

**LEDGE LIGHT HEALTH DISTRICT
FOOD SERVICE REGULATION**
(Effective June 14th, 2012)

BACKGROUND

This Ledge Light Health District (“District”) Regulation pertains to license requirements and sanitation and safety practices for the preparation of food products and operation of restaurants, catering services, itinerant food or beverage vending vehicles, farmers markets and temporary events. These Regulations were originally adopted April 26, 1994 and restated as of January 1, 1998, January 1, 1999, January 1, 2001, January 1, 2003 and are hereby further amended effective June 14th, 2012.

AUTHORITY

This regulation is authorized pursuant to Section 19a–243, Subsection (a) of the General Statutes of the State of Connecticut as amended. Be it ordered by the Board of Directors of the District:

Section 1. Scope and General Requirements

This regulation as amended and restated is to be an aid to the enforcement of Sections 19–13–B40, 19–13–B42, 19–13–B48 and 19-13-B49 of the Public Health Code for the State of Connecticut and of any amendments and / or additions thereof hereafter adopted which pertain to the sanitation of food service or restaurant establishment as defined herein.

**Section 2. Certain Provision of Public Health Code
Adopted by Reference**

The following regulations adopted and promulgated by the State Commissioner of Public Health, State of Connecticut, relative to the inspections of restaurants, analysis of food, the inspection of grocery stores, bakeries, meat, fish and vegetable markets, forming part of the Public Health Code of Connecticut, by reference, are hereby adopted and made part of this regulation:

- (a) Sanitation of Places Dispensing Foods and Beverages (19-13-B42)
- (b) Catering Food Service (19-13-B49)
- (c) Itinerant Food Vending (19-13-B48)
- (d) Sanitation of Food Stuffs (19-13-B40)
- (e) Chapter 417 State of Connecticut Health Statutes, Consumer Protection, (Section 21a-62)
- (f) Connecticut Farmers’ Market Regulations (Connecticut Public Act 10-103 and 11-191)

Section 3. Definitions

- a. Food Service Establishment: (1) Any premises or areas where food or beverages, or both, are prepared for public consumption on, about or off such premises; (2) any premises or areas where groceries, bakery products, confectioneries, meats, fish, vegetables, fruits and dairy products are prepared; (3) any premises where food or beverages, or both, are prepared in bulk or in individual portions for service in bulk or in individual portions at another location; (4) a truck, table, automobile, pushcart or other vehicle from which food or beverages are prepared, which vehicle has no fixed location and systems; and (5) any premises having facilities for the preparation, service or delivery of food or beverages, though used only intermittently or temporarily for the same; but shall not include places where food is dispensed solely in coin-operated vending machines, or where residents of the District offer fresh fruit and vegetables grown for sale and sold on their own property, or where customer self service coffee with dry non-dairy creamers, or individually prepackaged Ultra High Temperature (UHT) creamers are offered for free or for sale.

- b. Director of Health – The Director of Health of Ledge Light Health District or his/her duly authorized representative.
- c. Food Handler: Any employee or volunteer of a food service establishment who comes in contact with wrapped or unwrapped food or prepares food or drink in any form.
- d. Public: Any unrelated persons.
- e. Qualified Food Operator (QFO): means a food operator of a Class III or IV food service or restaurant establishment employed in a full time position who has demonstrated knowledge of safe food handling techniques and holds a current certificate of training by a testing organization approved by the State of Connecticut Department of Public Health (CGS Section 19-13-B42). The QFO certificate shall remain valid for a period of time as described in the current version of the Connecticut Public Health Code.
- f. Itinerant food vending establishment: An establishment serving food or drink from any establishment or conveyance without fixed location and without connections to water supply and sewage disposal systems but having access to a fixed location with connection to water supply and sewage disposal systems for the purpose of sanitary food preparation and the sanitizing of food service utensils and equipment.
- g. Catering food service establishment: A business involved in the sale or distribution of food and drink prepared in bulk in one (1) geographic location for service in individual portions at another 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.
- h. Classes of Food Service Establishments:
 - Class I: 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.
 - Class II: 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 four (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.
 - Class III: 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.
 - Class IV: 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.

