened in each individually keyed unit shall be screened, using 16 mesh or finer material.

3. Pest control measures shall be used in a safe manner.

4. Pest control measures shall be applied according to label instructions. ^P

(b) *Restricted use pesticides.* A restricted use pesticide shall be applied only by an applicator certified and licensed in accordance with ss. 94.704 and 94.705, Stats., and ss. ATCP 29.25, 29.26 and 29.40. ^{Pf}

Note: For bed bugs, when the presence of live or dead bed bugs, eggs, skin casts, or fecal spotting are identified in a individually keyed unit, it is recommended to perform an investigation in the rooms adjacent to the identified room and the rooms above or below the identified room.

(4) HAZARDOUS SUBSTANCES. (a) *Use.* Chemicals, flammable materials and other hazardous substances shall be used for their intended purpose and according to the manufacturer's directions stated on the container label. ^P

(b) *Storage.* 1. Chemicals, flammable materials, and other hazardous substances shall meet all of the following:

a. Except as specified under subdpar. d., stored in their original, covered and labeled containers following safety data sheet storage instruction. ^P

b. Stored in a separate, secure area accessible only to staff, except for chemicals used for utensil sanitization under s. ATCP 72.20 (6). ^P

c. Stored in a secure location in an area that cannot contaminate food, utensils, linens, and single-service or single-use articles.

d. Working containers used for storing chemicals and other hazardous substances taken from bulk supplies shall be clearly and individually identified with the common name of the material. ^{Pf}

(c) *Disposal.* Hazardous substances shall be disposed of in a manner and location as directed on the manufacturer's label or the safety data sheet by the local agency having jurisdiction over handling hazardous substances and the applicable sections of chs. NR 660 to 670, as enforced by the Wisconsin department of natural resources. ^{Pf}

ATCP 72.20 Furnishings, equipment and utensils. (1) DESIGN. All equipment and furnishings shall be designed, constructed, and made of a material that can be easily cleanable.

(2) INSTALLATION. All furnishings and equipment shall be installed in a way that facilitates the cleaning of the furnishings and equipment and all adjacent areas.

(3) MAINTENANCE. All furnishings, equipment, and utensils shall be maintained in good repair.

(4) CLEAN CONDITION. (a) General. All furnishings and equipment and shall be kept clean.

(b) Jetted, fill and drain bathtubs. If a lodging facility is equipped with a jetted, fill and drain bathtub, the operator shall demonstrate knowledge regarding the cleaning and sanitization procedures.

(5) FOOD-CONTACT UTENSIL SURFACES. Food-contact utensil surfaces shall be:

(a) Free of cracks or chips.

(b) Smooth and easily cleanable.

(c) Nontoxic.

(d) Corrosion-resistant.

(e) Durable.

(f) Nonabsorbent.

(6) UTENSIL WASHING AND SANITIZATION. (a) Methods. Except as provided under par. (e), all utensils shall be washed, rinsed, and sanitized before being provided to a different guest.

(b) Equipment. Utensil washing shall occur using any of the following:

1. A two or three compartment sink.

2. A NSF/ANSI 184 certified residential dishwashers.

3. A non-certified residential dishwasher with a separate sanitization step performed in a two or three compartment sink.

4. An NSF/ANSI 3 certified commercial dishwasher.

(c) Procedure.

1. Utensils shall be washed using a dish detergent.

2. Utensils shall be rinsed after washing and before sanitization.

3. Utensil sanitization shall be performed using any one of the following methods:

a. Manual chemical sanitization using chlorine (bleach), iodine, quaternary ammonia or another department approved sanitizer.

b. Mechanical hot water or chemical sanitization following the manufacturer's directions for use.

c. Any other method approved by the department.

4. Utensils shall be air-dried before storage.

(d) Operator-provided sanitization. 1. Except as provided in par. (e) and (f), an individually keyed unit shall be provided with clean and sanitized multi-use food and beverage utensils, including kitchenware, tableware, drinking containers, ice trays, ice buckets, or automatic ice making storage bin.

