

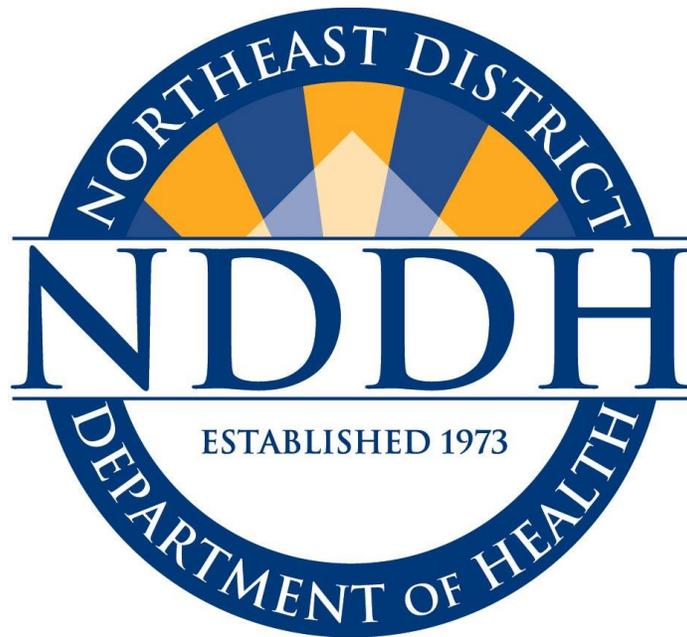
# **Northeast District Department of Health**

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## **Food Service Ordinances**

### **Information on Inspections, Permits, and Associated Fees for Food Service**

Approved by the NDDH Board of Health January 9, 2003

Amended by the NDDH Board of Health April 14, 2005

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  - . Definitions

**"Catering food service establishment"** means a business that is involved in the (A) sale or distribution of food and drink prepared in bulk in one geographic location for retail service in individual portions in another location, or (B) preparation and service of food in a public or private venue that is not under the ownership or control of the operator of such business;

**"Class 1 food establishment"** means a food establishment that only offers for retail sale (A) prepackaged food that is not time or temperature controlled for safety, (B) commercially processed food that (i) is time or temperature controlled for safety and heated for hot holding, but (ii) is not permitted to be cooled, or (C) food prepared in the establishment that is not time or temperature controlled for safety;

**"Class 2 food establishment"** means a retail food establishment that does not serve a population that is highly susceptible to food-borne illnesses and offers a limited menu of food that is prepared, cooked and served immediately, or that prepares and cooks food that is time or

temperature controlled for safety and may require hot or cold holding, but that does not involve cooling;

**"Class 3 food establishment"** means a retail food establishment that (A) does not serve a population that is highly susceptible to food-borne illnesses, and (B) has an extensive menu of foods, many of which are time or temperature controlled for safety and require complex preparation, including, but not limited to, handling of raw ingredients, cooking, cooling and reheating for hot holding;

**"Class 4 food establishment"** means a retail food establishment that serves a population that is highly susceptible to food-borne illnesses, including, but not limited to, preschool students, hospital patients and nursing home patients or residents, or that conducts specialized food processes, including, but not limited to, smoking, curing or reduced oxygen packaging for the purposes of extending the shelf life of the food;

**"Food establishment"** means an operation that (A) stores, prepares, packages, serves, vends directly to the consumer or otherwise provides food for human consumption, including, but not limited to, a restaurant, catering food service establishment, food service establishment, temporary food service establishment, itinerant food vending establishment, market, conveyance used to transport people, institution or food bank, or (B) relinquishes possession of food to a consumer directly, or indirectly through a delivery service, including, but not limited to, home delivery of grocery orders or restaurant takeout orders or a delivery service that is provided by common carriers. "Food establishment" does not include a vending machine, as defined in section 21a-34 of the general statutes, a private residential dwelling in which food is prepared under section 21a-62a of the general statutes or a food manufacturing establishment, as defined in section 21a-151 of the general statutes;

**"Itinerant food vending establishment"** means a vehicle-mounted, self-contained, mobile food establishment; All Itinerant food vending establishments are required to have a hand-washing sink with hot and cold running water under pressure, holding tank, and mechanical refrigeration.

