CHAPTER 2 FOOD SERVICE ESTABLISHMENTS

SECTION 2.1 DEFINITIONS

For the purpose of this chapter,

"Approved Source" means a source which complies with applicable federal, state or local regulations.

"Catering Food Service" means a food establishment which involves the sale or distribution of food and drink prepared in bulk at one geographic location for service in individual portions at another location, or which involves preparation and service of food on public or private premises not under ownership or control of the operator of such service.


"Consumer Advisory" means a brochure, label statement, deli case or menu advisory targeted at vulnerable consumers who, due to certain health conditions, may be at increased risk for food borne illness when eating raw or undercooked potentially hazardous foods.

"Food" means any raw, cooked or processed edible substance, ice, beverage or ingredient used or intended for use or for sale, in whole or in part, for human consumption.

"Food Service Establishment" means any place where food is prepared and intended for individual portion service and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term includes but is not limited to grocery stores, restaurants, hotels, taverns, bars, rest homes, schools, camps, industrial feeding establishments, commissaries, catering establishments or any eating place, whether fixed or mobile. The term does not include a kitchen in a private home where food is prepared or served and not offered for sale. The term does not include a bed-and-breakfast operation that prepares and offers food to the guests if such operation is owner occupied and has a total building occupant load of not more than 16 persons including the owner and occupants, and has no provisions for cooking or warming food in the guest rooms, and breakfast is the only meal offered, and placards are posted at the registration area which read “this establishment is exempt from Section 19-13-B42 of the Connecticut Public Health Code”.

"Food Facility" means any food establishment, temporary food establishment, catering food service, food store or itinerant food vending business.

"Food Preparation" means the conversion of any food product into a state ready for human consumption.
“Food Store or Grocery Store” means any place which sells or dispenses for sale at wholesale or retail any groceries, prepackaged foods, whole or bulk bakery products, whole vegetables and fruits, raw meat or fish or packaged dairy products.

“Itinerant Food Vendor” means any food establishment which serves food or drink from an approved conveyance without a fixed location and without connection to a water supply or a sewage disposal system.

“Owner” means any individual, partnership, association, corporation, company, governmental agency, club or organization of any kind, and includes the plural.

“Potentially Hazardous Food” means any food or food ingredient, natural or synthetic, that is in a form capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms, or the slower growth of Clostridium botulinum. The term includes but is not limited to foods of animal origin, cooked foods of plant origin, garlic in oil, cut melons and raw sprouts. The term does not include foods with a water activity of 0.85 or less and/or a pH of 4.6 or less.

“Prepackaged” means that the individual food portion is completely wrapped to preclude contamination. All prepackaged food shall be prepared and packaged in an approved food facility.

“Qualified food Operator” means a food operator employed in a full time position who has demonstrated knowledge of safe food handling techniques. A full time position means thirty (30) hours per week or the number of hours per week that the food service establishment is open for business, whichever is less. A qualified food operator will be required in those food service establishments designated as either a Class III or Class IV food service operation as defined in the Connecticut Public Health Code.

“Seasonal Establishment” means a food service establishment which is seasonal in nature and operates for a period of time not to exceed six months in any one year.

“Temporary Food Establishment” means a food service establishment that operates at a fixed location for a temporary period of time, for 14 consecutive days or less in any thirty (30) day period, in conjunction with a carnival, circus, public exhibition, fair, festival, celebration concert, show, or similar transitory gathering, or any kind of event that is advertised and open to the general public, with or without admission fee. The term does not include events which are not advertised nor open to the general public.

SECTION 2.2 LICENSE REQUIRED

Any person, firm or corporation owning, operating or maintaining, within any city, town or political subdivision comprising the Central Connecticut Health District, any food service establishment or place where food or beverage is served to the public shall possess a valid license issued by the Health District.
SECTION 2.3 APPLICATION AND ISSUANCE OF LICENSE

A. Any owner desiring to operate a food service establishment shall, at least ten (10) working days prior to the opening of a new food service establishment or the expiration of an existing license or the change of ownership, make written application for a license on forms provided by the Health District. Such application shall be submitted prior to start of construction, remodeling or conversion. Such application shall include, but not be limited to, the name and address of the person responsible for the operation of the food service establishment, the type and location of the food service establishment and the signature of each owner or authorized representative. If the application is for a temporary food service establishment, it shall also include the dates of the proposed operation.

