

CHAPTER 2 FOOD ESTABLISHMENTS

SECTION 2.1 DEFINITIONS

If not defined in Section 1 or below, terms are defined in the Connecticut Public Health Code Section 19a-36h-1 through 19a-36h-7. For the purpose of this chapter:

“Base of Operations” means an approved and inspected commercial kitchen used to store, prepare, cook, and hold food and/or drink items for sale at another location such as on an itinerant food vending truck or trailer or at a temporary food event.

“Catering Food Service” or “Caterer” means a food establishment which involves the sale or distribution of food and/or 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.

“Certified Food Protection Manager”, formerly known as a “Qualified Food Operator”, means a food operator employed in a full time, supervisory position with the authority to direct and control food preparation and service, who has demonstrated knowledge of safe food handling techniques and holds a valid certificate from one of the recognized training organizations as listed in the Connecticut Public Health Code. A Certified Food Protection Manager is required in those food establishments designated as either a Class II, III or IV as defined in the FDA Model Food Code.

“Certified Food Inspector” means a Director of Health or Environmental Health Specialist that has been certified as a food inspector by the Connecticut Commissioner of Public Health.

“Class I, II, III, IV” designation of Food Service Establishments defined in the FDA Model Food Code.

“Farmer’s Market” means an organized seasonal market at a fixed location, used by multiple farmers and other non-farm vendors for the sale of whole, cut, or processed produce and farm products as well as other prepared food items.

“FDA Model Food Code” means the food code administered under section 19a-36h of the Connecticut General Statutes.

“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 Establishment” means an Operation 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, healthcare facilities, schools, camps, industrial feeding establishments, breweries, 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, has no provisions for cooking or warming food in the guest rooms, and breakfast is the only meal offered. A placard must be posted at the registration area which reads “the kitchen in this establishment is exempt from inspection and licensing under the Connecticut Public Health Code”.

“Food Facility” means any Food Establishment, Temporary Food Vendor, Catering Food Service, Food Store, or Itinerant Food Vendor.

“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.

“Good Retail Practices (GRP’s)” means the preventive measures that include practices and procedures to effectively control the introduction of pathogens, chemicals, and physical objects into food, that are prerequisites to instituting a HACCP or Risk Control Plan and are not addressed by the FDA Food Code interventions or risk factors.

“Hazard Analysis Critical Control Points (HACCP)” is a management system in which food safety is addressed through the analysis and control of biological, chemical, and physical hazards from raw material production, procurement and handling, to manufacturing, distribution and consumption of the finished product.

“Itinerant Food Vendor” means any Food Establishment which serves food or drink from a self-contained, approved conveyance, generally a truck or trailer, without a fixed location and without connection to a water supply or a sewage disposal system. An itinerant food vendor is required to have an approved and inspected Base of Operations for conducting any food storage or preparation which is not done on the approved conveyance. An Itinerant Food Vendor license requires approval from the police and zoning department of each town in the district in which vending is conducted.

“Mobile Food Vendor” means any Food Establishment which serves food or drink from a non-fixed location including, but not limited to, a food truck or trailer or a temporary facility set up. This includes Itinerant Food Vendors, Seasonal Mobile Vendors, Temporary Food Vendors and other similar establishments.

“Person in Charge” means the Owner, Operator, designated employee or employee who is the apparent supervisor of the Food Establishment at the time of inspection. The Person in Charge shall also be a Certified Food Protection Manager and possess the qualifications thereof. If no individual employee is the apparent supervisor, then any employee present at the time of inspection may be considered the person in charge.

“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.

“Public Event” means an event open to the general public where food and/or drinks are available for a person to purchase. This does not include events where only invited guests attend, such as a company picnic or a birthday party, even if held in a public space.

“Risk Factor” means the improper employee behaviors or improper practices or procedures in retail food and food service establishments stated below which are most frequently identified by epidemiological investigation as contributing to foodborne illness or injury:

1. Improper holding temperature;
2. Inadequate cooking;
3. Contaminated equipment;
4. Food from unsafe source; and
5. Poor personal hygiene

“Schedule of Repair” means a written plan submitted by a food facility to the Director of Health or Environmental Health Specialist for approval to address the repair or replacement of deficient equipment in the establishment identified during routine inspections in a timely manner. Such a plan shall be approved or denied by the Director of Health or Environmental Health Specialist with or without conditions within 5 business days of submission.

“Seasonal Establishment” means a Food Establishment, such as a concession stand, which is seasonal in nature and operates at a fixed location for a period of time not to exceed seven consecutive months in any one year.

