

Food Establishment Regulations

PURPOSE OF FOOD ESTABLISHMENT REGULATIONS

The purpose of the Food Establishment Regulations is to protect the public's health, and to prevent the spread of disease through a program of inspection, education, and enforcement of food establishment regulations according to all applicable law.

Conformance with Connecticut State and U.S. Federal Regulations

This chapter conforms with Connecticut General Statutes, the Regulations of Connecticut State Agencies (RCSA), and the Food and Drug Administration (FDA) Food Code regulations. Any requirement not otherwise defined or described in this chapter shall be governed by Connecticut General Statutes, the RCSA, and the FDA Food Code regulations, as amended. The regulations shall be enforced by the Director of Health or his/her duly authorized agent.

4.1. LICENSES/PERMITS

No person shall own, operate or maintain, within any city, town, or political subdivision comprising the NCDHD, any food establishment, mobile food establishment or place where food or beverages are served or offered to the public without a valid license or permit provided by the NCDHD. A license/permit shall not be transferable from one person or place to another person or place. A valid license/permit shall be posted and visible to the public in every food establishment.

Any person who owns, operates or maintains a food establishment without a current valid license/permit issued by the NCDHD, shall be charged a fee in accordance with the District's Fee Schedule, as amended. Each additional day of operation without a license/permit 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 applications to said violator until corrected.

The licensing year for annual food service establishments will run from November 1st to October 31st. Food establishments licenses that are issued throughout the year will also expire on October 31st. The current fee schedule may provide a discounted fee for licenses issued within six (6) months of the renewal date.

4.2 FOOD ESTABLISHMENT LICENSING PROCEDURE

4.2.1. New Food Establishment

The applicant must follow the plan review process (See Section 4.5), including satisfactory construction inspections as required. Once the final construction inspection is completed and satisfactory, the applicant must schedule a pre-operational inspection. Upon satisfactory completion of the pre-operational inspection, the license will be issued, provided a Certificate of Occupancy has been issued by the Town the food establishment is located in.

4.2.2. Remodeled Food Establishments

The applicant must follow the plan review process (See Section 4.5), including satisfactory construction inspections as required. Depending on the level of construction, the food establishment license may need to be suspended during construction, and the food establishment temporarily closed until the final construction inspection is completed and satisfactory. A non-operational inspection will be conducted to identify any out of compliance items that will be required to be addressed during

the remodel. This will be determined on a case-by-case basis.

4.2.3. New Owner Application

A new owner who is planning to take over an existing food establishment must submit the new owner application, a detailed full proposed menu, and equipment specification sheets for any proposed equipment changes. A new floor plan will be required if changes to the floor plan are proposed. A full plan review may be required, depending on the level of changes proposed. A new owner inspection will be scheduled to identify any out of compliance items that will be required to be addressed prior to a license being issued. It is recommended that any prospective new owner apply for a license with enough lead time to accomplish any planned or required upgrades prior to taking over the facility to avoid a lapse in business, as the license is not transferable from one owner to another. A satisfactory pre-operational inspection and approval from other town departments, including but not limited to Building, Fire, and Water Pollution Control, will be required prior to issuance of license.

4.2.4. Temporary Food Establishments, Temporary Events, Farmers' Markets

Permits for temporary food establishments operating at temporary events or farmers' markets shall be coordinated through a temporary event coordinator, Market Master, or person serving as the contact for the event. The temporary event coordinator shall submit a completed temporary event coordinator application using forms provided by the Health District at least four (4) weeks prior to the temporary event start date. A temporary food event coordinator application is required any time there will be more than one (1) food vendor.

4.2.4.A Temporary food event vendors must submit their application and pay the appropriate fee to the NCDHD at least two (2) weeks prior to the date of the event or market to allow enough time for processing of the application and verification of the information submitted. The Event Coordinator or Market Master will ensure that the food vendors submit their applications and fees in time. Failure to submit the completed application and fee at least two (2) weeks prior to the event will result in a late fee in accordance with the Health District's Fee Schedule. Applications received within one (1) week of a scheduled event will be rejected. In that case the fee will be returned to the applicant. Mobile food vendors licensed to operate within the District do not need to take out a Temporary event permit unless changes will be made to their menu and/or preparation practices, however they need to be included on the Event Coordinator Application if participating.

4.2.5. Mobile Food Vendors/Itinerant Food Vendors

Mobile and Itinerant Food Vendors must have a suitable licensed base of operations that meet the FDA Food Code requirements. The base of operations must have at a minimum, a 3-bay sink for washing, rinsing, and sanitizing equipment. It must also have a designated dry storage area for the vendor, and if needed, designated refrigeration space for the vendor. Depending on the proposed menu or processes, additional equipment such as a walk-in cooler or blast chiller may be required.

- All vehicles shall have the name and address of the person, firm, or corporation responsible for the operation, permanently and legibly printed on both sides of the vehicle with a minimum of three (3) inch high letters in contrast to the color of the vehicle.
- The applicant must also secure all necessary local approvals (i.e., Fire Marshal, Police, Zoning Official) in any town that they will vend.

