



Public Health
Prevent. Promote. Protect.

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

1. Definitions

For the purposes of this code:

“Adulterated” As defined in the Federal Food, Drug, and Cosmetic Act, §402.

“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 retail food establishment that does not serve a population that is highly susceptible to food-borne illnesses and offers a limited menu of food that is prepared or cooked and served immediately, or that prepares or 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) offers food that is time or temperature controlled for safety and requires complex preparation, including, but not limited to, handling of raw ingredients, cooking, cooling, and reheating for hot holding.

“Class 4 food establishment” 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 Connecticut Public Health Code and the U.S. 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 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; and (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 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.

“Food 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 in accordance with the provisions of the Connecticut Public Health Code and the U.S. 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.

“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.

“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.

“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 establishment” means any food establishment that operates for a period of no more than 14 consecutive days in conjunction with a single event or celebration.

“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 the Connecticut Public Health Code, the U.S Food and drug Administration Food Code, or otherwise in the General Statutes, such terms shall have the same meanings ascribed to them as in the said codes and/or the Connecticut General Statutes.

3. Terms not defined.

Where terms are not defined under the provisions of either the Connecticut Public Health Codes, the U.S. Food and Drug Administration Food Code or the General Statutes, the meaning thereof shall be ascribed the 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 the Connecticut Public Health Code, 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, 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 regulatory authority may enter any building, structure, or vehicle in the District in order to carry out 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 the operation of food establishments.

The Board of Directors is authorized to establish minimum requirements for food 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 establishments.

A. It shall be unlawful for any person to operate a food 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 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 establishment.

B. Any person who knowingly or willfully owns, operates, or maintains a food 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 license is presumed to be knowledgeable about and agrees to abide by all the provisions of this code, the Connecticut Public Health Code and the U.S. Food and Drug Administration Food Code.

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

E. An application for a temporary food 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 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 as defined in this Code may receive a license at a reduced fee. Vendors distributing time/temperature control for safety food must apply for a temporary food license at the regular fee.

10. Issuance of licenses; fees.

A. Any person desiring to operate a food 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 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 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 establishment to determine compliance with the provisions of this code, the Connecticut Public Health Code and U.S. the Food and Drug Administration Food Code. When inspection reveals that the applicable requirements of this code, the Connecticut Public Health Code 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, the Connecticut Public Health Code 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 establishment if it is found that any one or more of the following conditions exist:

The license holder, person in charge, or the operation of the establishment itself, does not comply with the requirements of this code, Connecticut the Public Health Code or the U.S. Food and Drug Administration Food Code.

The operation of the establishment otherwise constitutes an imminent health hazard;

The Director of Health or his or her authorized agent pursuant to the Director's 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 of this code as set forth below; or

There is a failure to correct a violation that is continually found and reported on the inspection form.

B. If the Director of Health finds insanitary or other conditions in the operation of a food establishment, which, in his or her judgment, constitute an imminent health hazard, he or she 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, the Connecticut Public Health Code 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 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 this code, the Connecticut Public Health Code 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, the Connecticut Public Health Code and the U.S. Food and Drug Administration Food Code. Every person operating a food 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 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.

16. 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.

17. 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.

18. Review of establishments.

A. When food establishments are hereafter constructed or remodeled, or when existing structures are converted for use as food 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 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 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, the Connecticut Public Health Code and the U.S. 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 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, the Connecticut Public Health Code and the U.S. 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 establishment.

19. Regulation of food establishments in other jurisdictions.

Food from food 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 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 establishments are located.

20. Penalties other than suspension and revocation.

Any person who shall violate any provisions of this code and/or the Connecticut Public Health Code 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).

21. 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.

22. Repealer.

Upon the adoption of this code, the prior versions of this Code “Food Service Establishments” in the Code of the Naugatuck Valley Health District, as amended, shall be and are hereby repealed.

23. Adoption/Effective Date.

This code shall become effective May 1, 2023

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

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