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Reinspection Criteria for Restaurant, Vending Machine Commissaries and Storage Establishments

Due to the amount of time and effort involved in conducting reinspections, the department will implement a reinspection fee beginning April 1, 2009. This fee will help cover the costs associated with the reinspection as well as provide an incentive for the proper operation of the facility and compliance with the code requirements.

A reinspection and reinspection fees will be required under the following conditions:

Category 1 – Imminent Hazards

Whenever an inspection or complaint investigation reveals the existence of a violation that is potentially hazardous to the health and safety of patrons or employees and the violation is not able to be corrected during the inspection or investigation. This requires the inspector to return to the establishment to verify that the violation has been corrected.

Category 2 – Repeat Violations

Repeat violations, even if they are corrected during the inspection process. Repeat violations that are documented over 3 consecutive routine and/or complaint inspections will result in a reinspection and reinspection fee.

Category 3 – Excessive Violations

Violations are of such an excessive nature that the potential exists for a hazard to occur. A reinspection and reinspection fee may result after consultation with an immediate supervisor or central office and the decision is made that additional intervention is needed by the inspector to bring the establishment into compliance.

The Following violation(s) will result in a reinspection and reinspection fee under category 1, if the violation(s) is not immediately corrected during the inspection process.

1. An ill food employee observed working in the food establishment and the person in charge failed to exclude or restrict the ill food employee.
2. Food employee observed handling food, clean equipment, or single-service or single-use articles while experiencing discharges from the eyes, nose or mouth.
3. Food prepared in a private home is found or served in the food establishment.
4. Food from an unapproved source observed being served in the food establishment.
5. Potential cross-contamination is observed between raw and ready-to-eat foods.
6. Potential cross-contamination is observed from other sources. (such as hands, equipment, food)
7. Potential cross-contamination is observed between different species of raw animal foods.
 - a. Raw animal foods requiring different cooking temperatures are stored together in the same container.
8. Potential cross-contamination is observed between food and the process of cleaning and sanitizing equipment and utensils.
9. Hot water used for sanitizing in a manual warewashing operation observed below 171°F.
 - a. A greater than 2°F difference must be observed for a reinspection to occur.
10. Chemical sanitization in a low-temperature dishmachine or manual warewashing operation is observed below:
 - a. 50ppm chlorine in a low-temperature dishmachine,
 - b. 100ppm chlorine in a manual warewashing operation,
 - c. The ppm indicated by the manufacturer for a quaternary ammonium compound, or
 - d. 12.5ppm for an iodine solution.
11. Utensils or food contact surfaces are observed not being cleaned and sanitized after food preparation with raw animal foods and using the same surface or utensil to prepare ready-to-eat foods.

