



**Naugatuck Valley Health District
Food and Food Establishments**

1. Definitions

For the purposes of this code:

“Adulterated” means food as defined in the U. S. Federal Food, Drug and Cosmetic Act, (21 U. S. C. §342).

“Approved” means acceptable to the Director of Health based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.

“Bakery” means an establishment primarily involved in the preparation of baked goods for consumption off the premises.

“Board of Directors” means the Board of Directors of the Naugatuck Valley Health District.

“Caterer” means a business involved in 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 preparation or service of food on public or private premises not under the ownership or control of the operator of such service.

“Class 1 food establishment” means a retail food establishment that does not serve a population that is highly susceptible to food borne illnesses and only offers (A) commercially packaged food in its original commercial package that is time or temperature controlled for safety, or (B) commercially prepackaged, precooked food that is time or temperature controlled for safety and heated, hot held and served in its original commercial package not later than four hours after heating, or (C) food prepared in the establishment that is not time or temperature controlled for safety.

“Class 2 food establishment” means a food establishment that only offers for retail sale (A) prepackaged food that is highly susceptible to food-borne illnesses and offers a limited menu of food that is prepared, cooked, and served immediately, or that prepares and cooks food that is time or temperature controlled for safety and may require hot or cold holding, but that does not involve cooling.

“Class 3 food establishment” means a retail food establishment that (A) does not serve a population that is highly susceptible to food-borne illnesses, and (B) has an extensive menu of food, many of which are time or temperature controlled for safety and require complex preparation, including, but not limited to, handling of raw ingredients, cooking, cooling, and reheating for hot holding.

“Class 4 food establishments” means a retail food establishment that serves a population that is highly susceptible to food-borne illnesses, including, but not limited to preschool students, hospital patients

and nursing home patients or residents, or that conducts specialized food processes, including, but not limited to, smoking, curing or reduced oxygen packaging for the purposes of extending the shelf life of the food.

“Combination catering license” means a license obtained by an otherwise licensed food establishment that permits the license holder to include catering as part of the operation. A combination license may not be issued separately but may only be issued in conjunction with another license class.

“Director of Health” means the local Director of Health or his authorized agent.

“Eating or drinking establishment” means a business operating from a fixed location in which food or drink intended for individual portion service is processed, prepared and/or offered for sale or consumption. This term does not include private homes where food is prepared or served for individual family consumption. Eating or drinking establishments shall be designated as Class 1, 2,3 or 4 in accordance with the provisions of the Public Health Code of the State of Connecticut and **the Food & Drug Administration Food Code**.

“Equipment” means an article that is used in the operation of a food establishment such as a freezer, grinder, hood, ice maker, meat block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature measuring device for ambient air, vending machine, or warewashing machine.

“Fee Schedule” means the Food Service License, Plan Review and associated fees specified in the Annual Fiscal Year Budget adopted by the Board of Directors of the Naugatuck Valley Health District in accordance with the provisions of the Connecticut General Statutes.

“Food” means 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 or chewing gum.

“Food processing plant” means a commercial operation that manufactures, packages, labels, or stores food for human consumption, and provides food for sale or distribution to other business entities such as food processing plants or food establishments.

“Food service establishment” means an operation that (a) stores, prepares, packages, serves, vends food directly to the consumer, or otherwise provides food for human consumption such as a restaurant; satellite or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; vending location; conveyance used to transport people; institution; or food bank; or (b) relinquishes possession of food to a consumer directly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

“Food service establishment” does *not* include a vending machine as defined in Connecticut General Statutes §21a-34, a private residential dwelling in which food is prepared under §21a-62a or a food manufacturing establishment, as defined in §21a-151.

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- ~~1.—An establishment that offers only pre-packaged foods that are not time/temperature control for safety foods, potentially hazardous and which can be safely maintained at room temperature.~~
- ~~2.—A produce stand that only offers whole, uncut fresh fruits and vegetables.~~

- ~~3.— A food processing plant; including those that are located on the premises of a food establishment.~~
- ~~4.— A kitchen in a private home if only food that is not time/temperature control for safety food, is prepared for sale or service at a function such as a religious or charitable organization's bake sale if allowed by law and if the consumer is informed by a clearly visible placard at the sales or service location that the food is prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority.~~
- ~~5.— An area where food that is prepared as specified in Subparagraph (3)(d) of this definition is sold or offered for human consumption.~~
- ~~6.— A kitchen in a private home, such as a small family daycare provider; or a bed-and-breakfast operation that prepares and offers FOOD to guests if the home is owner occupied, the number of available guest bedrooms does not exceed 6, breakfast is the only meal offered, the number of guests served does not exceed 18, and the consumer is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the FOOD is prepared in a kitchen that is not regulated and inspected by the regulatory authority.~~
- ~~7.— A private home that receives catered or home delivered.~~

“Food Service Establishment Plans & Specifications Review Application and Approval” means the form approved by the Director of Health that outlines the requirements for the construction or remodeling of a food service establishment.