**"Pushcarts"** are limited to the sale of hot dogs and pre-packaged foods only.

**"Multiple class food service establishment"** means any business with departments that are classified as separate food establishments;

**"Noncommercial function"** means a function where food is sold or distributed by a person not regularly engaged in the business of selling such food for profit;

**"Permit"** means a written document issued by a director of health that authorizes a person to operate a food establishment;

**"Seasonal operation"** means a food establishment that operates six months or less at the same geographic location;

**"Temporary food service establishment"** means a food establishment that operates for a period of not more than fourteen consecutive days in conjunction with a single event or celebration.

**"Woodstock Fair and Brooklyn Fair"** are not included in the Itinerant Vendor Permit.

**. Permit Required**

1. Any person, firm or corporation owning, operating or maintaining, within any city, town or political subdivision comprising NDDH, any food service establishment or place where food or beverage is served to the public shall possess a valid permit issued by the Health District.
2. Only persons, firms, etc. who comply with the requirements of this ordinance and the Public Health Code of the State of Connecticut shall be entitled to receive and display a permit.
3. Licensed caterers with places of operation not within the jurisdiction of NDDH must present their permit from their own jurisdiction and obtain a permit from NDDH. A copy of their facility inspection will be required.
4. All such permits shall be posted in a conspicuous place in the food service establishment.
5. Permits are not transferable.

**B. Temporary Food Permits**

1. Only food service establishments which meet the requirements of NDDH's *Guidelines for Temporary Food Service* will be permitted.
2. All temporary food service events must be permitted.
3. All food service operations within the confines of fairgrounds are required to obtain a temporary food permit and pay the applicable fees.
4. All organizations that sponsor 12 or more events per year opened to the public must comply with Section 19-13B42 of the CT Public Health and obtain an annual permit.

**C. Exempt from Permits**

1. Fruit and vegetable stands with no food preparation.
2. Neighborhood bake sales/fund raisers, providing none of the finished products are a potentially hazardous food.
3. Pre-packaged non-potentially hazardous foods.
4. Organization Members Only: Private functions for any events held solely for organizational members.

**Bed & Breakfast Establishments** are required to register with NDDH annually

**III. Issuance of Permits**

**A.** Any person desiring to operate a food service establishment shall make written application for a permit on forms provided by the Director of Health. Such application shall include the name and 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 of the proposed operation.

**B.** Prior to approval of an application for a permit, the Director of Health or his/her authorized agent shall inspect the proposed food service establishment to determine compliance with the provisions of this Ordinance and the CT Public Health.

**C.** The Director of Health or his/her authorized agent shall issue a permit to the applicant if the inspection reveals that the proposed food service establishment complies with the requirements of this Ordinance and the CT Public Health Code.

**D.** NDDH may require the establishment to designate a person to be spokesperson for the establishment if English is not the primary language of the owner/operator of the establishment.

**E.** NDDH may refuse to renew a permit until NDDH receives a new application, menu, annual water analysis, septic pumping invoice (if applicable) and a copy of the Qualified Food Operator (QFO) certificate.

**F. Water Analysis:** All food service establishments (non-profit and for profit) served by a private water supply shall have the water tested annually for bacteriological, physical and nitrate quality except that dug wells shall also be sampled quarterly for bacteriological content. All water testing is the responsibility of the establishment. Water test results must be forwarded to NDDH prior to the re-permitting of the establishment.

**G. Hand sinks:** In concert with the CT Public Health Code 19-13 B42 (h) - Each food service establishment serving food or drink shall be provided with hand washing facilities located to allow for convenient use by employees in food preparation, food dispensing, and ware washing areas, and within or immediately adjacent to all toilet rooms. The hand washing facilities shall be equipped with hot and cold or tempered running water, hand cleansing soap or detergent dispensed in a sanitary manner, individual disposable towels or other hand-drying device acceptable to the Director of Health. The use of a common towel is prohibited. Larger food preparation facilities may be required to have multiple hand sinks in food preparation areas. Existing food service establishments, regardless of the original date of construction or past renovations history or changes in ownership shall have the appropriate hand sink(s) in place.

**H. Qualified Food Operators:**

**1.** Operators of food service establishments that are classified III or IV (see section I.B. for descriptions) shall provide proof that a QFO has been designated for the establishment prior to any permit to operate being issued. A minimum of one full time QFO or their designated alternate is required during all operating hours of the establishment.

