

SANITARY CODE
EASTERN HIGHLANDS HEALTH DISTRICT

SECTION 4
FOOD SERVICE REGULATIONS

4.1. PURPOSE OF FOOD SERVICE REGULATIONS

The purpose of the Food Service Regulations Section within the “Sanitary Code” is to protect the public’s health, to prevent the spread of disease and to promote good health through education and prevention.

4.1.1. DEFINITIONS

4.1.1.A. FOOD SERVICE ESTABLISHMENT

Restaurant, coffee shop, cafeteria, short order cafe, tavern, luncheonette, sandwich stand, soda fountain, fast food establishment, and any and all other eating or drinking establishments as well as kitchens or other places in which food or drink is prepared for sale or service to the public on or off the premises.

“Food service establishment” shall also mean any place where food is prepared or served, for consumption on or off the premises, including but not limited to restaurants, industrial or corporate feeding establishments, commissaries, catering establishments or any eating place, whether fixed or mobile. The term does not include a private home where food is prepared for individual family consumption, or the location of food vending machines.

4.1.1.B. TEMPORARY FOOD ESTABLISHMENT

A food service establishment, permanent or temporary structure or design, movable or immovable, which operates for a temporary period of time not to exceed fourteen (14) days during any permit period. Said temporary period shall be counted from the first day of operation to include the next thirteen (13) calendar days whether the temporary food establishment operates on all fourteen days or not.

4.1.1.C. CATERER

A caterer is a person, firm, or corporation who operates or maintains within the District, a catering food service 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 the preparation and service of food on public or private premises not under the ownership or control of the operator of the service.

4.1.1.D. MOBILE FOOD VENDOR/ITINERANT FOOD VENDOR

A mobile food vendor/itinerant food vendor is a person, firm or corporation who operates or maintains within the District an itinerant food vending business serving food or drink from any establishment or conveyance without a fixed location and without connections to water supply and sewage disposal systems.

4.1.1.E. FOOD

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.

4.1.1.F. LICENSEE

“Licensee” shall mean the person designated by the owner of an establishment to receive all notices required to be sent pursuant to this chapter.

4.1.1.G. OWNER

“Owner” shall mean any individual, partnership, association, corporation, company, governmental agency, club or association of any kind, and includes the plural who owns an establishment.

4.1.1.H. POTENTIALLY HAZARDOUS FOOD

Means any food or food ingredient, natural or synthetic, that is in a form capable of supporting:

- (A) The rapid and progressive growth of infectious or toxigenic microorganisms, or
- (B) The slower growth of clostridium botulinum.

4.1.1.I. FOOD SERVICE INSPECTOR

“Food Service Inspector” means authorized agent of the director of health certified by the Connecticut State Department of Public Health.

4.2 LICENSES

Any person, firm or corporation owning, operating or maintaining, within any city, town or political subdivision comprising the Eastern Highlands Health District, any food service establishment or place where food or beverage are served to the public shall possess a valid license issued by the Eastern Highlands Health District. Any person who knowingly or willfully owns, operates or maintains a food service establishment in violation of any of the sections of the “Sanitary Code” or without a valid license issued by the Eastern Highlands Health District, shall be fined not more than **\$100.00** for each offense.

Each additional day of operation in violation after receipt of notice shall be considered a separate offense. In addition, said violation shall be considered sufficient grounds for the denial of a pending license or subsequent license application by said violator until corrected.

4.2.1. ISSUANCE OF LICENSE

Upon the issuance of an initial license as a “food service establishment” to a new applicant or establishment, the Director of Health shall sign the license and transmit same to the applicant in person or by mail, to the last known business or personal address of the applicant within seventy-two (72) hours following the issuance of an initial license by the Director of Health.

All food service establishment licenses shall expire not later than one (1) year after the date of issuance. Licenses for temporary food service establishments shall be issued for a period of time not to exceed fourteen (14) consecutive days.