- i. Farmers' Market: A cooperative or nonprofit enterprise or association that consistently occupies a given site throughout the season or that occupies a given site for any given day or event and that operates principally as a common marketplace for a group of farmers, at least two of whom are selling Connecticut-grown fresh produce, to sell Connecticut-grown farm products in conformance with the applicable regulations of Connecticut state agencies and where the farm products sold are produced by the participating farmers with the sole intent and purpose of generating a portion of household income, per the Connecticut Public Act 10-103.

Farmers' Market participants will not be required to obtain a license from the District unless the market, individual persons or food establishments engage in temporary event food services or food preparation as defined in 19-13-B42(a) of the Connecticut Public Health Code and Section 3 (l) of this regulation.

Connecticut Public Act 11-191 states that a farmer, for the purpose of such farmer's participation in a certified farmers' market, may obtain a permit to operate a food service establishment at any certified farmers' market in the state, provided:

- (1) such operation is in accordance with the menu items and food preparation processes approved by said issuing municipal health department or health district, or
 - (2) such operation utilizes menu items or food preparation processes that are substantially similar to the menu items and food preparation processes approved by said issuing municipal health department or health district.
- j. Café Certificate: A certificate of training provided by the District after successful completion of the Community Accessible Foodservice Education (Café) course and examination. The certificate of training shall not be valid after the date of expiration.
 - k. Temporary Food Service Establishment: A food service establishment providing Class I, II, III, or IV food services that may operate for a temporary period of time not to exceed two weeks, in conjunction with a carnival, circus, public exhibition, festival, celebration, Farmers' Market, or similar transitory gathering.
 - l. Food Preparation: The act of portioning, sampling, washing, mixing, slicing, heating and/or cooling food for service to the public. The distribution of commercially prepackaged, non-potentially hazardous foods (still in the original package) is not considered food preparation.

Section 4.

License

- a. No person, business entity or organization shall operate a food service establishment within the jurisdiction of the District who does not possess a valid license issued by the District. Only a person, business entity or organization who complies with the requirements of this Regulation and the Public Health Code of the State of Connecticut, as amended, shall be entitled to receive and retain such a license.
- c. Each Class III and IV food service or restaurant establishment, as a prerequisite condition to obtaining and maintaining a valid license, shall have a designated Qualified Food Operator who is qualified by training and / or experience as required by State of Connecticut Public Health Code (Section 19-13-B42) and approved by the Director of Health. Failure to maintain a designated Qualified Food Operator approved by the District Director of Health shall be a cause for suspension or revocation of a food establishment's license as provided by Section 14 and 16 hereof. Each Class III or IV food establishment issued a license hereunder shall promptly (within 10 days) notify the District Director of

Health in writing of any change in the status, engagement and appointment of the designated Qualified Food Operator who was approved as a basis for issuance of the food service license. Should it be evident to the District Director of Health that there are unsafe food handling practices within a food service establishment that represent a public health risk, the director may require that the designated Qualified Food Operator provide satisfactory assurance of his / her acceptance of responsibility to consistently maintain safe food practices at such food service establishment.

- d. No food service establishment shall be issued a license to operate until proof of payment of municipal taxes is provided per Section 12-146a of the Connecticut General Statutes.
- e. Licenses shall not be transferable from one person / business entity / organization to another person / business entity / organization or place. A valid license shall be signed by the food establishment manager, owner or operator upon receipt and shall be prominently displayed in every food service establishment.
- f. There are 8 different categories of licenses as follows:
 1. Annual Regular License – Class I Food Establishment
 2. Annual Regular License – Class II Food Establishment
 3. Annual Regular License – Class III Food Establishment
 4. Annual Regular License – Class IV Food Establishment
 5. Annual Regular License – Class I, II, III, IV Seasonal Food Establishment*
 6. Annual Regular License – Class I, II, III, IV Vulnerable Population **
 7. Annual Regular License – Itinerant Food Vending License – District Resident Owner
 8. Annual Regular License – Itinerant Food Vending License – Non-District Resident Owner
 9. Temporary Event 14 Day License – Profit, Non-Profit & Exempt***
- g. All municipal departments within the District shall obtain an appropriate license to dispense food as defined in Section 4a of the District Foodservice Regulation. However, no fees, fines or penalties shall apply to municipal departments. These departments include, but are not limited to, public schools, fire departments, police departments, facilities owned and operated by a district municipality, etc.