“Itinerant food vendor” means any person, firm or corporation operating a food-vending business serving food or drink from an approved conveyance without a fixed location. Itinerant vendors shall be designated as Class ~~1,2,3, or 4~~ ~~I, II, III or IV~~ in accordance with the provisions of the Public Health Code of the State of Connecticut and **the Food and Drug Administration Food Code.**

“Market” means an establishment primarily involved in the sale or distribution of food and/or drink in its original unopened package for consumption off the premises. **“Market”** includes any wholesale or retail operation selling potentially hazardous foods that cannot safely be maintained at room temperature.

“Non-profit organization” means an organization holding a tax-exempt status as defined by the United States Internal Revenue Code 26 USC 501(c)(3), which is operated by an entity which is not associated with a branch of Federal, State, or local government.

“Partial Plan Review” means the review of plans associated with a minor alteration or remodeling of a food service establishment such as the installation of new sinks or equipment. This term does not apply to any work conducted on a new or unlicensed establishment.

“Person” means any individual, firm, or association, including, but not limited to, any partnership, limited partnership, limited liability partnership, company, limited liability company, corporation, trust or estate, or the duly authorized representative thereof, including, but not limited to, a fiduciary, trustee, or receiver, thereof.

“Person in charge” means the individual present **at a food establishment who is responsible for the operation at the time of inspection.** ~~in a food service establishment who is the apparent supervisor of~~

~~the food service establishment at the time of inspection. If no individual claims to be a supervisor, then any employee present is deemed to be the person in charge for the purposes of this code.~~

“Plan Review” means the review of plans associated with the construction or remodeling of a food service establishment, or when an existing structure is converted for use as a food service establishment.

“Potentially hazardous food” means a food that is natural or synthetic and that requires temperature control because it is in a form capable of supporting:

- ~~1. The rapid and progressive growth of infectious or toxigenic microorganisms;~~
- ~~2. The growth and toxin production of *Clostridium botulinum*; or~~
- ~~3. In raw shell eggs, the growth of *Salmonella* Enteritidis.~~

“Prepared food ready to eat” means food which is subject to processing or handling, or which is prepared, cooked, or packaged for sale in other than its original unopened container. This term shall include, but not be limited to, operations such as delicatessens, soup or salad bars, meat or seafood markets, but shall not include hot or cold beverages or commercially packaged precooked foods, which may be heated and served in the original package.

“Processing” means conversion of raw food products into a state ready for human consumption, including but not limited to, cutting, washing, heating, cooling, and packaging.

“Rating” means an appraisal of a food service establishment based in sum or in part on the following factors: the presence /absence of Critical Violations, the presence or absence of Risk Factor Violations of the Regulations of Connecticut State Agencies, the training and demonstrable knowledge of food service personnel, or overall sanitary conditions in the facility at the time of inspection. The Rating is based on the scoring system described in Section 15 of this Code.

~~Ratings are only issued to Class III and Class IV food service establishments. Class I and II, Seasonal and Temporary Food Service Establishments, Schools, Nursing and Long Term Care Facilities, and establishments operated by Non Profit Organizations and Government are not rated.~~

“Risk Factor Violations” means violations that are likely to cause food borne illness. Risk Factor violations are described in Appendix I of this Code.

“Regulatory authority” means the local, state, or federal enforcement body or authorized representative having jurisdiction over the food establishment.

“Seasonal Permit” means a permit issued to an individual or organization using the same menu on multiple dates for a period of time not to exceed ninety (90) calendar days, or a permit issued to a Connecticut farmer selling “Farm products” at a “Certified Farmers’ market” as these terms are defined in Section 22-6r of the Connecticut General Statutes for a period of not more than one hundred twenty (120) calendar days.