**2.** Failure to maintain a QFO within 60 days of QFO deficiency shall result in a fine and mandatory attendance at an administrative hearing to show cause why the food service permit should not be suspended. A hearing fee shall be levied, payable at the time of the hearing. Failure to pay said fine and fee within five business days of the date of the administrative hearing shall be cause for revocation of the food service permit.

## **IV. Permit Renewal**

- A. Food permits must be renewed annually.
- B. Food permits will be billed annually on November 15, with a due date of December 15.
- C. A late fee will be charged to any establishment not submitting required paperwork and required fees for renewal by the December 15 due date.
- D. A penalty fee shall be assessed for each day late from January 2 through January 15 inclusive.
- E. The Director of Health shall issue cease and desist orders to all establishments operating without a valid permit on January 16 of the relevant year.

## V. Change of Ownership

When an existing establishment changes hands, is sold or transferred, the establishment will be required to upgrade the facility to meet the requirements of the CT Public Health Code and this Ordinance that are in effect at the time of the change, e.g., septic system, water supply, sinks, toilet facilities, hand sinks. No permits are transferable.

## VI. Renovation of Existing Facilities

When an existing establishment proposes to renovate, such renovation must meet all requirements of the CT Public Health Code and this ordinance. Properly prepared plans in accordance with Section XIV of this ordinance must be submitted and approved by NDDH prior to the start of any renovation.

## VII. Operating Without a Food Service Permit

Food service establishments found operating without a permit from NDDH will be issued a cease and desist order until all requirements of the CT Public Health Code and this Ordinance are met.

## VIII. Fees

- A. All food service establishments will be subject to the fees set forth in the most recent NDDH Fee Schedule except as follows:
  - 1. **Municipal Food Service Establishments** shall be exempt from the payment of any fees but must be inspected and permitted by NDDH.
  - 2. **Municipal day care centers** shall be exempt from the payment of any fees.
- B. Fee schedule shall be reviewed annually and may be adjusted if necessary.
- C. **Reduction of food service fees to certain food service establishments**
  - 1. Effective January 1, 1999 those food service establishments in Classes I – IV that have maintained a score of 97 or higher on all inspections for the preceding four inspections, may apply in writing to have their annual food permit fee reduced by 25%. If any establishment that has been granted a reduction in fees is found to be non-compliant (scores below 97) on any inspection after the fee reduction, the original fee (s) will be re-instated.
  - 2. The list of recipients of this recognition will be released to the public on a regular basis. Each recipient will receive a certificate.

#### **D. Re-Inspections & Administrative Hearings**

1. In the event an establishment fails an inspection, a re-inspection shall be conducted to monitor corrective actions.
2. Any establishment that fails a second or subsequent inspection or operating in a manner that presents a threat to the public health shall be required to attend an administrative hearing and shall be charged a fee for each hearing.
3. If an establishment fails the re-inspection after the administrative hearing, the food service establishment's food service permit will be revoked. The establishment will be required to pay for the re-inspection, any subsequent re-inspections and a new food service permit.

#### **IX. Expiration of Permits**

- A. All annual food service permits shall expire on December 31<sup>st</sup> of each calendar year and shall be renewed annually (see section IV).
- B. Seasonal and Temporary food service permits shall expire on the date recorded on the food service permit.
- C. Food Service permits expire upon change of ownership or facility.

#### **X. Suspension of Permit**

- A. The Director of Health may suspend any permit to operate a food service establishment for failure to comply with the requirements of this Ordinance or the CT Public Health Code. 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/she may immediately issue a written notice to the permit holder or person who is, at the time, in charge of the food service establishment, citing such conditions, specifying the corrective action to be taken, and if deemed necessary, order immediate correction. If correction is not made in the stated time, the permit shall be suspended. Suspension is effective upon service of notice as stated in Section VIII.D.3 of this Ordinance. When a permit is suspended, all food service operations shall immediately cease.
- B. Whenever a permit is suspended, the permit holder or person in charge of the food service establishment may, within 48 business hours, file a written appeal with the Director of Health. If no appeal is filed within 48 business hours, the suspension shall become final. If an appeal is filed, the Director of Health shall, as soon as reasonably practicable, examine the merits of such suspension and may vacate or affirm such suspension. The Director of Health shall serve written notice of his/her decision and the reason or reasons therefore and said permit holder or person in charge may, within 48 business hours of receipt of said notice, appeal to the Director of Health.