* The District will reduce fees by 50% for any food service establishments that are open for 6 months or less.

** The District will reduce fees by 50% for any non-profit organization who has a food service license for the sole purpose of providing food to vulnerable residents of our community. To qualify for this reduction, organizations will be required to submit the following:

1. Documentation of the organization's non-profit status as filed with the State of Connecticut Secretary of State.
2. A copy of the mission statement, brochure or other documentation that confirms the organization has a food service license for the sole purpose of providing food to vulnerable residents of our community.

***Any food service establishment that is currently licensed by the District that wishes to obtain a temporary event permit is exempt from temporary event fees. Any temporary food booth that engages in simple sampling as their only act of food preparation is exempt from temporary event fees. All paperwork and inspections are still required.

Section 5 **Construction/Remodeling**

When any food service or restaurant establishment is hereafter constructed or remodeled, floor plans and specifications that demonstrate compliance with the Public Health Code for such construction or remodeling showing layout arrangements and construction materials of all areas and the location, size and type of fixed equipment and facilities shall be submitted to the District for approval before such work is begun.

Section 6 **Application**

- a. Any person, business entity, or organization desiring to operate a food service establishment shall make written application for a license on forms provided by the District. Such application shall include: the applicant's full name and mailing address, whether such applicant is an individual, firm, partnership or corporation, and if a partnership, the names of the partners together with their addresses; the location and classification of the food service establishment; the signature of the applicant or applicants; the names of the individual designated as being responsible for the management of the food service operation, and for Class III and IV, the name of the Qualified Food Operator and Designated Alternate; emergency contact information of the facility manager/operator for use in case of emergency; and such other information required by the application form. Floor plans must accompany license applications for remodeled or new establishments. New food service establishments must obtain all required approvals from zoning, building and fire officials as a prior condition to be issued a District license. If the application is for a temporary food service establishment, it shall also include the inclusive dates of the proposed operation and all other required information on forms provided by the District. Applications for farmers participating in Certified Farmers' Markets must comply with Public Act 11-191 and Ledge Light Health District Regulation Section 3 (g).
- b. Upon receipt of such an application the Director of Health shall make an inspection of the food service establishment to determine compliance with the provisions of this regulation and the Connecticut Public Health Code. A license shall be issued to the applicant by the District when inspection reveals that the applicable requirements of these regulations have been met and for Class III and IV food establishments the designated Qualified Food Operator has been approved.
- c. No license to operate a class I, II, III, or IV food service establishment will be issued where a septic system and / or water system does not comply with the Connecticut Public Health Code requirements for the documentation of water usage by the applicant. The installation of a meter on a well water supply to this food operation may be required.
- d. All seasonal foodservice establishments shall contact the District at least 2 weeks prior to opening for a pre-operational inspection and 2 weeks prior to closing.

Section 7 **Change in Ownership**

A new application shall be filed whenever there is a change in ownership of a licensed food service establishment. Prior to issuance of a new license, a pre-operational plan review, when applicable or, and a pre-opening inspection will be conducted in order to assure compliance with the Connecticut Public Health Code and this regulation. Any structural modifications (including but not limited to floors, walls, ceilings, electrical or plumbing) will require the submission of written plans. A plan review fee, as indicated on the Ledge Light Health District Fee for Service Form, shall be assessed. The food service license shall not be issued until all applicable fees are paid.

Section 8**Penalty and Fees**

- a. Operating without a valid license: Where there has been a failure to file the required application, or the license has been suspended, revoked or expired as provided herein, and the establishment has commenced or continued to operate without a required license, there shall be added to the prerequisite license fee and collected the following specified penalties:
 - i. Operating Without a Valid License / Late Application
 - 0-10 days: A fixed \$100 penalty (not prorated)
 - 11 plus days: \$100 fee per calendar day
 - ii. Operating With a Suspended or Revoked License
 - \$100 per calendar day plus a \$100 reinstatement fee

- b. Operating without QFO: The designation of a Qualified Food Operator is required for each Class III and Class IV food establishment. A written warning will be given if a Qualified Food Operator has not been designated and submitted to the Director of Health within 30 days after a Qualified Food Operator inspection deficiency. Failure to designate a Qualified Food Operator approved by the Director of Health within 60 days of the Qualified Food Operator deficiency shall result in the suspension of the food establishment's license. The imposition of any stipulated fine / penalty shall not limit the District's authority to require full compliance with the Connecticut Public Health Code and this Regulation.

