

CHESPROCOTT HEALTH DISTRICT

A REGULATION PERTAINING TO FOOD SERVICE ESTABLISHMENTS

PURSUANT TO SECTION 19a-243, (FORMERLY SECTION 19-108) OF THE GENERAL STATUTES OF THE STATE OF CONNECTICUT, AS AMENDED, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CHESPROCOTT HEALTH DISTRICT THAT:

SECTION 1. DEFINITIONS:

Food Service Establishment shall mean

1. any place where food or beverage is prepared or served to the public, with or without charge, for consumption on or off the premises, including catering establishments or any eating place whether fixed or movable. The term does not include a private home where food is prepared for individual family consumption nor does it include the locations of food vending machines.
2. any place where food is sold, served, provided, or dispensed in any manner to the public, except for the following:
 - a. a produce stand that offers only whole, uncut fresh fruit and vegetables; or
 - b. a food processing plant, i.e., a commercial operation that manufactures, packages, labels, or stores food for wholesale distribution and consumption off the premises and which is subject to sanitary regulation and periodic inspections by Federal or State governmental agencies.

Director of Health shall mean the Director of Chesprocott Health District.

Authorized Agent shall mean any employee of the Chesprocott Health District so authorized by the Director.

Person shall include but not be limited to any individual, partnership, company, corporation, or firm.

Itinerant Vendor shall mean any person who operates a business of serving food or drink from any establishment or conveyance without fixed location and without connections to water supply and sewage disposal systems, but does not include catering food services.

Catering Food Service shall mean any person who operates or maintains a business which involves the sale or distribution of food or drink prepared in bulk at one geographic location for service in individual portions at another geographic location, or which involves preparation and service of food on public or private premises not under the ownership or control of the operator of such service.

Temporary Food Service Establishment shall mean any food service establishment licensed to operate for not more than 14 (fourteen) days, and includes but is not limited to fairs, flea markets, carnivals, but does not include caterers, itinerant vendors or seasonal food service establishments.

Seasonal Food Establishment shall mean fixed food establishment which is operated for 15 to 180 days.

SECTION 2. LICENSE:

It shall be unlawful for any person, firm, corporation, etc., to operate a food service establishment or offer its services within the towns of Cheshire, Prospect, or Wolcott, who does not have a valid license issued to him by the Director of Health. Only a person who complies with the requirements of this Regulation and the Public Health Code of the State of Connecticut shall be entitled to receive or retain such a license. Licenses are NOT transferable.

A valid license shall be posted in every food service establishment in a conspicuous place, visible to patrons and protected from defacement. Licenses for temporary food service establishments shall be issued for a period of time not to exceed fourteen (14) consecutive days. Temporary licenses may be renewed not more than once upon payment of an additional fee. Where two or more temporary food service establishments are housed under one roof or jurisdiction, each shall be separately licensed.

SECTION 3. ISSUANCE OR REINSTATEMENT OF LICENSES:

- (a) Any person desiring to operate a food service establishment or to obtain the reinstatement of a revoked license shall, at least ten (10) days prior to the proposed opening, re-opening, or change of ownership of such establishment, make written application for a license on forms provided by the Director of Health. Such application shall include, but not be limited to, the name and home address of each applicant, the location and type of the proposed food service establishment, and the signature of each applicant. If the application is for a temporary food service establishment, it shall also include the dates and location of the proposed operation and have the name and address of the person(s) responsible.
- (b) The application shall be accompanied by the appropriate fee and a set of plans of the food service establishment as required by Section 11 of this Regulation.
- (c) Prior to issuance of final approval for a license, the Director of Health, or his/her authorized agent, shall inspect the proposed food service establishment to determine compliance with the provisions of this Regulation, the Public Health Code of the State of Connecticut, and any other applicable statutes, ordinances, or rules and regulations.
- (d) The Director of Health shall issue a license to the applicant if the inspection reveals that the proposed food service establishment complies with the requirements of this Regulation, the Public Health Code of the State of Connecticut, and any other applicable statutes, ordinances or rules and regulations. The Director of Health shall notify the applicant of approval or denial of the license within not more than thirty (30) calendar days of receipt of a properly executed application and fee. Notification shall be made by first class mail to the address of the applicant shown on the application.

SECTION 4. FEES:

The fee for such licenses shall be as set forth in the Chesprocott Health District Schedule of Fees as the same may be established and amended from time to time.

SECTION 5. EXPIRATION OF PERMANENT LICENSES:

All licenses shall expire on June 30th of each fiscal year, unless otherwise indicated. Licenses shall be renewed annually, unless otherwise indicated, upon application and payment of the annual fee, provided the food service establishment is in compliance with this Regulation, the Public Health Code, and any other applicable statutes, ordinances, or rules and regulations.