“Temporary food service establishment” means any food service establishment that operates for a period of no more than 14 consecutive days in conjunction with a single event or celebration. ~~from a fixed location within the Naugatuck Valley Health District only for a period not to exceed fourteen (14) days in connection with a celebration or single event such as a festival, fair, carnival, circus or rodeo.~~

“Time/Temperature Control for Safety Food” (formerly “potentially hazardous food” (PHF)) means a food that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.

2. Terms defined in other codes.

Where terms are not defined in this code which are used herein and are defined ~~in in either the Connecticut Public Health Code, the U.S. Connecticut General Statutes or the building, fire safety or, public health or Food and Drug Administration Food Codes, or otherwise in the Connecticut General Statutes, such terms, they shall shall~~ have the same meanings ascribed to them as in said codes and /or the Connecticut General Statutes. ~~the general statutes or as in these codes.~~

3. Terms not defined.

Where terms are not defined under the provisions of either the Connecticut Public Health Code, the U.S. Food and Drug Administration Food Code or the Connecticut General Statutes, ~~the meanings thereof shall be or the building, fire safety or, public health or Food and Drug Administration Food codes, including this code, they shall have~~ ascribed the ~~to them~~ their ordinarily accepted dictionary meanings or such as the context may herein imply.

4. Interchangeability.

Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

5. Enforcement.

The Director of Health or his or her authorized agent shall enforce the provisions of this code, the General Statutes, ~~and the Connecticut Public Health Code of the State of Connecticut,~~ **and the U. S. Food and Drug Administration Food Code.**

6. Conflict of regulations.

In any case where a provision of this code is found to conflict with a regulation of the Connecticut Department of Public Health ~~and/or,~~ the Department of Consumer Protection **and/or U. S. Food and Drug Administration Food Code** on the effective date of this code, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

7. Authority.

The Director of Health or his or her authorized agent in accordance with the Director’s ~~authorized agent~~ **regulatory authority** may enter any building, structure, or vehicle in the District in order to carry out ~~their his or her~~ duties as to food inspection and may take samples of food or drink found in the district for purposes of inspection.

8. Establishment of minimum standards for operation of food ~~service~~ establishments.

The Board of Directors is authorized to establish minimum requirements for food service establishments. Such requirements may be modified from time to time in accordance with the recommendations of the Connecticut Department of Public Health and the U. S. Food and Drug Administration Food Code.

9. License required for food service establishments.

A. It shall be unlawful for any person to operate a food service establishment, market, bakery, or catering operation within the Naugatuck Valley Health District who does not possess a valid license issued to him by the Director of Health. Only a person who complies with the requirements of the General Statutes of the State of Connecticut, the Public Health Code of the State of Connecticut, the U.S. Food and Drug Administration Food Code, the regulations of the Connecticut Department of Environmental Protection, the Codes of the Naugatuck Valley Health District and/or the laws, codes, or regulations of any other federal or state agency, or applicable local government shall be entitled to receive and retain such a license. Licenses shall not be transferable from one person to another person or another place. All licenses shall expire on December 31 of each year. Any person who does not make application for the renewal of his food service license before the expiration date of such license shall be required to pay to the Director of Health a late fee in the amount specified in the fee schedule for each day beyond the expiration date of his license in addition to the regular license fee. A valid license shall be posted in a conspicuous location in every food service establishment.

B. Any person who knowingly or willfully owns, operates, or maintains a food service establishment in the Naugatuck Valley Health District without a valid current license issued by the Director of Health shall be fined in accordance with the fee schedule. Such fine shall be in addition to the regular license fee and/or any other fees or penalties. Each day of operation in violation of this code 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 or any principal, partner, shareholder, director, officer, trustee, or other fiduciary of said violator until corrected.

C. Any person possessing a food service license is presumed to be knowledgeable about and agrees to abide by all the provisions of this code and, the Public Health Code of the State of Connecticut and the U.S. Food and Drug Administration Food Code.

D. By making application for a food service license, the applicant is deemed to have given consent for inspections of the facility for the purpose of verifying compliance with this code, and the Public Health Code of the State of Connecticut and the U.S. Food and Drug Administration Food Code.