4.3. FOOD SERVICE ESTABLISHMENT LICENSE APPLICATION PROCEDURE

The Regulations of the “Sanitary Code” and any amendments thereto shall be enforced by the Director of Health of the Eastern Highlands Health District or his duly authorized agent. The Director shall not issue a license for the operation or maintenance of a food service establishment unless an application for such purpose has been duly filed in the office of the Eastern Highlands Health District along with the appropriate fee. Said application and the food service establishment shall be in conformity in all respects with the provisions of this “Sanitary Code” as well as the Public Health Code of the State of Connecticut.

4.3.a 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 District. The establishment shall be brought into compliance with this “Sanitary Code” and the Connecticut Public Health Code by correcting all violations before a license to operate can be issued. The license is not transferable.

4.3.1. RENEWAL

An application for a license renewal (yearly license) shall be filed annually not later than thirty (30) days prior to the expiration date of a current valid license. The Director of Health shall issue or deny such renewal application for license within ten (10) working days following the filing of said application for license.

4.4. INSPECTIONS

The Director of Health, or his duly authorized agent, (Sec. 19a-242(d), CGS) , shall inspect each food service establishment and shall make as many additional inspections and re-inspections as are necessary for the enforcement of the Public Health Code and this “Sanitary Code” as well as for the protection of the public.

4.4.1. REINSPECTIONS

Any establishment failing the regular inspection shall be re-inspected within the time requirements of the Public Health Code. There shall be a fee as established in the fee schedule referenced in Section 6 of this “Sanitary Code”.

4.4.2. RIGHT OF ENTRY TO INSPECT

The Director of Health or his duly authorized agent, after proper identification, shall be permitted to enter during business hours or at any other reasonable time, any food service establishment for the purpose of making inspections to determine compliance with this “Sanitary Code”, and the Connecticut Public Health Code. The Director or his 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.

4.4.3. SUSPENSION

In the event the Director of Health or his duly authorized agent finds unsanitary or other conditions in the operation of a food service establishment which in his judgment constitutes a violation of this “Sanitary Code” or the Public Health Code, the Director may issue a written notice to the license holder or operator citing such conditions, specifying the corrective action to be taken, specifying the time period within which such corrective action shall be taken, and, if deemed necessary, order immediate correction. If correction is not made in the stated time, the license or permit shall be suspended and a written order issued to cease the food service establishment operations immediately.

4.4.4. SERVICE AND POSTING OF NOTICES OF VIOLATION OR SUSPENSION

Notices of violation or suspension provided for under this “Sanitary Code” shall be deemed to have been properly served when a copy of the inspection report form, or other notice, 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. One copy of the notice of suspension shall be posted upon the window of the front entrance door of the food 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 notice of suspension shall not be defaced or removed by any person except the Director of Health, or his authorized agent.

4.4.5. REINSTATEMENT OF SUSPENDED LICENSE

Whenever a license has been suspended, the owner of the suspended license may make a written request for reinstatement of the suspended license. Such request shall include a statement indicating how the conditions causing the suspension have been corrected. Within ten (10) days following receipt of such written request, the director of health, or authorized agent, shall make a re-inspection. Within 72 hours of completion of re-inspection, the Director of Health shall deny or approve request for license reinstatement. If the owner is found to be in compliance with the requirements of this chapter and the Public Health Code of the State of Connecticut, and to have corrected all conditions responsible for the suspension, the license shall be reinstated upon payment of the re-inspection fee.

4.4.6. REVOCAION OF LICENSE

The Director of Health may, after providing opportunity for an appeal and hearing, revoke a license for serious or repeated violations of any of the requirements of this “Sanitary Code” or of the Public Health Code of the State of Connecticut, 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 14 days following service of such notice, unless an appeal is filed with the Director of Health by the license holder within 48 hours. If no request for appeals is filed within 48 hours, the revocation of the license becomes final. During the process of appeal, the license shall remain revoked.

4.4.7. APPEAL

The owner or operator of a food service establishment aggrieved by a written notice described above and/or an order 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 establishment who is aggrieved by such action of the Director of Health may, within forty eight (48) hours after making of such decision, appeal to the Commissioner of Connecticut Department of Health Services 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 such procedures as are set forth in the Public health Code and the General Statutes of the State of Connecticut.

4.4.8. EXCLUSION CLAUSE

Any food service establishment of any classification which is inspected by the State of Connecticut, Department of Health, for the purpose of monitoring compliance of the State Public Health Code which successfully passes these inspections shall be exempt from District fees related to inspection upon submission to the District of copies of said inspection.