2. Upon inspection, the person in charge shall be able to demonstrate full knowledge of their utensil washing, rinsing and sanitizing procedures.

(e) Guest-provided sanitization. If an individually keyed unit is not supplied with sanitized multiuse food and beverage utensils, the operator shall perform all of the following:

1. Any visibly soiled utensil shall be washed and rinsed pursuant to subd. (c) 1. and 2.

2. a. The operator shall provide a sign posted in public view with the following message: "Food and beverage utensils have been provided in this lodging facility as a guest convenience. They have not been sanitized. It is recommended that you wash with a detergent, rinse with clean water and sanitize utensils before their use. To sanitize, after rinsing, add 1 teaspoon of unscented bleach per gallon of clean water and immerse utensils for a minimum of 30 seconds, then air dry".

b. Sanitizers including iodine and quaternary ammonia may also be used. The manufacturer specifications on proper utensil sanitation shall be provided within the written communications.

3. The sign shall be legible and posted in a conspicuous location or provided with the check-in materials.

4. The operator shall provide the means for sanitizing utensils on the premises. Chemical sanitizers

shall be stored along with other cleaning products in the original, labeled container and out of reach of young children. Chemical sanitizers may be stored at the office or other central location, but must be made available to the guest upon request.

(f) If an ice bucket is provided with single-use disposable liner, the ice bucket may be cleaned with a spray sanitizer.

(g) The reuse of unwrapped or unprotected single-service utensils is prohibited.

(7) STORAGE. All clean food and beverage utensils shall be stored and handled in a manner that protects them from contamination.

(8) CLEANLINESS OF LINENS. (a) *Cleaned between guests.* If provided, pillowslips, sheets, duvet covers, towels, washcloths, bathrobes or slippers shall be laundered as frequently as they are assigned to a different guest and at least once a week.

(b) *General.* Blankets, bedspreads, comforters, mattresses, mattress coverings, pillows and decorative pillows shall be maintained clean and free of stains.

(c) *Restrictions.* All bed coverings shall be capable of being washed.

(d) *Mattress coverings.* Mattresses shall be provided with a nonabsorbent pad that covers the entire sleeping surface or have an easily cleanable nonabsorbent mattress surface.

(e) *Separation of clean and soiled linen.* Laundry carts, bins, or baskets shall be designated for either soiled or clean linen and shall only be used for that purpose.

(f) *Storage of clean linen.* Clean linen shall be stored in a clean, dry location, where they are not exposed to contamination.

ATCP 72.21 Food. (1) LICENSE. (a) *Retail food establishment activities.* Except as provided under par. (b), any operator who conducts food preparation activities or conducts retail food sales of TCS foods shall meet the requirements under ch. ATCP 75 and obtain a retail food establishment license.

(b) *Allowable food items offered to guests.* The operator may provide any of the following without obtaining a retail establishment license:

1. Non-time and temperature controlled for safety (TCS) prepackaged food items including, cookies, crackers, popcorn, pretzels, coffee and other food items that do not require hot or cold holding for food safety.

2. Dry spices such as salt and pepper.

3. Grocery shopping as requested by the guest. a. All TCS food items shall be delivered and placed under refrigeration in the guest room within 2-hours after purchase.

b. Before food is placed in a guest refrigerator, the temperature of the refrigerator shall be 41° F. or below and verified by using an approved temperature measuring device.

Note: Contact your municipal or County Clerk in regards to providing alcoholic beverages.

(2) ICE. (a) *Source.* All ice used in a lodging facility for cooling drinks or food by direct contact shall be made from a potable water supply pursuant to s. ATCP 72.16 (2).

(b) *Self-service commercial ice makers.* All self-service commercial ice makers shall be of the mechanical dispensing type unless ice is dispensed by an employee.

(c) *Utensils used for ice.* Ice tongs or ice scoops used by employees shall be properly stored on a clean surface protected against contamination. If stored directly in ice, ice scoops and tongs shall be stored with their handles above the top of the ice.