E. An application for a temporary food service license must be received by the Director of Health at least seven (7) days prior to the event to be licensed. Applications received less than seven (7) days prior to the event will be subject to a late fee as listed in the fee schedule. Licenses for temporary food service establishments shall be issued for a period not to exceed fourteen (14) consecutive days. An applicant proposing to distribute only non-time/temperature control for safety food—potentially hazardous foods as defined in this Code may receive a license at a reduced fee. Vendors distributing potentially hazardous foods time/temperature control for safety food must apply for a temporary food service license at the regular fee.

F. A market or bakery shall be required to obtain a Class 1, 2, 3, or 4 food service license as defined in

~~this code if such service is offered or performed and no on premises seating for customers is provided. If on premises seating is provided, the appropriate eating or drinking establishment license shall be obtained. Such license shall be in addition to the regular market or bakery license. A market or bakery with only Class 1 food service shall not be required to obtain an additional license.~~

10. Issuance of licenses; fees.

A. Any person desiring to operate a food service establishment must, at least ten (10) days prior to the opening or change of ownership of such establishment, make written application for a license on forms provided by the Director of Health. Such application shall include the applicant's full name and address (including post office box number, if applicable), and whether such applicant is an individual, firm, or association, including, but not limited to, any partnership, limited partnership, limited liability partnership, company, limited liability company, corporation, trust or estate, and if not an individual, the name(s) of the partners, members, officers, or if applicable, the duly authorized representative thereof, including but not limited to, a fiduciary, trustee or receiver, together with their addresses; the type of service, location of the proposed food service establishment; and the signature of the applicant. If the application is for a temporary food service establishment, it shall also include the inclusive dates and scope of the proposed operation. At the time of filing the application, the applicant shall pay to the Director of Health the required fee as specified in the fee schedule. This fee shall be the license fee for one (1) year. Applications for a license, except Seasonal and Temporary, made between July 1 and October 31 of the year shall be charged a partial year fee, which shall be one-half of the regular fee. Licenses, except Seasonal and Temporary, issued on or after November 1st shall expire on December 31 of the following year.

B. A public school whose food operations are service is conducted by the local school board is required to obtain a license but shall be exempt from the permit fee. A public school whose food service is conducted by a commercial or contracted company shall be required to pay the ordinary fee as listed in the fee schedule.

C. Upon receipt of such an application, the Director of Health shall inspect the food service establishment to determine compliance with the provisions of this code ~~and~~, the Public Health Code of the State of Connecticut ~~and the U.S. Food and Drug Administration Food Code~~. When inspection reveals that the applicable requirements of this code, ~~and~~ the Public Health Code of the State of Connecticut ~~and the U.S. Food and Drug Administration Food Code~~ have been met, the Director of Health shall issue a license to the applicant. The Director of Health may allow a period, not to exceed ninety (90) days from the date of this inspection for an applicant to comply with the requirements of the Code of the Naugatuck Valley Health District, ~~and~~ the Public Health Code of the State of Connecticut ~~and the U.S. Food and Drug Administration Food Code~~. Failure to comply with these requirements within this time period shall constitute grounds for the suspension or revocation of such license.

D. Any applicant whose check is returned unpaid to the Director of Health shall be required to pay a returned check fee in the amount specified in the fee schedule.

11. Suspension of license.

A. The Director of Health may suspend any license to operate a food service establishment if it is found that any one or more of the following conditions exist:

1. The license holder, person in charge, or the operation of the establishment itself, does not comply with the requirements of this code ~~or, the Connecticut Public Health Code of the State of Connecticut or the U.S. Food and Drug Administration Food Code.~~
2. The operation of the establishment otherwise constitutes an imminent health hazard ~~immediate and substantial hazard and public health;~~
3. The Director of Health or his or her authorized agent pursuant to the Director's authorized agent ~~regulatory authority~~ is interfered with in the performance of their duties, including but not limited to, not allowing or limiting the Director of Health or his agents to perform inspections of the establishment pursuant to the terms and provisions of Section ~~15-15~~ 15-15 of this code as set forth below; or
4. There is a failure to correct a violation that is continually found and reported on the inspection form. ~~and~~
5. ~~The establishment fails to post its most current rating as provided for in Section 15 of this Code.~~

B. If the Director of Health finds insanitary or other conditions in the operation of a food service establishment, which, in his or her judgment, constitute an imminent health hazard ~~immediate and substantial hazard to public health~~, he or she will/shall immediately issue a written notice of suspension to the license holder or person in charge citing the reasons for such action. Upon service of such notice, the license is suspended. When a license is suspended, all operations related to the processing, preparation, storage, transportation, sale, or service of food shall cease immediately.