“Seasonal Mobile Vendor” means a Mobile Food Vendor who may attend multiple events within the member district towns but does not have a fixed vending location or route within the district. A Seasonal Mobile Vendor may attend multiple temporary events during a season, that season is not to exceed 180 consecutive days within one calendar year. A Seasonal Mobile Vendor preparing class II or III food items must operate out of a self-contained mobile unit and have a Base of Operations to qualify for this License. A Seasonal Mobile Vendor preparing or serving class I food items only may operate from a defined portable unit with the same set up every time, but that may not be self-contained. The need for a Base of Operations will be reviewed on a case-by-case basis for Class 1 vendors.

“Temporary Event” means an event that operates at a specific location for a temporary period of time, not to exceed 14 consecutive days, in conjunction with a single event such as 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.

“Temporary Food Vendor” means a food vendor that operates at a specific location for a temporary period of time, not to exceed 14 consecutive days, in conjunction with a single event such as 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.

“Temporary License” means a license granted to a food vendor for a specific event and length of time, up to a maximum of 14 days.

SECTION 2.2 SPECIFIC REQUIREMENTS FOR FOOD ESTABLISHMENTS AND FOOD VENDORS

- A. Any Owner or Operator of a Food Establishment within the Health District shall possess a valid License.
- B. Inspections of Food Establishments shall be conducted by a Connecticut Certified Food Inspector.
- C. An annual inspection and review shall be conducted to determine the appropriate class for licensing purposes.
- D. If the Director of Health or Environmental Health Specialist finds unsanitary conditions in the operation of a Food Establishment which in his/her judgment constitute a substantial hazard to public health, he/she shall immediately notify the permit holder or operator in writing, citing such conditions and specifying the corrective action to be taken and the time period within which such action shall be taken. If deemed necessary, he/she will order immediate correction. Subsequent re-inspections to determine compliance will be performed according to the Food Service SOP and re-inspection fees may be charged.
- E. Seasonal licenses, including Farmer’s Market licenses, shall be granted prior to the start of the season and expire after 180 days with the exception of fixed location Seasonal Establishments which may operate for seven consecutive months within any one calendar year.
- F. Temporary Food Vendors may be inspected after set up at an event and prior to any food service. Upon passing inspection the Temporary License will be issued on site. A vendor may be vetted with a telephone consultation prior to the event and the license mailed to the vendor without an on site inspection. The Temporary License must be displayed by the vendor in a location visible to the public.

SECTION 2.3 SUBMISSION OF PLANS FOR FOOD ESTABLISHMENTS

Whenever a Food Establishment is sold, constructed, or remodeled; when any equipment added or changed, the floor plan is changed, and whenever an existing structure is converted to use as a food establishment, a plan review must be conducted. Properly prepared plans, a plan review application, and specifications for the public health related aspects of such construction, remodeling, change or conversion shall be submitted to the Director of Health or Certified Food Inspector for review and approval before construction, remodeling, change, or conversion is begun. The plans and specifications shall include, but not be limited to, the menu, the proposed layout drawn to scale at an easily readable size such as $\frac{1}{4}$ inch per foot or larger, 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 Certified Food Inspector 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

Establishment shall be constructed, remodeled or converted except in accordance with plans and specifications approved by the Director of Health or Certified Food Inspector.

SECTION 2.4 FOOD EXAMINATIONS/HOLD ORDERS/CONDEMNATION

Food may be examined or sampled by the Director of Health or Certified Food Inspector as often as necessary for enforcement of this Chapter.

- A. **Hold Order.** The Director of Health or Certified Food Inspector may, upon written notice to the Owner, Operator or Person in Charge specifying with particularity the reason therefore, place a hold order on any food or beverage which he believes is unfit for human consumption. The Certified Food Inspector 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 removed 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 in accordance with Section 1.14.

- 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. Condemned food shall be denatured or destroyed immediately in the presence of the Director of Health or Certified Food Inspector.

SECTION 2.5 FOOD FROM ESTABLISHMENTS OUTSIDE THE DISTRICT

Food from establishments outside the jurisdiction of the Health District may be sold within the Health District if such food establishments conform to the provisions of this Chapter. To determine the extent of compliance with such provisions, the Director of Health or Certified Food Inspector may accept reports from responsible authorities in other jurisdictions where such Food Establishments are located.

SECTION 2.6 CATERERS

All Caterers shall operate in accordance with the Connecticut Public Health code Section 19a-36h-1 through 19a-36h-7 and this Code. All Catering Food Services shall have a licensed Base of Operations in which they prepare food for service. The preparation kitchen must meet the requirements of the Connecticut Public Health Code.