Section 9**Annual Fees**

The fee schedule for food service or restaurant establishments shall be set by the Board of Directors of the District.

Section 10**Fines and Fees for Repeat Violations**

- a. Any violation of the Connecticut Public Health Code noted on an inspection must be corrected before the next regularly scheduled inspection. A warning will be given when a second consecutive Risk Factor Violation occurs. A Risk Factor Violation is a violation that is deemed most likely to cause food borne illness, and is clearly identified of the Foodservice Inspection Form. A \$50.00 fine for each Risk Factor Violation will be assessed the third consecutive time a violation is noted, and an additional \$50.00 fine for each time thereafter. The payment of assessed fines shall not be a substitute or alternative to correction of the cited violation. Failure to pay said fine shall be cause for the District to withhold licensure.
- b. If a four point violation or inspection score lower than 80 is given, a \$100.00 re-inspection fee shall be assessed for the required follow-up inspection.
- c. If a facility fails their re-inspection, the Director of Health shall take action to close the facility. This action will be initiated by a hearing between the owner and/or manager of the facility and the Director of Health. The hearing shall occur within five (5) working days of the failed re-inspection, or at a time agreeable to the Director of Health, with the purpose of establishing a timeline for correction of debited items. Failure to meet the timeline of correction may result in suspension of the establishment's food license and/or closure of the facility.
- d. If it should come to the attention of the Director of Health that there are unsafe food handling practices within a food service establishment, or if in his / her judgment such conditions may present a public health risk, it may be required by the Director that food handlers attend food safety trainings conducted by the District.

Section 11 **Expiration Date of License**

All licenses shall expire on the date specified by the license.

Section 12 **Periodic Inspection after Issuance**

The Director shall periodically inspect the premises, equipment, and operation of all licensed establishments. If such agent finds that any licensee is operating in violation of the Connecticut Public Health Code, or other applicable statutes, ordinances, or rules and regulations, the Director shall issue an order to the licensee forthwith to take such measures as are necessary to achieve full compliance with the said Code. All licenses issued under the terms of this Regulation may be suspended or revoked by the Director for a violation, ~~by the licensee,~~ of any of the terms of said Code or this Regulation and / or other applicable statutes.

Section 13 **Director of Health: Right of Entry**

The Director of Health shall be permitted to enter, at any reasonable time, any licensed food service establishment in the jurisdiction of the District for the purpose of making inspections to determine compliance with this regulation.

Section 14 **Suspension of Licenses**

- a. Licenses may be suspended temporarily by the Director of Health for failure of the licensee to comply with the requirements of this Regulation and / or the Connecticut Public Health Code.
- b. Whenever a license holder or operator has failed to comply within fourteen (14) days with any written compliance order issued under the provisions of this Regulation, the license holder or operator shall be notified in writing that the license is, upon service of such notice, immediately suspended and that an opportunity for a hearing will be provided if a written request for a hearing is filed within two (2) normal working days with the Director of Health by the license holder.
- c. Notwithstanding the other provisions of this Regulation, and / or the Connecticut Public Health Code of the State of Connecticut, if the Director of Health finds unsanitary or other conditions in the operation of a food service establishment which, in his / her judgment, constitute a substantial hazard to the public health, he / she may, without warning, notice or hearing, issue a written notice to the license holder or operator citing such conditions, specifying the corrective action to be taken, and, if deemed necessary, such order shall state that the license is immediately suspended, and all food service operations are to be immediately discontinued. Any person to whom an order is issued shall comply immediately therewith, but upon written petition within forty-eight (48) hours to the Director of Health, shall be afforded a hearing as soon as possible, but in no event shall such a hearing convene later than thirty (30) days from receipt of the petition.