4.5. FEE SCHEDULE AND CRITERIA

Each application for a license to operate and/or maintain a food service establishment, shall be filed on forms provided by the District, accompanied by a fee based on the criteria and fee schedule found in Section 6 of this “Sanitary Code”.

4.6. PLAN SUBMISSION

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 such construction, remodeling or alteration shall be submitted to the Director of Health or his authorized agent 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. The Director of Health or his authorized agent shall approve the plans and specifications if they meet the requirements of this “Sanitary Code” and the Public Health Code of the State of Connecticut. The initial plan review shall be accomplished in no more than twenty (20) working days after submission.

4.6.1. PLAN REVIEW

To obtain approval from the District, two (2) complete floor plans of the facility must be submitted to the Eastern Highlands Health District prior to construction. Included in the plan must be all pieces of equipment, counters, tables, shelving, cabinets, finish schedules, food preparation areas, dry storage areas, refrigeration, dish and other washing areas, mop storage areas, cleaning supply storage, trash storage, toilet rooms and employee personal belongings storage and any other data deemed relevant (including a detailing of the space set aside for dining) for the proposed use. This floor plan must include a detailed kitchen equipment layout with brand names for intended table mounted and/or floor mounted equipment. Plans submitted

shall demonstrate compliances with all applicable sections of this “Sanitary Code” and the Connecticut Public Health Code.

4.6.2. MENU

A draft of the final menu shall be submitted with the plan of the facility to assist the District in determining the adequacy of the size of the kitchen to handle the proposed food production.

4.6.3. PLANS TO BE APPROVED

Whenever plans are required, the Director of Health or his authorized agent shall inspect the food service establishment prior to its opening to determine that the operation and the facility are in compliance with the approved plans and with the requirements of this Section 4. and the Public Health Code of the State of Connecticut.

4.7. CATERER

4.7.1. REQUIREMENTS

All caterers shall have a licensed kitchen to prepare food for service. The preparation kitchen must meet the requirements of Section 4 of this Sanitary Code and Sections 19-13-B40, 19-13-B42, and 19-13-B49 of the Connecticut Public Health Code.

4.7.2. FOOD TO BE PROTECTED DURING TRANSIT

Any food being transported shall meet the temperature and food protection standards as required in the Public Health code. The vehicle in which such food is being transported shall be clean and constructed and maintained to prevent access by insects or vermin and shall have 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 potentially hazardous food transported.

4.7.3. FOOD, CONTAINERS, EQUIPMENT, SILVERWARE, UTENSILS, LINEN TO BE PROTECTED DURING TRANSIT

All food containers, equipment, silverware, 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.

4.7.4. RECIPROCAL LICENSING

Any caterer wishing to cater or serve food within the towns of the Eastern Highlands Health District jurisdiction shall either (1) be licensed by the Eastern Highlands Health District; or, if not based within the District, (2) hold a valid caterer's license from another local or district health department. A copy of such license shall have been filed with the Eastern Highlands Health District prior to said caterer operating within the jurisdiction of the Eastern Highlands Health District.

4.8. HOME KITCHENS – Cooking for Public Consumption

Home kitchens will be allowed only when the operation is allowed by the local zoning commission as a home occupation and the following conditions are met:

- a. The kitchen is completely separated from the family used kitchen.
- b. The storage room is separate from the family storage.

- c. All equipment and utensils shall be separate from the household kitchenware.
- d. Food in the facility shall be from an approved source and satisfactory to the Director of Health.
- e. The kitchen facility must comply with all the requirements of Sections 19-13-B40, 19-13-B42, 19-13-B49 of the Connecticut Public Health Code and Section 4 of the “Sanitary Code”.

4.9. FOOD PROTECTION DURING EMERGENCIES

In the case of a fire or flood in a food service establishment, the person in charge of the food establishment shall contact the Director of Health immediately. If said event occurs at a time when the District does not normally conduct regular business hours, the person in charge shall notify the police department who will in turn make all reasonable efforts to contact the Director of Health or his agents.