#### **XI. Revocation of Permit**

The Director of Health may, after providing opportunity for an appeal, revoke a permit for serious or repeated violations of any of the requirements of this Ordinance or the CT Public Health Code or for interference with the Director of Health or his/her authorized agents in the performance of their duties. Prior to revocation, the Director of Health shall notify the permit

holder or person in charge, in writing, of the reasons for which the permit is subject to revocation and that the permit shall be revoked at the end of 14 business days following service of such notice unless an appeal is filed with the Director of Health by the permit holder within 48 business hours. If an appeal is filed, the Director of Health shall thereupon immediately examine the merits of such revocation and may vacate or affirm such revocation.

## **XII. Service of Notice**

A notice provided for in this Ordinance is properly served when it is delivered to the permit holder or person-in-charge or when it is sent by registered or certified mail, return receipt requested, to the last known address of the permit holder. A copy of any notice shall be filed in the records of NDDH.

## **XIII. Re-Application/Re-Instatement of Permits**

**A. Suspension:** Whenever a permit has been suspended, the holder of the suspended permit may make a written request for re-instatement of the suspended permit. Within ten (ten) business 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 re-inspection. If the applicant is complying with the requirements of this Ordinance and the CT Public Health Code, the permit shall be re-instated.

**B. Revocation:** After a period of 30 days from the date of revocation, as provided in Section XI of this ordinance, a written application may be made for the re-instatement of a permit and payment of the annual fee.

## **XIV. Submission of Plans**

When a food service establishment is constructed or remodeled or there is a change in operation/menu or ownership and whenever an existing structure is converted to use as a food service establishment, properly prepared plans and specifications for such construction, remodeling or alteration shall be submitted to NDDH for review and approval before construction, remodeling or alteration is begun. 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 and facilities, sewage disposal facilities/utilities. The Director of Health or his/her authorized agent shall approve the plans and specifications if they meet the requirements of this Ordinance and the CT Public Health Code.

## **XV. Pre-Operational Inspection**

Whenever plans and specifications are required by Section XIV of this Ordinance 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 its beginning operation to determine compliance with the approved plans and specification and with the requirements of the Ordinance and the CT Public Health Code. No permit to operate will be issued until the requirements of this Ordinance and the CT Public Health Code are met.

## **XVI. Examination 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 Ordinance or the CT Public Health Code. The Director of Health may upon written notice to the owner or person in charge of the food service establishment specifying with particularity the reason therefore, may embargo and send to the laboratory for analysis any food or beverage which he/she 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 the hold order. No food subject to the 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 of said food shall be ordered and accomplished. The hold order shall state that a request for a hearing may be filed with the Director of Health within 48 business hours 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 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 the Ordinance or the CT Public Health Code.

## **XVII. Variances**

The Director of Health may, on written application and after review, grant a variance from a specific provision of the Ordinance such variance is in harmony with the general purposes and intent of this Ordinance and would in no way endanger the public health or welfare. The variance may be granted, subject to appropriate conditions, which shall include a time schedule for compliance. At the time of submission of the variance application, the applicant shall state, in writing, whether or not he/she desired a hearing. If a hearing to consider the merits of said application is requested, said hearing shall be held within 30 days from the receipt of the variance application by the Director of Health. Notice of time and place of such hearing shall be given by mail to the applicant at least ten business days before the date of the hearing. The Director of Health shall render a written decision setting forth the reasons for the grant or denial within ten business days after said hearing. Where the decision is to grant a variance, the Director of Health shall set forth those conditions or circumstances which he/she finds justify the granting of the variance as well as the reasons why the granting of the variances will neither be a detriment to the public health or welfare nor in any way impair the integrity of the provisions of this ordinance.

## **XVIII. New Programs**

NDDH reserves the right to create new programs within the food service program if, in our opinion, the new program will benefit the industry or public health, *e.g.*, Food Service Advisory Committee, or Restaurant Improvement Program.