C. Whenever a license is suspended, an opportunity for a hearing will be provided if a written request for a hearing is filed with the Director of Health by the license holder within two (2) business days of the suspension. If no written request for a hearing is filed within two (2) business days, the suspension shall continue until further notice of the Director of Health. The Director of Health may end the suspension at any time if reasons for the suspension no longer exist.

D. Upon receiving a request for hearing, the Director of Health shall thereupon immediately examine into 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 forty-eight (48) hours 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.

E. During the process of appeal, the license shall remain suspended. However, the Director of Health may grant a stay upon a showing of good cause.

12. Revocation of license.

A. The Director of Health may, after providing an opportunity for hearing and appeal, revoke a license for serious or repeated violations of any of the requirements of this code, ~~or the Connecticut Public Health Code of the State of Connecticut or the U.S. Food and Drug Administration Food Code~~, or for interference with the Director of Health, or his or her authorized agent, in the performance of their

duties, or for cases where the license to operate has been obtained through nondisclosure, misrepresentation, or intentional misstatement of material fact, or for nonpayment of personal property taxes in accordance with section 12-146a of the Connecticut General Statutes.

B. 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 ten (10) days following service of such notice, unless a request for a hearing is filed with the Director of Health by the license holder within two (2) business days of the notice being issued. If no request for a hearing is filed within two (2) business days, the revocation of the license becomes final.

C. If a written request for a hearing is filed with the Director of Health by the license holder or the person in charge within two (2) business days following the service of such notice, the Director of Health shall thereupon immediately examine into the merits of such revocation and may sustain, modify, or rescind such revocation. The license holder or person in charge who is aggrieved by such action of the Director of Health may, within forty-eight (48) hours 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.

13. Service of notice.

A notice provided for in this code shall be deemed to have been properly served when a copy of the inspection report form or other notice has been delivered to the license holder or person in charge or when it is sent by registered or certified mail, return receipt requested, to the address of the license holder, or by in hand service by a Connecticut State Marshal, as reported on the license application. A copy of the notice shall be filed in the records of the Director of Health.

14. Reinstatement of suspended and revoked licenses.

A. Suspension: Whenever a license has been suspended, the holder of the suspended license may make a written request for license reinstatement. Such written request shall specifically indicate how each of the conditions, which caused the suspension, have been corrected and shall be signed by the license holder. Within ten (10) days following receipt of written request, the Director of Health shall make a reinspection. If the Director of Health determines that the applicant has complied with the requirements of ~~the~~ this code, ~~and~~ the Public Health Code of the State of Connecticut ~~and the~~ U.S. Food and Drug Administration Food Code, the suspension shall be lifted.

B. Revocation: After a period of sixty (60) days from the date of revocation, a written application may be made for the issuance of a new license, as provided for in sections 9 and 10 of this code, and payment of the annual fee.

15. Inspections.

A. Prior to the issuance of a license and periodically thereafter, the Director of Health shall visit every food service establishment within the Naugatuck Valley Health District to make as many inspections and

additional reinspections as are necessary to ensure effective compliance with and enforcement of this code, and the Public Health Code of the State of Connecticut and the U.S. Food and Drug Administration Food Code. Every person operating a food service establishment shall, upon the request of the Director of Health permit access during business hours, or, in the case of a public health hazard, upon notification by the Health District, to all parts of the establishment to determine compliance with the requirements of this code and the examination of all records of food purchased or received if a public health hazard is suspected. If the Director of Health discovers a violation of any provision of this code, he shall notify the responsible person of the condition found, provide a reasonable period for correction, and explain that failure to correct within the specified time may result in suspension or revocation of the license or prosecution. An opportunity for a hearing will be provided if a written request for a hearing is filed with the Director of Health within two (2) business days following service of such notice, provided that when any condition found is deemed an imminent public health hazard, the Director of Health shall send the operator an official notice of immediate suspension of the license. In the case of temporary food service establishments, violations must be corrected within a specified period not to exceed twenty-four (24) hours. Failure to comply with such notice shall result in immediate suspension of the license.

B. The following sections of the Connecticut Health Code, Regulations of Connecticut State Agencies §19a-36h-1 and 19a-36h-7, inclusive shall be followed with regard to all inspections of food establishments and hold order or destruction of food and enforcement by the Director or his or her authorized agent in accordance with the authority of the Director of Health.

