

# LEDGE LIGHT HEALTH DISTRICT FOOD SERVICE REGULATIONS

(Effective January 1, 2003)

## **BACKGROUND**

These Ledge Light Health District (hereafter "District") Regulations pertain to sanitation and safety practices for preparation of food products and operation of restaurants, catering services, itinerant food or beverage vending vehicles, setting of license requirements and penalties for violations. These Regulations were originally adopted April 26, 1994 and restated as of January 1, 1998, January 1, 1999, January 1, 2001 and are hereby further amended effective January 1, 2003.

## **AUTHORITY**

These Regulations are authorized pursuant to Section 19a-243, Subsection (a) of the General Statutes of the State of Connecticut as amended, and be it ordered by the Board of Directors of the LEDGE LIGHT HEALTH DISTRICT that:

### **Section 1. Scope and General Requirements**

This regulation as amended and restated is to be an aid to the enforcement of Sections 29-13-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 deal with the sanitation of food service or restaurant establishment as defined herein.

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

The regulations adopted and promulgated by the State Commissioner of Health Services, State of Connecticut, relative to the inspections of restaurants (a) Sanitation of Places Dispensing Foods and Beverages (19-13-B42); (b) Catering Food Service (19-13-B49); and (c) Itinerant Food Vending (19-13-B48); (d) Sanitation of Food Stuffs (19-13-B40); and (e) Chapter 417 State of Connecticut Health Statutes, Consumer Protection, (Section 21a-62) analysis of food, and the regulations adopted and promulgated by the Commissioner of Health relative to 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.

### **Section 3. Definitions**

- a. Food Service Establishments: means (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 mean or include where liquor is sold in unopened bottles or 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 are sold on their own property.

- b. Food Handler: means 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
- c. Public: means any unrelated persons
- d. 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 a knowledge of safe food handling techniques (CGS Section 19-13-B42).
- e. Itinerant food vending establishment: means a food vending business serving food or drink from any establishment or conveyance away from, 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.

f. 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.

- g. Farmer's Market: means a formally organized and regularly scheduled event for sale of food produce and products under the general guidelines and auspices of the State Agriculture Department to permit and encourage farmers to sell produce and products at a designated location. Farmer's markets will not be required to obtain a license from LLHD unless they engage in food preparation as defined in 19-13-B42(a)(5) of the Connecticut Public Health Code.

**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.
- b. Each Class III and IV food service or restaurant establishment as a prerequisite condition to obtain and maintain 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 District, 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 issue 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 or if in the judgement of the Director that such conditions represent a public health risk, the director may require that the designated QFO provide satisfactory assurance of his / her acceptance of responsibility to consistently maintain safe food practices at such food service establishment. In addition, no foodservice 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.
- c. Licenses shall not be transferable from one person / business entity / organization to another person / business entity / organization or place. A valid license shall be prominently displayed in every food service establishment.
- d. There are 12 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 – Itinerant Food Vending License – District Resident Owner
  6. Annual Regular License – Itinerant Food Vending License – Non-District Resident Owner
  7. Temporary Event 14 Day License – Profit & Non – Profit
  8. Farmers Market 6 month License
- e. All municipal departments within LLHD shall obtain an appropriate license to dispense food as defined in Section 4a of LLHD foodservice regulations. However, no fees, fines or penalties shall apply to such municipal departments. These departments include, but are not limited to public schools, fire departments, police departments etc.(3\*)

**Section 5**

When any food service or restaurant establishment is hereafter constructed, or remodeled, floor plans and specifications which demonstrates 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**

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 post office address, and whether such applicant is an individual, firm or corporation, and if a partnership, the names of the partners together with their addresses shall be included; the location and type of the processed food service establishment, the signature of the applicant or applicants, and the names of the individual designated as being responsible for management of the food service operation, and for Class III and IV, approved as a Qualified Food Operator 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.

Upon receipt of such an application the Director of Health, or his / her authorized agent, shall make an inspection of the food service establishment to determine compliance with the provisions of this regulation and the Public Health Code of the State of Connecticut. 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.

No license to operate a food service establishment will be issued where a septic system and / or water system does not comply with the Connecticut Public Health Code requirements documentation of water usage by the applicant. The installation of a meter on a well water supply to this food operation may be required.

**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-opening inspection will be conducted in order to assure compliance with the Connecticut Public Health Code and this regulation.

## **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

The imposition or payment of this penalty shall not be deemed to excuse the operation of a food establishment with the required license or to prevent the imposition of any other penalty prescribed by the Connecticut General Statutes Section 21a-59 as amended.

- b. Operating without QFO: The designation, engagement and presence of a Qualified Food Operator for each Class III and Class IV food establishment shall be a verification food inspection item. A warning will be given if an approved Qualified Food Operator has not been designated and submitted to the Director of Health within 30 days after a QFO inspection deficiency. Failure to designate a Qualified Food Operator approved by the Director of Health within 60 days of the QFO deficiency shall result in a \$50.00 fee in addition to suspension of the food establishment's license. An additional \$50.00 shall be assessed for each further 30 day period. Failure to pay said fine(s) within five (5) working days shall be cause for suspension of license to operate.
- c. Failure to Comply: The imposition and / or acceptance of the stipulated fine / penalty shall not limit the District's authority to require full compliance with referenced State Public Health Code and these Regulations.

## **Section 9** **Annual Fees**

The fee schedule for food service or restaurant establishments shall be set by the Board of Directors of the District. The current fee schedule is provided by Attachment A hereto.

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

- a. Any violation of the Public Health Code noted on an inspection must be corrected before the next regularly scheduled inspection. A warning will be given the second consecutive time a violation occurs. A \$50.00 fine for each violation item will be assessed the third consecutive time, and an additional \$50.00 fine for each time thereafter, that each violation occurs. The payment of assessed fines shall not be a substitute or alternative to correction of the cited violation. Failure to pay said fine within five (5) working days shall be cause for suspension of license to operate.

- b. If a four point violation or inspection score lower than 80 is given, a required follow-up re-inspection with a \$100.00 re-inspection fee shall be assessed in addition to any specified penalty fines.
- c. If it should come to the attention, or is evident to 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 a safe food handlers course given by the District.

### **Section 11** **Expiration Date of License**

All annual licenses shall expire at the end of the calendar year in which they were issued. Seasonal and temporary licenses shall expire on the date specified by the license.

### **Section 12** **Periodic Inspection After Issuance**

The Director or his / her agent 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 Public Health Code of the State of Connecticut, 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 for 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 this Regulation and / or other applicable statutes.

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

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

### **Section 14** **Suspension of Licenses**

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 Public Health Code of the State of Connecticut.

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 this 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.

Notwithstanding the other provisions of this regulation, and / or the 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, or his / her authorized agent, shall make a re-inspection. If the applicant is substantially complying with the requirements of this regulation, 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 Public Health Code of the State of Connecticut, 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**

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, sore or an acute respiratory infection, shall 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.



**Section 23**

**Unconstitutionality Clause**

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.

The foregoing amended regulation was approved and duly adopted at a meeting of the Ledge Light Health District Board of Directors on December 12, 2002, to be effective January 1, 2003.

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Francis L. Crowley, M.P.H., J.D.  
Director of Health

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Howard Root MD, Secretary  
District Board of Directors