SECTION 6. SUSPENSION OF LICENSES:

- (A) The Director of Health may suspend any license to operate a food service establishment if:
 - 1. The license holder, person in charge, or the operation of the establishment itself, does not comply with the requirements of this Regulation or the Public Health Code of the State of Connecticut;
 - 2. The operation of the establishment otherwise constitutes an immediate and substantial hazard to public health;
 - 3. The Director of Health or his/her authorized agent is interfered with in the performance of their duties, including but not limited to, not allowing or limiting the Director of Health or his/her agents to perform inspections of the establishment; or
 - 4. There is a failure to correct a violation that is continually found and reported on the inspection form.
- (B) If the Director of Health finds unsanitary or other conditions in the operation of a food service establishment, which in his/her judgment, constitute an immediate and substantial hazard to public health, he shall immediately issue a written notice of suspension to the license holder or person in charge citing the reasons for such action. Upon service of such notice, the license is suspended. When a license is suspended, all operations related to the processing, preparation, storage, transportation, sale or service of food shall cease immediately.
- (C) Whenever a license is suspended, an opportunity for a hearing will be provided, if a written request for a hearing is filed with the Director of Health by the license holder within three (3) business days of notice of the suspension. If no written request for a hearing is filed within three (3) business days, the suspension shall continue until further notice of the Director of Health. The Director of Health may end the suspension at any time if it is determined by the Director of Health that reasons for the suspension no longer exist.

- (D) Upon receiving a request for a hearing, the Director of Health shall thereupon immediately examine the merits of such suspension and may sustain, modify or rescind such suspension. The license holder who is aggrieved by such action of the Director of Health may, within three (3) business days after the making of such decision, appeal to the Commissioner of Public Health who shall thereupon immediately notify the authority from whose decision the appeal was taken and examine the merits of such case and may sustain, modify, or rescind such action.

SECTION 7. REVOCATION OF LICENSES:

(a) The Director of Health may, after providing notice and opportunity for an appeal and hearing, revoke a license for serious or repeated violations of any of the requirements of this Regulation or the Public Health Code of the State of Connecticut, or for interference with the Director of Health, or his/her authorized agent, in the performance of his/her duties. Prior to revocation, the Director of Health shall notify the license holder or person in charge, in writing, of the reasons for which the license is subject to revocation, and that the license shall be revoked at the end of fourteen (14) calendar days following service of such notice, unless an appeal is filed with the Director of Health by the license holder within three (3) business days of such notice during normal business hours of the District. If no appeal is filed within three (3) business days, the revocation of the license becomes final. If an appeal is filed, the Director of Health shall, within ten (10) days, examine the merits of such revocation and shall vacate, modify, or affirm such revocation.

(b) The license holder or person in charge who is aggrieved by such action of the Director of Health, after appeal may, within three (3) business days after the making of such decision, appeal to the Commissioner of Public Health who shall thereupon immediately notify the authority from whose decision the appeal was taken and examine the merits of such case and may sustain, modify, or rescind such action.

(c) During the process of appeal, the license shall remain revoked.

SECTION 8. SERVICE OF NOTICES:

Any notice provided for in this regulation shall be deemed to be properly served when it is personally delivered to the license holder or person in charge of the food service establishment, or when it is sent by registered or certified mail (return receipt requested) to the last known address of the license holder. A copy of any notice shall be filed in the records of the Director of Health.

SECTION 9. REINSTATEMENT OF LICENSES:

(a) Suspension: Whenever a license has been suspended, the holder of the suspended license may make a written request for reinstatement of the suspended license. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that, in his/her opinion, the conditions causing the suspension have been corrected, the Director of Health or his/her authorized agent shall make a reinspection. If the applicant is complying with the requirements of this Regulation, the Public Health Code of the State of Connecticut, and any other applicable statutes, ordinances or rules and regulations, the license shall be reinstated.

(b) Revocation: After a period of fifteen (15) calendar days from the date of revocation, a written application may be made for the reinstatement of a license, as provided in Section 3 of this Regulation, with payment of the annual fee. Such application shall include a statement signed by the applicant that, in his/her opinion, the conditions resulting in the revocation have been corrected. Following such application, the Director of Health or his/her authorized agent shall make an inspection. If the applicant is complying with the requirements of this Regulation, the Public Health Code of the State of Connecticut, and any other applicable statutes, ordinances or rules and regulations, the license shall be reinstated.