~~B. All Class III & IV food service establishments, except as noted in Section 1, shall receive a rating following inspection based on the following criteria:~~

~~1. A~~

~~A food service establishment having an inspection score of 93-100 with no critical four (4) point violations and not more than one (1) risk factor violation. A Qualified Food Operator, Designated Alternate or other knowledgeable and trained staff was on site at the time of inspection. Records of training were available, accurate and up to date. Safe food handling practices and procedures were observed at the time of inspection and the facility was found to be in compliance with the Public Health Code.~~

~~2. B~~

~~A food service establishment having an inspection score of 86-92 with no critical four point violations and no more than two risk factor violations. Establishment was free of major structural defects and exhibited safe food handling practices and procedures at the time of inspection. The facility was found to be substantially in compliance with the Public Health Code.~~

~~3. C~~

~~A food service establishment having an inspection score of 80-86 with no uncorrected critical four point violations and no more than four risk factor violations. Establishment has conditions that need to be corrected such as structural defects or other violations and/or unsafe food handling practices likely to cause foodborne illness.~~

~~4. D~~

~~A food service establishment having a rating score of less than 80 or any establishment with one or more uncorrected critical four point violations. An establishment with five or more risk factor violations, or the presence of any chronic, previously identified risk factor violations that have not been corrected. The establishment exhibited poor compliance with the provisions of the Public Health Code at the time of inspection.~~

~~C. All food service establishments must post their most current rating provided during the inspection by the Director of Health or Agent. The Rating must be posted in a conspicuous location clearly visible to the public and remain posted until the next scheduled inspection. If the owner or Qualified Food Operator requests a reinspection in accordance with Section 16 (A) of this Code, the Rating does not have to be posted until the requested reinspection is completed.~~

~~D. If a food service establishment fails to post the most recent rating as described in Section 15 (B) of this Code, the Director of Health may order the establishment to post its most current rating. If the order is not followed, the Director of Health may suspend the license in accordance with the provisions of Section 11 (A) of this code.~~

16. — Reinspections

~~A. The owner or Qualified Food Operator of any food service establishment may at any time request an inspection for the purpose of improving the score or the Rating of the food service establishment. Within 10 (ten) days following receipt of a written request for the reinspection, a signed statement itemizing the corrective measures that have been taken and the appropriate rating reinspection fee, the Director of Health or his or her Agent shall make a complete reinspection and issue a new rating as appropriate. There can only be one request for reinspection made for each regular inspection.~~

~~B. If a food service establishment achieves a rating score of less than eighty (80) and/or has one or more four (4) point demerit items in violation during a routine inspection, the Director of Health shall, after issuing an order to correct the items in violation, make a reinspection of the establishment. The reinspection shall be made after two (2) weeks of the date of the routine inspection, or date of the order, whichever is later. A shorter time period may be specified for more serious violations or hazards. If during the reinspection the rating score remains less than eighty (80) and/or the four (4) point demerit item(s) remain in violation, the license holder shall be required to pay to the Director of Health a reinspection fee as listed in the fee schedule. The reinspection fee shall be assessed for each subsequent reinspection until the four (4) point items in violation have been corrected and a rating score of eighty (80) or more has been achieved.~~

~~C. Reinspection fees are due and payable immediately upon their assessment. No food service license shall be renewed unless all reinspection fees have been paid in full.~~

17. — Approved source, examination, embargo and condemnation of food, hold order, or destruction of food.

~~A. All food and drink in a food service establishment shall be from sources approved or considered~~

satisfactory by the Director of Health.

~~B. Hold order, or destruction of food in accordance with Section 19a-36h-6 of the Public Health Code of the State of Connecticut.~~

~~B. Examination: Food may be examined or sampled by the Director of Health as often as necessary for enforcement of this code, the Public Health Code of the State of Connecticut or the Food and Drug Administration Food Code.~~

~~C. Embargo: The Director of Health may, upon written notice to the license holder or person in charge specifying with particularity the reason(s) therefore, 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 without risk to the public health. The hold order shall state that a request for hearing may be filed with the Director of Health within two (2) business days, and that if no hearing is requested, the food shall be destroyed. Within two (2) business days following receipt of a request for a hearing, the Director of Health shall hold a hearing. Based on evidence procured 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 denature or destroy such food or bring it into compliance with the provisions of this code, the Public Health Code of the State of Connecticut or the Food and Drug Administration Food Code.~~