In the case of a power outage of two hours duration or longer, the person in charge of the food establishment shall take immediate steps to prevent food spoilage (i.e., refrain from opening freezers and refrigerators), and shall also immediately notify the Director of Health of the situation.

4.10. COMMUNICABLE DISEASE INFECTIONS

Any person while affected with any disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores or an acute respiratory infection, shall not work in any food service establishment in any capacity in which there is a likelihood of such person contaminating food, drink or food contact surfaces with pathogenic organisms, or transmitting disease to other individuals; and no person known or suspected of being afflicted with any such disease or condition shall be employed in such an area or capacity.

If the management of the establishment has reason to suspect that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he/she shall notify the Director of Health immediately. When the Director of Health has reasonable cause to suspect the possibility of disease transmission from any food service establishment employee, he/she may make such other investigation as may be indicated, and take appropriate action.

The Director of Health may require any or all of the following measures:

1. The immediate exclusion of the employee from all food service establishments.
2. The immediate closure of the food service establishment concerned until, in the Opinion of the Director of Health, no further danger of disease outbreak exists.
3. Restriction of the employee's activities to an area of the establishment where there would be no danger of transmitting disease.
4. Adequate medical and laboratory examination of the employee, or other Employees, and of his/her and/or their body discharges.

4.11. EXAMINATION, EMBARGO AND CONDEMNATION OF FOOD

4.11.1 EXAMINATION

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

4.11.1. EMBARGO/HOLD ORDER

The Director of Health may place a hold order on any food or beverage which he believes is adulterated or otherwise unfit for human consumption. The Director of Health 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 direct storage of the food under conditions specified in the hold order. The hold order shall state that a request for a hearing may be filed with the Director of Health within forty-eight (48) hours and if no hearing is requested, the food shall be destroyed as witnessed by the Director of Health or his agent. Within forty-eight (48) hours following receipt of a request for a hearing, the Director of Health shall hold a hearing. On the basis of evidence produced at that hearing, the hold order may be rescinded or the license holder or person in charge of the food may be directed, by written order, to destroy such food or to bring it into compliance with the provisions of the "Sanitary Code" or the Connecticut Public Health Code.

4.11.2. 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 the appearance, odor, or decomposition, adulteration contaminated by exposure to fire, water, smoke or heat, lack of proper temperature maintenance; or animal or insect contact. Exposure to non-food chemicals shall also be grounds for condemnation. 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 ground for the condemnation.

4.12. FOOD SERVICE ESTABLISHMENT CLASSIFICATION

The Director of Health or Food Service Inspector shall classify each food service establishment by using the criteria outlined in this subdivision. Establishments shall be classified at the time of licensure or otherwise at the time of registration with the Local Director of Health. The classification shall be reviewed by the Director of Health or Food Service Inspector during each inspection and in no case less than annually. The Food Service Establishment shall be placed into the highest classification that describes any of the food operations conducted. When it comes to the attention of the Director of Health or Food Service Inspector that the food service establishment has changed to a different class the Director of Health or Food Service Inspector shall reclassify that food service establishment. No food service establishment shall change operations to a different classification without prior written approval by the Director of Health. The classes of food service establishment are as follows:

4.12.1. Class I is a Food Service Establishment with commercially prepackaged foods and/or hot or cold beverages only. No preparation, cooking or hot holding of potentially hazardous foods is included except that commercially packaged precooked foods may be heated and served in the original package within four (4) hours.

4.12.2. Class II is a Food Service Establishment using cold or ready-to-eat commercially processed food requiring no further heat treatment and/or hot or cold beverages. No cooking, heating or hot holding of potentially hazardous foods is included except that commercially packaged precooked foods may be heated and served in the original package within (4) hours and commercially precooked hot dogs, kielbasa and soup may

be heated if transferred directly out of the original package and served within four (4) hours.

4.12.3. Class III is a Food Service Establishment having on the premises exposed potentially hazardous foods that are prepared by hot processes and consumed by the Public within four (4) hours of preparation.

4.12.4. Class IV is a Food Service Establishment having on the premises exposed potentially hazardous foods that are prepared by hot processes and held for more than four (4) hours prior to consumption by the Public.