12. During the sanitization process equipment or utensils are observed not exposed to the sanitization process for the proper time period.
 - a. In a hot water manual warewashing operation the utensil surface shall be immersed in the hot water at 171°F for at least 30 seconds.
 - i. A greater than 2°F difference must be observed for a reinspection to occur.
 - b. Hot water mechanical operation the sanitization rinse fails to achieve a utensil surface temperature of 160°F as measured by an irreversible registering temperature indicator.
13. Raw animal food was cooked to a temperature below what is required in the Wisconsin Food Code:
 - a. This does not apply to a raw animal food in which an approved consumer advisory has been provided and the food item is cooked per the consumer's request.
 - b. A greater than 2°F difference must be observed for a reinspection to occur.
14. Raw animal food cooked in a microwave oven below 165°F.
 - a. This does not apply to a raw animal food in which an approved consumer advisory has been provided and the food item is cooked per the consumer's request.
 - b. A greater than 2°F difference must be observed for a reinspection to occur.
15. Food reheated for hot holding was not reheated to time & temperature specified in the Wisconsin Food Code.
 - a. Potentially Hazardous food cooked, cooled, and reheated 165°F.
 - b. Commercially processed pre-cooked foods prepared for the first time 135°F.
 - c. Reheated in microwave oven 165°F.
 - d. A greater than 2°F difference must be observed for a reinspection to occur.
16. Potentially hazardous food during the cooling process has not reached 70°F. in the first two hours of cooling after the food has reached 135°F.
 - a. A greater than 2°F difference must be observed for a reinspection to occur.
 - b. If the time and temperature exceeds the initial two hour cooling process and the person in charge cannot verify the time or temperature when the cooling process began, a reinspection will be required.
17. Potentially hazardous food during the cooling process has not reached 41°F. in 6-hours provided that within the first two hours the food had reached 70°F.
 - a. A greater than 2°F difference must be observed for a reinspection to occur.
 - b. If the time and temperature exceeds a total time of 6-hours and the person in charge cannot verify the time or temperature when the cooling process began, a reinspection will be required.
18. Potentially hazardous food that is hot held below a temperature of 135°F.
 - a. A greater than 2°F difference must be observed for a reinspection to occur.
19. Potentially hazardous food that is cold held above a temperature of 41°F.
 - a. A greater than 2°F difference must be observed for a reinspection to occur.
20. Ready-to-eat potentially hazardous food that is held for more than 24 hours is not labeled with a preparation date or discard date or other approved method.
21. Ready-to-eat potentially hazardous date marked food is held for more than 7-days.
22. Food establishment is not following the approved Time as a Public Health Control Plan.
23. Ice used for food or a cooling medium is not from an approved source.
24. Drinking water is not from an approved source.
25. The well water does not comply with the applicable water quality standards of ch. NR 809, and an alternative approved source of water has not been provided.
26. The operator has not tested the well water at a certified laboratory for bacteriological analysis. If the operator has not provided the department the water test results within 20 business days of the violation being noted on the inspection report a reinspection will occur.
27. Hot and cold water under pressure or of sufficient capacity is not provided to fixtures or equipment.
28. Hot water source is not of sufficient capacity to meet peak demands in the food establishment.
29. The private onsite waste treatment system has failed.
 - a. A reinspection shall occur unless remediation has begun or the operator is currently working with the department of commerce to achieve compliance.
30. Presence of live insects of public health significance, rodents or other pests in the food establishment.
31. Plumbing fixtures such as sinks, toilet facilities, or public or private sewage system are not discharging into approved waste storage containers or systems.

FAQ'S

What is the charge for reinspection work?

The following is a list of reinspection fees depending on the type of license you have. The reinspection fee increases if additional reinspections are required.

<i>April 1, 2009 thru March 31st 2011</i>	First Reinspection	Subsequent Reinspection
Pre-packaged Restaurant or Mobile Restaurant Base w/o Food Prep	\$86	\$115
Simple Restaurant	\$199	\$265
Moderate Restaurant	\$319	\$425
Complex Restaurant	\$458	\$610
Vending Machine Commissary	\$252	\$335
Vending Machine Storage	\$158	\$210

<i>After April 1, 2011</i>	First Reinspection	Subsequent Reinspection
Pre-packaged Restaurant or Mobile Restaurant Base w/o Food Prep	\$98	\$130
Simple Restaurant	\$240	\$320
Moderate Restaurant	\$353	\$470
Complex Restaurant	\$578	\$770
Vending Machine Commissary	\$233	\$310
Vending Machine Storage	\$158	\$210

If I'm required to have a reinspection on multiple items with different correction dates, is there a charge each time the inspector returns?

No, the reinspection fee covers all the initial correction dates listed on the routine inspection or complaint.

What happens if the inspector returns to reinspect and the violations have not been corrected?

Uncorrected critical violations will result in a subsequent reinspection being performed at a higher cost. If violations remain uncorrected after a second reinspection, the facility may be closed, have their license revoked or suspended, or be referred for legal action.

Do I pay the inspector for the reinspection and what happens if the reinspection fee is not paid?

Your public health sanitarian will not collect your reinspection fee, but they will send the paperwork to central office. Central office will bill you for the reinspection fee.

If the reinspection fee is not paid, your license will not be issued for the following licensing year. Additional fees may be assessed as well as your license being voided.

What happens if I can't get the violations corrected by the compliance date?

If you run into problems and will not be able to correct the violation(s) before your reinspection date, call your public health sanitarian as soon as possible, and request an extension. If an extension is granted a new reinspection date will be given for compliance. Extensions are the exception rather than the rule, so make sure you have a valid reason for the request. Extensions will not be granted on the day the public health sanitarian arrives to do the reinspection.

Is there a charge if I request a public health sanitarian to visit my facility?

Absolutely not, we encourage operators and public health sanitarians to work together to solve problems. We welcome and encourage operators to call if they have questions or problems.