~~D. Condemnation: Food shall be subject to immediate condemnation by the Director of Health when it is found to be from an unapproved source or is found to be unfit for human consumption by reason of the appearance or odor of decomposition, adulteration, or by having been contaminated by exposure to water, smoke, fire, heat, lack of refrigeration or animal or insect contact. Exposure to nonfood chemicals in solid, liquid, or gaseous forms shall also be grounds for condemnation. Such 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 in writing as to the grounds for condemnation.~~

168. Equipment design.

A. All new and replacement equipment used in the storage, processing, holding and transportation of food shall conform to the design and fabrication standards of the National Sanitation Foundation (NSF), or equivalent.

B. A three-compartment sink shall be provided and used wherever washing and sanitization of equipment is conducted manually. The sink shall be a single unit, constructed of stainless steel and be NSF approved or equivalent. Sink compartments shall be of adequate length, width, and depth to permit the complete immersion of the equipment and utensils used in the operation of the facility. Each compartment shall be supplied with hot and cold running water. Drain boards or easily movable utensil tables of a size acceptable to the Director of Health shall be provided at all dishwashing sinks. The design and location of such drain boards or utensil tables shall not interfere with the proper use of the dishwashing facilities.

C. A food preparation sink shall be required whenever the menu includes any of the following:

1. Fruits and/or vegetables subject to processing as defined in this code.

2. Frozen foods that are thawed prior to cooking or service.
3. Any other operation, which in the opinion of the Director of Health requires such a sink for the safe and sanitary handling of the food.

Food preparation sinks shall conform to the standards of the National Sanitation Foundation (NSF) or equivalent and shall be of adequate size for the proposed use. Food preparation sinks shall have an indirect connection to waste.

D. Equipment in use in a food service establishment prior to the effective date of this code which does not fully meet all of the design and construction standards as stated may be continued in use, under the same ownership, if it is in good repair and is capable of being maintained in a sanitary condition or is otherwise deemed acceptable by the Director of Health.

197. Grease interceptors.

The design, installation, and maintenance of grease interceptors shall comply with the requirements of the Department of Environmental Protection and the Water Pollution Control Authority of the municipality in which the establishment is located.

20. ~~Cleaning facilities.~~

~~—In new or extensively remodeled establishments, at least one utility sink or curbed cleaning facility with a floor drain shall be provided and used for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water or similar liquid wastes. The sink or facility shall be equipped with hot and cold running water. The use of handwashing, utensil washing, equipment washing, or food preparation sinks for this purpose is prohibited.~~

1821. Review of establishments.

A. When food service establishments are hereafter constructed or remodeled, or when existing structures are converted for use as food service establishments, properly prepared plans and specifications for such construction, remodeling, or alteration, showing layout, arrangement and construction materials of work areas and location, size and type of equipment and facilities, shall be submitted to the Director of Health for approval before such work is begun.

B. Information and application for plan review shall be submitted on forms approved by the Director of Health, entitled *Food Service Establishment Plans & Specifications Review Application and Approval* (Exhibit "A"). Such forms shall outline the requirements for the construction or remodeling of the establishment based on a review of the menu to be offered. At the time of application, the applicant shall pay to the Director of Health the required fee as specified in the fee schedule.

C. The Director of Health shall review and approve these plans and specifications prior to the start of construction, remodeling, or conversion. No food service establishment shall be constructed, remodeled, or converted except in accordance with the plans and specifications approved by the Director of Health. No building permit shall be issued until such time as the Director of Health has submitted to the Building Official a written statement indicating his approval of plans and specifications. Existing establishments that have a change in ownership or license holder shall be reviewed by the

Director of Health prior to the issuance of a new license. Such establishments shall be required to make any physical modifications deemed necessary by the Director of Health to bring the establishment into compliance with the provisions of this code, ~~and the Public Health Code of the State of Connecticut~~ **and the Food and Drug Administration Food Code.**

D. Whenever plans and specifications are required by this code to be submitted to the Director of Health, the Director of Health shall inspect the food ~~service~~ establishment as many times as he shall deem necessary prior to the start of operations to determine compliance with the approved plans and specifications and with the requirements of this code, ~~and the Public Health Code of the State of Connecticut~~ **and the Food and Drug Administration Food Code.** No certificate of occupancy shall be issued until such time as the Director of Health has submitted to the building official a written statement indicating his approval of the food ~~service~~ establishment.