Section 15 **Reinstatement of Suspended License**

Any person whose license has been suspended may, at any time, make application for a re-inspection for the purpose of reinstatement of the license. Within five (5) days following receipt of a written request, including a statement signed by the applicant that, in his / her opinion, the conditions causing suspension of the license have been corrected, the Director of Health shall make a re-inspection. If the applicant is found to be substantially complying with the requirements of this Regulation at the time of re-inspection, the license will be reinstated upon payment of a \$100 re-inspection fee and all outstanding fines and / or penalty assessments.

Section 16 **Revocation of License**

For serious or repeated violations of any of the requirements of this regulation and / or the Connecticut Public Health Code, or for interference with the Director of Health or his / her agent, in the performance of his / her duties, the license may be permanently revoked after an opportunity for a hearing has been provided by the Director of Health. Prior to such action, the Director of Health shall notify the license holder in writing, stating the reasons for which the license is subject to revocation, and advising that the license shall be permanently revoked at the end of five (5) days following service of such notice, unless a request for a hearing is filed with the Director of Health, by the license holder within said 5-day period. A license may be suspended for cause pending its revocation or a hearing relative thereto.

Section 17 **Hearing**

The hearings provided for in this section shall be conducted by the Director of Health at a time and place designated by him / her but in no event later than thirty (30) days from receipt of the petition for a hearing. Based upon the record of such hearing, the Director of Health shall make a finding, and shall sustain, modify or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the license holder by the Director of Health.

Section 18 **Food Handlers**

- a. No 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 work in any food service establishment 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, including the suspension of the employee for a period of time as specified in section 19-13-B42 of the Connecticut Public Health Code.
- b. 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.

Section 19 **Food Safety Training and Education Satisfactory to the Director of Health**

- a. Each applicant for a Class III or Class IV food service permit shall provide documentation satisfactory to the Director of Health of a QFO who shall be present when the establishment is operating. If no QFO is available at a temporary event, the applicant shall receive food handler training satisfactory to the Director of Health. This individual must be present when the temporary event is inspected.
- b. Should it come to the attention of the Director of Health that there are unsafe food handling practices within any food service establishment, or if in his judgment such conditions may present a public health risk, it may be mandated that the owner(s), operator(s), or food handler(s) of food service establishment attend food safety training provided by the District.

Section 20 **Food Sources**

All food and drink in food service establishments shall be from sources approved or considered satisfactory by the Director of Health, and shall be clean, wholesome, free from spoilage, free from adulteration and misbranding, and safe for human consumption. Any food or drink considered unsafe for human consumption shall be either summarily condemned or embargoed. All condemned food items will be destroyed or disposed of in a manner satisfactory to the Director of Health.

Section 21 **Service of Notices**

Notice provided for under this section shall be deemed to have been properly served when the inspection report form or other notice has been delivered personally to the license holder or person in charge, or such notice has been sent by Registered or Certified Mail, Return Receipt Requested, to the last known address of the license holder. A copy of such notice shall be filed with the records of the enforcement authority.

Section 22 **Appeal Rights**

Connecticut General Statutes Sec. 19a-229 states "Any person aggrieved by an order issued by a town, city or borough director of health may appeal to the Commissioner of Public Health not later than three business days after the date of such person's receipt of such order, who shall thereupon immediately notify the authority from whose order the appeal was taken, and examine into the merits of such case, and may vacate modify, or affirm such order."

Section 23 **Repeal and Date of Effect**

Upon adoption of this regulation, all regulations and parts of regulations adopted and issued by the District which are in conflict with this amended regulation are hereby repealed and superseded.

Section 24

Unconstitutionality Clause

- a. Should any section, paragraph, sentence, clause or phase of this regulation be declared unconstitutional or invalid for any reason, the remainder of said regulations shall not be affected thereby.
- b. The foregoing amended regulation was approved and duly adopted at a meeting of the Ledge Light Health District Board of Directors on June 14th, 2012, to be effective immediately.

Baker Salsbury, M.P.H., MSW, MHSA
Director of Health

Susan Vincent, RN, Secretary
District Board of Directors