B. The application shall be accompanied by the appropriate fee.

C. Prior to the issuance of final approval for license, the Director of Health or his authorized agent, who shall be a certified food service sanitation officer, shall inspect the food service establishment to determine compliance with the provisions of this Chapter, the Connecticut Public Health Code, any other applicable codes, regulations or statutes.

D. The Director of Health shall issue a new license to the applicant if the inspection reveals that the food service establishment complies with the requirements of this Chapter, the Connecticut Public Health Code and any other applicable codes, regulations or statutes. Licensed facilities must comply with the requirements of this Chapter, the Connecticut Public Health Code and any other applicable codes, regulations or statutes.

E. All licenses shall expire on June 30 of each year, unless otherwise indicated, and may be renewed for another year upon application and payment of an annual fee, provided that the food service establishment is in compliance with this Chapter, the Connecticut Public Health Code and any other applicable codes, regulations or statutes.

F. In the case of a transfer of ownership of an existing food service establishment to a new owner, the new owner shall submit an application for a license on forms provided by the Health District. The establishment shall be brought into compliance with this Chapter, the Connecticut Public Health Code and any other applicable codes, regulations or statutes by correcting all violations before a license to operate can be issued. The license is not transferable.

SECTION 2.4 INSPECTIONS / RIGHT OF ENTRY

The Director of Health or his authorized agent, who shall be a certified food service sanitation officer, shall be permitted, after proper identification, to enter at any reasonable time any food service establishment for the purpose of making inspections, as deemed necessary by the Director of Health or his authorized agent, to determine compliance with this Chapter, the Connecticut Public Health Code and any other applicable codes, regulations or statutes.
The Director or his authorized agent shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received, used or proposed to be used and persons employed or proposed to be employed, but not including financial records. By application for licensure, the owner or operator gives permission for records examination as set forth in this section.

SECTION 2.5 SUSPENSION OF LICENSE

The Director of Health may suspend any license to operate a food service establishment if the license holder does not comply with the requirements of this Chapter, the Connecticut Public Health Code or any other applicable code, regulation or statute.

In the event that the Director of Health or his duly authorized representative finds unsanitary or other conditions in the operation of the food service establishment which in his judgment constitutes a violation of this Chapter, the Connecticut Public Health Code or any other applicable code, regulation or statute, the Director of Health may issue a written notice of intent to suspend the license to the license holder or operator citing such conditions, specifying the corrective action to be taken and specifying the time period within which such action shall be taken and, if deemed necessary, order immediate correction.

If correction is not made in the stated time, the license shall be suspended and a written order issued to the owner or operator to cease the operation of the food service establishment. Food service operations shall immediately cease upon receipt of the order.

One (1) copy of the order to cease food service operations shall be posted by the owner upon the inner surface of the window of the front entrance door of the food service establishment or upon the nearest window thereto in such a manner as to be clearly visible to the general public from the exterior of such establishment. Said order to cease operations shall not be defaced or removed by any person except the Director of Health, or his authorized agent.

SECTION 2.6 REVOCATION OF LICENSE

The Director of Health may, after providing opportunity for hearing and appeal, revoke a license for serious or repeated violations of any of the requirements of this Chapter, the Connecticut Public Health Code, other applicable codes, regulations or ordinances, or for interference with the Director of Health or his authorized agent in the performance of their 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 ten (10) days following service of such notice unless an appeal is filed with the Director of Health by the license holder within forty-eight (48) business hours of receipt of the notice. If no appeal is filed within forty-eight (48) business hours, the revocation of the license becomes final.
SECTION 2.7 SERVICE OF NOTICE

Written notices and orders provided for in this Chapter shall be deemed to have been properly served when a copy of the notice or order has been delivered personally or sent by certified mail, return receipt requested, to the owner, permit holder or person in charge of the food service establishment. Such written notices and orders shall also be deemed to have been properly served provided it has been posted on the front entrance door of the food service establishment or upon the nearest window thereto in such a manner as to be clearly visible to the general public from the exterior of the establishment. Said notice shall not be defaced or removed by any person except the Director of Health or his Authorized Agent. A copy of any such notice or order shall be filed in the records of the Director of Health.