4.3. RENEWAL APPLICATION

An application for a license renewal (yearly application) accompanied by the appropriate fee as specified in the District's fee schedule, as amended, shall be filed with the Director of Health before November 1st of each year, accompanied by a fee based on the Health District's fee schedule, as amended. The owner or operator of any food establishment who fails to comply with the requirements of this section will be subject to late fees in accordance with the District's fee schedule, as amended. Seasonal licenses must be renewed prior to the planned reopening date and include a scheduled preopening inspection. Mobile vendor renewals should contact the NCDHD office to determine if an inspection is needed prior to receiving their license.

4.3.A – All food service facilities serviced by an on-site sewage disposal system shall provide a current report of the condition of the septic system with evidence that such system has been pumped and inspected by a licensed septic system installer and/or pumper with their completed application for license renewal.

4.3.B – Food establishments served by a private water supply well and not regulated as a public water system shall have a Connecticut licensed water testing laboratory take a certified sample complete with chain of custody documentation to be tested for potability requirements.

4.3.1. DENIAL OF LICENSE

The Director of Health may deny the license application of any person for failure to comply with the provisions of this ordinance, the Connecticut General Statutes, the RCSA, or the FDA Food Code as amended. Written notice shall be mailed to the applicant by registered or certified mail, return receipt requested within seventy-two (72) hours following said denial, to the last known business or personal address of the applicant as noted in the application. Said written notice of the denial of the application shall consist of a clear and concise statement setting forth the reason or reasons for the denial. A copy of said notice shall be retained in the records of the North Central District Health Department.

4.4. INSPECTIONS

The Director of Health, or his/her duly authorized agent, certified by the Commissioner of the Connecticut Department of Public Health, shall inspect each food establishment and shall make as many additional inspections and reinspections as necessary for the enforcement of this Sanitary Code, the Connecticut General Statutes, the RCSA, and the FDA Food Code as amended. Routine inspections will be conducted according to the inspection schedule in §19a-36j of the Connecticut General Statutes.

4.4.1. RIGHT OF ENTRY TO INSPECT

The Director of Health or authorized agent, after proper identification, shall be permitted to enter the food establishment during business hours, when food preparation is being conducted, or at any other reasonable time, for the purpose of conducting inspections to determine compliance with this Sanitary Code, the Connecticut General Statutes, the RCSA, and the FDA Food Code as amended.

The Director of Health or authorized agent may examine records of the food establishment to obtain information regarding the source of food and other supplies purchased, received, or used, persons employed, and records of training. Refusal of entry shall result in a presumption that an immediate threat or hazard to the public health exists on premises. The Director of Health may issue orders that require immediate access to the food establishment or orders to close with an immediate suspension of license.

4.4.2. ROUTINE INSPECTION

The inspection form is considered an “Order for Correction”. Any Food establishment having one or more priority or priority foundation violations will result in a reinspection and reinspection fee, according to the District’s fee schedule, as amended.

4.4.3. REINSPECTION

Reinspections shall be conducted to determine correction of violations noted during an inspection of a food establishment according to the time requirements as specified in the Food Code. Any food establishment having one or more priority or priority foundation violations shall be charged a reinspection fee according to the District’s fee schedule, as amended. Subsequent reinspections will also result in an additional reinspection fee. Failure to stay current with reinspection fees may result in the suspension of the food establishment’s license and closure of the food establishment. No food establishment license will be renewed until all reinspection fees owed are paid in full.

4.4.4. COMPLAINT INSPECTION

Complaints received regarding possible violations of the Connecticut General Statutes, the RCSA, and the FDA Food Code regulations may result in a complaint investigation.

4.4.5. FOODBORNE ALERT/FOODBORNE ILLNESS INSPECTION /INVESTIGATION

The State-issued Alert form will be completed upon receipt of a single complaint of illness and shared with the CT Department of Public Health (DPH) Food Protection Program as per protocol. When a foodborne outbreak is suspected or known, an investigation will be conducted in cooperation with DPH.

4.5. APPEAL

There are two levels of appeal available to the food establishment owner or operator:

4.5.1. APPEAL OF AN INSPECTION REPORT SIGNED BY AN NCDHD FOOD INSPECTOR

If a permit holder disagrees with violations identified by the NCDHD inspector on the Food Establishment Inspection Report form, which is a legal order, or an order to hold, destroy or dispose of unsafe food, they may appeal to the NCDHD Director of Health not later than forty-eight hours (2 business days) after the date of the inspection report or food disposition order. The appeal must be in writing and state the specific reasons for the appeal.

The Director of Health will review the request for the appeal and may vacate, modify, or affirm the order and will issue the decision in writing.

4.5.2. APPEAL OF AN ORDER SIGNED BY THE NCDHD DIRECTOR OF HEALTH

If an owner disagrees with the NCDHD Director’s decision on their appeal of violations cited on an inspection form, or if they disagree with any other order signed by the NCDHD Director, including but not limited to, an order to suspend the permit or license to operate the food establishment, they may appeal to the Commissioner of the Department of Public Health pursuant to section 19a-229, of the Connecticut General Statutes. Instructions on how to file an appeal with the Commissioner are included with each order signed by the NCDHD Director.

