

**CHESPROCOTT HEALTH DISTRICT****A REGULATION PERTAINING TO FOOD SERVICE ESTABLISHMENTS**

**PURSUANT TO SECTION 19a-243, (FORMERLY SECTION 19-108) OF THE GENERAL STATUTES OF THE STATE OF CONNECTICUT, AS AMENDED, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CHESPROCOTT HEALTH DISTRICT THAT:**

**SECTION 1. DEFINITIONS:**

Food Service Establishment shall mean

1. any place where food or beverage is prepared or served to the public, with or without charge, for consumption on or off the premises, including catering establishments or any eating place whether fixed or movable. The term does not include a private home where food is prepared for individual family consumption nor does it include the locations of food vending machines.
2. any place where food is sold, served, provided, or dispensed in any manner to the public, except for the following:
  - a. a produce stand that offers only whole, uncut fresh fruit and vegetables; or
  - b. a food processing plant, i.e., a commercial operation that manufactures, packages, labels, or stores food for wholesale distribution and consumption off the premises and which is subject to sanitary regulation and periodic inspections by Federal or State governmental agencies.

Director of Health shall mean the Director of Chesprocott Health District.

Authorized Agent shall mean any employee of the Chesprocott Health District so authorized by the Director.

Person shall include but not be limited to any individual, partnership, company, corporation, or firm.

Itinerant Vendor shall mean any person who operates a business of serving food or drink from any establishment or conveyance without fixed location and without connections to water supply and sewage disposal systems, but does not include catering food services.

Catering Food Service shall mean any person who operates or maintains a business which involves the sale or distribution of food or drink prepared in bulk at one geographic location for service in individual portions at another geographic location, or which involves preparation and service of food on public or private premises not under the ownership or control of the operator of such service.

Temporary Food Service Establishment shall mean any food service establishment licensed to operate for not more than 14 (fourteen) days, and includes but is not limited to fairs, flea markets, carnivals, but does not include caterers, itinerant vendors or seasonal food service establishments.

Seasonal Food Establishment shall mean fixed food establishment which is operated for 15 to 180 days.

**SECTION 2. LICENSE:**

It shall be unlawful for any person, firm, corporation, etc., to operate a food service establishment or offer its services within the towns of Cheshire, Prospect, or Wolcott, who does not have a valid license issued to him by the Director of Health. Only a person who complies with the requirements of this Regulation and the Public Health Code of the State of Connecticut shall be entitled to receive or retain such a license. Licenses are NOT transferable.

A valid license shall be posted in every food service establishment in a conspicuous place, visible to patrons and protected from defacement. Licenses for temporary food service establishments shall be issued for a period of time not to exceed fourteen (14) consecutive days. Temporary licenses may be renewed not more than once upon payment of an additional fee. Where two or more temporary food service establishments are housed under one roof or jurisdiction, each shall be separately licensed.

- (D) Upon receiving a request for a hearing, the Director of Health shall thereupon immediately examine the merits of such suspension and may sustain, modify or rescind such suspension. The license holder who is aggrieved by such action of the Director of Health may, within three (3) business days after the making of such decision, appeal to the Commissioner of Public Health who shall thereupon immediately notify the authority from whose decision the appeal was taken and examine the merits of such case and may sustain, modify, or rescind such action.

#### **SECTION 7. REVOCATION OF LICENSES:**

- (a) The Director of Health may, after providing notice and opportunity for an appeal and hearing, revoke a license for serious or repeated violations of any of the requirements of this Regulation or the Public Health Code of the State of Connecticut, or for interference with the Director of Health, or his/her authorized agent, in the performance of his/her 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 fourteen (14) calendar days following service of such notice, unless an appeal is filed with the Director of Health by the license holder within three (3) business days of such notice during normal business hours of the District. If no appeal is filed within three (3) business days, the revocation of the license becomes final. If an appeal is filed, the Director of Health shall, within ten (10) days, examine the merits of such revocation and shall vacate, modify, or affirm such revocation.
- (b) The license holder or person in charge who is aggrieved by such action of the Director of Health, after appeal may, within three (3) business days after the making of such decision, appeal to the Commissioner of Public Health who shall thereupon immediately notify the authority from whose decision the appeal was taken and examine the merits of such case and may sustain, modify, or rescind such action.
- (c) During the process of appeal, the license shall remain revoked.

#### **SECTION 8. SERVICE OF NOTICES:**

Any notice provided for in this regulation shall be deemed to be properly served when it is personally delivered to the license holder or person in charge of the food service establishment, or when it is sent by registered or certified mail (return receipt requested) to the last known address of the license holder. A copy of any notice shall be filed in the records of the Director of Health.

#### **SECTION 9. REINSTATEMENT OF LICENSES:**

- (a) Suspension: Whenever a license has been suspended, the holder of the suspended license may make a written request for reinstatement of the suspended license. Within ten (10) 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 reinspection. If the applicant is complying with the requirements of this Regulation, the Public Health Code of the State of Connecticut, and any other applicable statutes, ordinances or rules and regulations, the license shall be reinstated.
- (b) Revocation: After a period of fifteen (15) calendar days from the date of revocation, a written application may be made for the reinstatement of a license, as provided in Section 3 of this Regulation, with payment of the annual fee. Such application shall include a statement signed by the applicant that, in his/her opinion, the conditions resulting in the revocation have been corrected. Following such application, the Director of Health or his/her authorized agent shall make an inspection. If the applicant is complying with the requirements of this Regulation, the Public Health Code of the State of Connecticut, and any other applicable statutes, ordinances or rules and regulations, the license shall be reinstated.

#### **SECTION 10. FACILITIES SERVED BY WELL WATER:**

All food service establishments utilizing well water shall meet the requirements of Section 19-13-B102 of the Public Health Code of the State of Connecticut. Prior to licensing and annual relicensing, the well water shall be sampled by a qualified individual and the results submitted to the Director of Health. At a minimum, the well water must be analyzed for total coliform bacteria, color, odor, turbidity, pH, nitrate, nitrite, sodium, chloride, iron, manganese, hardness, and sulfate. An analysis for additional parameters may be required if determined by the Director of Health or his/her authorized agent.

**SECTION 16. PENALTIES OTHER THAN SUSPENSION AND REVOCATION OF LICENSES:**

Any person who shall violate any of the provisions of this Regulation and/or the Public Health Code of the State of Connecticut shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100.00). In addition thereto, such persons may be enjoined from continuing such violations. Each day that a violation continues shall constitute a separate violation.

**SECTION 17. REPEAL AND DATE OF EFFECT**

This Regulation shall be in full force and effect ninety (90) days from adoption and, at that time, all regulations and parts of regulations in conflict with this Regulation are hereby repealed.

**SECTION 18. UNCONSTITUTIONALITY CLAUSE:**

Should any section, paragraph, sentence, clause, or phrase of this Regulation be declared unconstitutional or invalid for any reason, the remainder of said Regulation shall not be affected thereby.