ATCP 72.22 Employee health. (1) PERSON IN CHARGE DUTIES. The person in charge shall inform employees of their duty to report symptoms of vomiting, diarrhea, or diagnosis of a communicable disease to the person in charge.

(2) EMPLOYEES. Employees shall report to the person in charge if they have symptoms of vomiting or diarrhea or have been diagnosed with a communicable disease.

(3) EXCLUSION OR RESTRICTION. The person in charge shall exclude or restrict an employee from working in a lodging facility that has symptoms of vomiting or diarrhea or has been diagnosed with a

communicable disease.

Note: For guidance on exclusion or restriction of employees with a communicable disease, please contact the local health department.

(4) **CLEAN-UP OF VOMITING AND DIARRHEAL EVENTS.** The operator shall have procedures for responding to vomiting or diarrheal events. The procedures shall include clean-up methods and actions employees must take to minimize the spread of contamination and the exposure of employees, consumers, food, and surfaces to vomitus or fecal matter. ^{Pf}

ATCP 72.23 Garbage and refuse. (1) GENERAL. The operator shall provide a sufficient number of containers to hold garbage and refuse until disposal.

(2) **CONTAINER.** (a) *Design.* Garbage and refuse shall be kept in a durable, easily cleanable, pest resistant, leak-proof and nonabsorbent container.

(b) *Covered and emptied.* 1. A container shall be provided with a tight-fitting lid, door, or cover that is kept covered or closed when not in use.

2. A containers for holding garbage and refuse shall be emptied at a frequency that minimizes the development of objectionable odors and other conditions that attract or harbor pests.

ATCP 72.24 Registration of guests. (1) REGISTER. Each lodging facility shall provide a written or electronic register and include all of the following:

(a) The full name of the principle guest.

(b) The principle guest's contact information including phone number, mailing address or email.

(c) Arrival and departure dates.

(d) Number of guests in the party.

(2) **RECORD RETENTION.** The register shall be kept intact and available for inspection by representatives of the department or its agent for at least 3 years.

ATCP 72.25 Death, injury or illness reports. The licensee or their designee shall report an incident that results in death, injury, or illness where an emergency medical service response is required that involves the building environment, premises, or operation. The report shall be filed with the department or its agent by the end of the next business day following the incident by phone or email.

Note: Report deaths, injuries, or illnesses to the bureau of food and recreational businesses by calling (608) 224-4682 or email datcpdfsrec@wisconsin.gov. or if licensed by an agent, by contacting your agent health department.

ATCP 72.26 Closing Criteria.

(1) **REASONS FOR CLOSURE.** The operator shall close an individually keyed unit, lodging facility, or affected areas of a lodging facility where an imminent health hazard is present, including:

(a) *Potable water.* Unsafe water supply as pursuant to s. ATCP 72.16 (2) (h) 1.

(b) *Waterborne outbreak.* Confirmed waterborne outbreak pursuant to s. ATCP 72.16 (3) (c).

(c) *Smoke alarm.* Absence of a required smoke alarm in designated areas pursuant to s. ATCP 72.18 (11) (a).

(c) *Carbon monoxide alarm.* Absence of a required carbon monoxide alarm in designated areas pursuant to ATCP 72.18 (12) (a).

(d) *Fire alarm system.* A nonoperational fire alarm system pursuant to s. ATCP 72.18 (9) (b) 1., as determined by the fire department, building inspection personal, State fire marshal, or the Wisconsin department of safety and professional services.

(d) *Pest control.* The presence of live pests pursuant to s. ATCP 72.19 (2).

(e) *Sewage disposal system.* Pursuant to s. ATCP 72.17 (3) A lodging facility with a sewage disposal system that is determined to be unusable by the Wisconsin department of safety and professional services, their agent, or local zoning authority.

(2) **ACTIONS BY THE DEPARTMENT OR ITS AGENT.** The department or its agent shall issue a

temporary order pursuant to s. ATCP 72.09 (3).

ATCP 72 DRAFT