1922. Regulation of food ~~service~~ establishments in other jurisdictions.

Food from food ~~service~~ establishments outside the jurisdiction of the Director of Health of the Naugatuck Valley Health District may be sold within the Naugatuck Valley Health District if such food ~~service~~ establishments conform to the provisions of this code or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the Director of Health may accept reports from responsible authorities in other jurisdictions where such food ~~service~~ establishments are located.

2023. Penalties other than suspension and revocation.

Any person who shall violate any provisions of this code and/or the Public Health Code of the State of Connecticut shall be guilty of a misdemeanor. Upon conviction thereof, such person shall be subject to a fine of not more than one hundred dollars (\$100) for each day that an offense continues between the date of notice of violations and the date of correction as known by reinspection, or the date of disposition by a court of competent jurisdiction. Absent proof of a claim that said violation(s) has (have) been corrected as herein provided for, said violation(s) shall be deemed to have continued consecutively each day during the period prior to said disposition. In addition, thereto, such persons may be enjoined from continuing such violation(s).

241. Severability.

If any provision or application of this code is held invalid for any reason, that invalidity shall not affect other provisions of this code.

252. Repealer.

Upon With the adoption of this code, the prior versions of this Code section entitled "Food Service Establishments" in the Code of the Naugatuck Valley Health District, as amended, shall be and are adopted on April 16, 1991 as amended be and is hereby repealed.

263. Adoption/Effective Date.

This code shall become effective ~~March 12, 2001~~ _____.

Newfoodcode 2/5/01
Revision 1/06
Adopted by NVHD BoD 5/9/06
Revision 1/07
Revisions adopted by NVHD BOD 4/10/07
Seasonal Permit definition revised 11/08
Revisions Section 9&16 2-09
Revisions adopted by NVHD BOD 4/9/13; Effective 7/1/13
Revised 6/19/15
Revisions adopted by NVHD BOD 4/11/17; Effective 6/1/17
Revisions adopted by NVHD BOD X/X/XX; Effective Date

PROPOSED REVISION

APPENDIX I
Risk Factor Violations

Item Numbers are taken from the Food Service Inspection Form of the Connecticut Department of Public Health.

Item #

- ~~#4— Adequate facilities to maintain product temperature, thermometers provided~~
- ~~#7— Food protected during storage, preparation, display, service and transportation~~
- ~~#8— Food containers stored off the floor~~
- ~~#9— Handling of food minimized~~
- ~~#15— Good hygienic practices~~
- ~~#24— Sanitizations rinse (hot water-chemical)~~
- ~~#25— Clean wiping cloths~~
- ~~#26— Food contact surfaces clean~~
- ~~#30— Hot and cold water under pressure, provided as required~~
- ~~#38— Handwashing accessories provided~~
- ~~#42— Presence of rodents~~
- ~~#60— Qualified Food Operator~~
- ~~#61— Designated Alternate~~
- ~~#62— Written documentation of training program~~

APPENDIX II

FOOD SERVICE ESTABLISHMENT RATING SYSTEM

A

A food service establishment having an inspection score of 93-100 with no critical four (4) point violations and not more than one (1) risk factor violation. A Qualified Food Operator, Designated Alternate or other knowledgeable and trained staff was on site at the time of inspection. Records of training were available, accurate and up to date. Safe food handling practices and procedures were observed at the time of inspection and the facility was found to be in compliance with the Public Health Code.

B

A food service establishment having an inspection score of 86-92 with no critical four point violations and no more than two risk factor violations. Establishment was free of major structural defects and exhibited safe food handling practices and procedures at the time of inspection. The facility was found to be substantially in compliance with the Public Health Code.

C

A food service establishment having an inspection score of 80-86 with no uncorrected critical four point violations and no more than four risk factor violations. Establishment has conditions that need to be corrected such as structural defects or other violations and/or unsafe food handling practices likely to cause foodborne illness.

D

A food service establishment having a rating score of less than 80 or any establishment with one or more uncorrected critical four point violations. An establishment with five or more risk factor violations, or the presence of any chronic, previously identified risk factor violations that have not been corrected. The establishment exhibited poor compliance with the provisions of the Public Health Code at the time of inspection.

4/2017