SECTION 10. FACILITIES SERVED BY WELL WATER:

All food service establishments utilizing well water shall meet the requirements of Section 19-13-B102 of the Public Health Code of the State of Connecticut. Prior to licensing and annual relicensing, the well water shall be sampled by a qualified individual and the results submitted to the Director of Health. At a minimum, the well water must be analyzed for total coliform bacteria, color, odor, turbidity, pH, nitrate, nitrite, sodium, chloride, iron, manganese, hardness, and sulfate. An analysis for additional parameters may be required if determined by the Director of Health or his/her authorized agent.

SECTION 11. SUBMISSION OF PLANS:

- (a) Whenever a food service establishment is constructed or remodeled, and whenever an existing structure is converted to use as a food service establishment, detailed plans and specifications for such construction, remodeling, or alteration shall be submitted to the Director of Health, or his/her authorized agent, for review and approval at least twenty (20) calendar days prior to the proposed issuance of a food service license or a building permit, and before construction, remodeling, or alteration is begun.
- (b) The plans and specifications shall indicate the proposed layout, arrangement, and construction materials of work areas, and the type and model of proposed fixed equipment facilities.
- (c) The Director of Health, or his/her authorized agent, shall approve the plans and specifications if they meet the requirements of this Regulation, the Public Health Code of the State of Connecticut, and any other applicable statutes, ordinances, or rules and regulations. No food service establishment shall be constructed, remodeled, or altered except in accordance with plans and specifications approved by the Director of Health, or his/her authorized agent.

SECTION 12. PRE-OPERATIONAL INSPECTIONS:

Whenever plans and specifications are required by Section 11 of this Regulation to be submitted to the Director of Health, or his/her authorized agent, the Director of Health, or his/her authorized agent, shall inspect the food service establishment prior to commencement of operation to determine compliance with the approved plans and specifications, and with the requirements of this Regulation and the Public Health Code of the State of Connecticut.

SECTION 13. EXAMINATION AND CONDEMNATION OF FOOD:

Food may be examined or sampled by the Director of Health, or his/her authorized agent, as often as necessary for enforcement of this Regulation or the Public Health Code of the State of Connecticut. The Director of Health, or his/her authorized agent, may, upon written notice to the owner or person in charge specifying with particularity the reasons therefore, place a hold order on any food or beverage which he believes is unfit for human consumption. The Director of Health, or his/her authorized agent, shall tag, label, or otherwise identify any food subject to a hold order. No food subject to a hold order shall be used, served, consumed, or moved from the establishment. The Director of Health, or his/her authorized agent, shall permit storage of the food under conditions specified in the hold order, unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished. The hold order shall state that a request for hearing may be filed with the Director of Health within three (3) business days, and that if no hearing is requested, the food shall be destroyed. The Director of Health shall hold a hearing, if so requested, and on the basis of evidence produced at that hearing, the hold order may be sustained, modified or rescinded or the owner or person in charge of the food may be directed, by written order, to denature or destroy such food or to bring it into compliance with the provisions of this Regulation or the Public Health Code of the State of Connecticut.

SECTION 14. FOOD SERVICE ESTABLISHMENTS OUTSIDE JURISDICTION OF THE CHESPROCOTT HEALTH DISTRICT:

Food from food service establishments outside the jurisdiction of the Director of Health of the Chesprocott Health District may be sold within the towns of Cheshire, Prospect, and Wolcott if such food service establishments conform to the provisions of this Regulation or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the Director of Health may accept reports from responsible authorities in other jurisdictions where such food service establishments are located.

SECTION 15. FOOD HANDLER TRAINING / QUALIFICATION:

A qualified food operator (QFO) will be required at each Class III and Class IV establishment per Section 19-13-B42(s)(4) of the Public Health Code of the State of Connecticut.

Additional training may be required if the Director of Health, or his/her authorized agent, finds unsanitary or other conditions in a food service establishment which constitute an immediate or substantial hazard to public health or when a particular violation or group of violations of the Public Health Code of the State of Connecticut appear on more than two (2) consecutive inspection reports.

SECTION 16. PENALTIES OTHER THAN SUSPENSION AND REVOCATION OF LICENSES:

Any person who shall violate any of the provisions of this Regulation and/or the Public Health Code of the State of Connecticut shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100.00). In addition thereto, such persons may be enjoined from continuing such violations. Each day that a violation continues shall constitute a separate violation.

SECTION 17. REPEAL AND DATE OF EFFECT

This Regulation shall be in full force and effect ninety (90) days from adoption and, at that time, all regulations and parts of regulations in conflict with this Regulation are hereby repealed.

SECTION 18. UNCONSTITUTIONALITY CLAUSE:

Should any section, paragraph, sentence, clause, or phrase of this Regulation be declared unconstitutional or invalid for any reason, the remainder of said Regulation shall not be affected thereby.