Note: An order remains in effect during the appeal process.

4.6. ENFORCEMENT PROCEDURES

4.6.1. REINSPECTION

If repeat priority or priority foundation violations are observed at the reinspection, a meeting with the Director of Health or their authorized agent and food establishment management will be conducted to discuss barriers to compliance. The responsible party representing the food service establishment will propose a plan of corrective action. Attendance at this meeting is mandatory. Reinspection fees will apply.

4.6.2. 2ND REINSPECTION

If repeat priority or priority violations are observed, or additional priority or priority foundation violations are observed, a mandatory Administrative Hearing with the Director of Health or their authorized agent and food establishment management shall be conducted. The purpose of this Hearing will be to determine if the food establishment should remain open. Reinspection fees will apply.

4.6.3. ADDITIONAL ENFORCEMENT ACTIVITIES

Additional enforcement activities may occur in accordance with the RCSA ([Sec. 19a-36h-7. Enforcement.](#))

4.6.4. SUSPENSION OR REVOCATION

Whenever the Director of Health and/or authorized agent finds unsanitary or other conditions in the operation of a food establishment which, in their judgment, constitute a substantial hazard to the public health, they shall issue a written notice to the permit holder or operator citing such condition, 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 or permit may be revoked and a written order issued to close the food establishment. A license or permit may also be revoked for failure to correct violations according to the time frame noted on the inspection report form or a legal order from the Director of Health.

4.7. PLAN REVIEW

Plan reviews will be conducted in accordance with the FDA Plan Review Guidelines as amended.

A plan review is required for new food establishments, including mobile/itinerant food vendors, and renovation of an existing food establishment, or when special processes will be used such as curing, smoking, using food additives, or other methods as specified in 3-502.12 of the FDA Food Code, as amended. A plan review may also be required if a change in the menu will result in a change in the type of food preparation practices and/or require new equipment or a change to the establishments' risk classification. A change of ownership may require a plan review.

It is strongly recommended that applicants work with a contractor experienced in commercial kitchen design to develop the floor plan and submission.

The following information will be required and shall be submitted on forms supplied by the Health District, including but not limited to:

General Information

- Days and hours of operation
- Seating - Inside & Outside
- Type of Food Establishment and Classification
- # Meals served per day
- # Deliveries per week
- Type of Utensils/Dishware-Single-use or multi-use
- Type of water (municipal or well)
- Type of Sewage disposal (city sewer or private septic system)

Menu

An accurate, detailed menu must be submitted.

- Preparation Type – cooking (baking, frying, steaming, etc.), cooling, reheating, cold holding, hot holding, freezing, thawing.
- Consumer Advisory – if any animal foods will be served raw or undercooked, or if any raw or undercooked animal foods will be an ingredient in another food, those foods must be identified on the menu, and the FDA warning statement must be included so consumers are aware.
- Baking Dough, Packaging – if any dough-based foods will be baked such as cakes, cookies, pizza, or bread a baking license from the Department of Consumer Protection (DCP) is required. If food is packaged for retail sales, additional requirements will apply, including labeling requirements. A DCP License is also required if frozen desserts are made.
- Specials-Provide detailed information on specials that may be offered.
- Foods Prepared by Special Processes – such as curing, smoking, using food additives or other methods as specified in 3-502.11 of the FDA Food Code, as amended. A Hazard Analysis Critical Control Point plan (HACCP) and variance are required for special processes. (FDA Code 8-103.11 and 8-201.13)

Floor Plan

- The floor plan drawing must provide a layout of the equipment and illustrate the food flow.
- Minimum size of 11x14 inches and scale of 1/4" = 1'
- Must be accompanied by a numbered Equipment List that corresponds with numbered equipment shown on the plan and individual numbered specification sheets*.
- Shows all aspects of the food establishment including the dining area, service area, drive through area (if applicable), cold and dry storage, food preparation areas, restrooms, employee belonging storage space, office space, floor drains, trash and recycling locations, and laundry.
- All proposed equipment must be ANSI approved (NSF approved or equivalent), and installed to allow for cleaning:
 - Sinks: food preparation, 3-bay, hand wash, dump (for drinks), pre-rinse, service (mop), and others as needed.
 - Dishwasher
 - Cold-holding equipment/freezers
 - Hot-holding equipment
 - Cooking equipment
 - Cooling equipment
 - Ice Machines

- Vents/Hoods
- Fats, Oil, & Grease removal system
- Small appliances
- Enclosed commercial grade paper towel dispensers at hand wash sinks
- Other proposed equipment
- Include detailed information on hot water heater-capacity, and recovery rate. Calculations will be applied to determine adequacy of hot water heater.
- Lights-indicate proposed lighting details
- Plumbing details (backflow and cross connection prevention)
- Finish schedule
 - Floor & coving finish
 - Ceiling finish
 - Wall finish surfaces

Specification Sheets*

A specification sheet must be provided for each piece of equipment that documents the make and model number, indicates that it is commercial grade, and meets ANSI standards (NSF approved or equivalent).