SECTION 2.8 REINSTATEMENT OF LICENSE

A. Suspension. Whenever a license has been suspended, the holder of the suspended license may make a written request for license reinstatement. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that, in his opinion, the conditions causing the suspension have been corrected, the Director of Health or his authorized agent shall make a re-inspection. If the applicant is found to be in compliance with the requirements of this Chapter, the Connecticut Public Health Code, other applicable codes, regulations or statutes, and the conditions responsible for the suspension have been corrected, the license shall be reinstated.

B. Revocation. After a period of thirty (30) days from the date of revocation, a written application may be made for the issuance of a new license. Procedures delineated in this Chapter for obtaining a new license shall be followed.

SECTION 2.9 APPEALS

A. The owner or operator of a food service establishment aggrieved by a written notice or any order described above may, within forty-eight (48) hours after the receipt of such notice and/or order, appeal to the Director of Health who shall thereupon immediately examine the merits of such case and may vacate, modify or affirm such written notice or order. The owner or operator of a food service establishment who is aggrieved by such action of the Director of Health may, not later than three business days after the date of receipt of such notice or order, appeal to the Commissioner of Health who shall thereupon immediately notify the authority from whose order the appeal was taken and examine the merits of such case and may vacate, modify or affirm such action in accordance with the CT General Statutes.

SECTION 2.10 SUBMISSION OF PLANS

Whenever a food service establishment is constructed or remodeled and whenever an existing structure is converted to use as a food service establishment, properly prepared plans and specifications for the public health related aspects of such construction, remodeling or conversion shall be submitted to the Director of Health or his authorized
agent for review and approval before construction, remodeling or conversion is begun. The plans and specifications shall include, but not be limited to the menu, the proposed layout, arrangement of work and storage areas, construction materials and the type and model of proposed equipment and facilities, which must be National Sanitation Foundation (NSF) approved or its equal. The Director of Health or his authorized agent shall approve the plans and specifications, in writing, if they meet the requirements of this Chapter, the Connecticut Public Health Code and other applicable codes, regulations or statutes. No food service establishment shall be construed, remodeled or converted except in accordance with plans and specifications approved by the Director of Health or his authorized agent.

SECTION 2.11 PRE-OPERATIONAL INSPECTIONS

Whenever plans and specifications are required by Section 2.10 of this Chapter to be submitted to the Director of Health or his authorized agent, the Director of Health or his authorized agent shall inspect the food service establishment prior to its beginning operation to determine compliance with the approved plans and specifications and with the requirements of this Chapter, the Connecticut Public Health Code and other applicable codes, regulations or statutes.

SECTION 2.12 FOOD EXAMINATIONS/HOLD ORDERS/CONDEMNATION

Food may be examined or sampled by the Director of Health or his authorized agent as often as necessary for enforcement of this Chapter or the Connecticut Public Health Code.

A. Hold Order. The Director of Health or his 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 authorized agent shall tag, label or otherwise identify any food subject to the hold order. No food subject to a hold order shall be used, served or moved from the establishment.

The Director of Health 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 an appeal may be filed with the Director of Health within forty-eight (48) business hours and that if no appeal is filed, the food shall be destroyed. The Director of Health shall hold an appeal hearing, if so requested, and on the basis of evidence produced at that hearing, the hold order may be vacated 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 Chapter or the Connecticut Public Health Code.

B. Condemnation. Food shall be subject to immediate condemnation by the Director of Health when it is found to be unfit for human consumption by reason of: appearance; odor; decomposition; adulteration; contamination by exposure to fire, water, smoke or heat; lack of proper temperature maintenance; animal or insect contact; or exposure to non-food chemicals. Said action of condemnation shall only be used when, in the opinion of the Director of Health, there is substantial risk that
the suspected food would otherwise be used for human consumption, or if the license holder agrees to the grounds for the condemnation.

SECTION 2.13 FOOD FROM ESTABLISHMENTS OUTSIDE OF CENTRAL CONNECTICUT HEALTH DISTRICT

Food from food service establishments outside the jurisdiction of the Central Connecticut Health District may be sold within the Health District if such food service establishments conform to the provisions of the Connecticut Public Health Code or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the Director of Health or his authorized agent may accept reports from responsible authorities in other jurisdictions where such food service establishments are located.