- A. All food shall meet the temperature and food protection standards as required in the Public Health Code during transport. The vehicle in which such food is being transported shall be clean and constructed and maintained to prevent access by insects or rodents and shall have the establishment's name and address on the vehicle. The vehicle shall either have facilities to keep proper temperatures or be provided with

containers that will hold proper temperatures. Upon arriving at the final destination, the caterer shall take the temperatures of all time and temperature controlled for safety (TCS) foods, log the temperatures, and keep such log for a period of three months after the catered event. The caterer shall make such log available to the Health District upon request.

- B. All food containers, equipment, tableware, dishes, crystal, utensils, single service items, and linen shall be protected and kept clean during transportation. Prior to service, caterer is responsible for cleaning and sanitizing all food contact surfaces, including rented items.
- C. Any caterer wishing to cater or serve food at a Public Event within the towns of the Health District shall either (1) be licensed by the Health District; or, if not based within the Health District, (2) hold a valid caterer's license from another local or district health department in the State of Connecticut. A copy of such shall have been filed with the Health District prior to said caterer operating within the Health District jurisdiction, or (3) any caterer whose usual place of business is outside the political boundaries of the State of Connecticut wishing to cater within the Health District shall submit written documentation demonstrating a valid caterer's license from an equivalent regulatory agency and a recent inspection report prior to operating within the Health District.
- D. Any caterer who has not sent a copy of a valid caterer's license to the Health District prior to a Public Event, and obtained a valid Temporary Event license, shall be in violation of this Code and shall be subject to fines of not more than five hundred dollars (\$500.00) for such violation. A Temporary Event license is not required for a private event, only open to invited guests, such as a wedding or birthday party.

SECTION 2.7 MOBILE FOOD VENDORS

All Mobile Food Vendors shall operate in accordance with the Connecticut Public Health code Section 19a-36h-1 through 19a-36h-7 and this code. All Mobile Food Vendors shall work out of a licensed kitchen (Base of Operations) to store and prepare food and provide cleaning facilities for the mobile unit, except as noted below. The Base of Operations shall be licensed with the mobile vending unit and both shall be subject to inspection. If the Base of Operations is not located within the Health District, documentation of the licensed kitchen and a copy of a recent inspection report shall be provided to the Health District prior to vending within the Health District. Vending without a Base of Operations is permitted only for temporary events. If a vendor does not have a Base of Operations, perishable food must be purchased the day of vending and all storage, preparation and vending must occur on the licensed unit. Receipts must be provided to the Health District upon request. The Health District reserves the right to modify or limit the menu for vendors not operating out of a licensed kitchen.

- A. Vending units with on-board water storage tanks must identify the source of potable water, and wastewater dumping location, used to support the vending operation. If the potable water is supplied by a private water supply well a water test, collected within the last twelve months, must be submitted to the Health District for approval before vending within the Health District.

- B. A food grade water supply hose is required for all tank filling operations and to supply all water taps on-board the mobile unit.
- C. All food shall meet the temperature and food protection standards as required in the Connecticut Public Health Code during transport and storage. The vehicle in which such food is being transported shall be clean and constructed and maintained to prevent access by insects or rodents and shall have the establishment's name and address on the vehicle. The vehicle shall be equipped with mechanical refrigeration and freezer units, as needed, to keep proper temperatures. Non-mechanical refrigeration or freezers, such as using ice packs, may only be used to maintain temperatures for non-time and temperature controlled for safety foods (non-TCS). Upon arriving at the final destination, the Mobile Food Vendor shall take the temperatures of all TCS foods, log the temperatures, and keep such log for a period of three months. The Mobile Food Vendor shall make such log available to the Health District upon request.
- D. All food containers, equipment, dishes, utensils and single service items shall be protected and kept clean during transportation and storage.
- E. Any Mobile Food Vendor wishing to operate at a Public Event within the towns of the Health District shall obtain a license from the Health District prior to vending.
- F. Any Mobile Food Vendor operating within the Health District without a valid license shall be in violation of this Code and shall be fined not more than five hundred dollars (\$500.00) for such violation.
- G. Any Mobile Food Vendor who violates this Code by not submitting the required documentation to the Health District will be prevented from vending.
- H. Any Mobile Food Vendor who wishes to vend at a Temporary Event must submit a license application on the approved form, accompanied by the required fee, a minimum of ten (10) working days prior to the event. Applications submitted less than 10 working days prior may be approved, at the discretion of the Health District, and will be subject to a late fee.

SECTION 2.8 FAILED INSPECTIONS AND REINSPECTIONS

All food service operations shall pass preoperational inspections and routine inspections in accordance with the Connecticut Public Health Code Section 19a-36h-1 through 19a-36h-7 and this code. Risk factor and good retail practice violations shall be evaluated during re-inspections according to the Foodservice SOP.