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FARMINGTON VALLEY HEALTH DISTRICT

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95 RIVER ROAD SUITE C CANTON, CONNECTICUT 06019 TELEPHONE (860) 352-2333 FAX (860) 352-2542

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## Food Service Regulations

A Regulation Pertaining To The Sanitation of Food Service Establishments And Setting License Requirements, Inspection Requirements, Plan Review Requirements, Fees For Same, And Penalties For Violations.

### I. Statutory Authority

Pursuant to Section 19a – 243 of the General Statutes of the State of Connecticut, be it ordained by the Board of Health for the Farmington Valley Health District that:

### II. Purpose

In order to prevent the spread of disease and safeguard the health, safety, and welfare of the inhabitants of the Farmington Valley Health District and the general public, the Farmington Valley Health District shall, through a program of inspection, education, enforcement of the Regulations of Connecticut State Agencies, and licensing, regulate food service establishments.

### III. Definitions

**A. *Authorized Agent*** means any individual certified by the Connecticut Department of Public Health to inspect food service establishments and enforce the provisions of 19-13-B40, 19-13-B42, 19-13-B48, and 19-13-B49 of the Regulations of Connecticut State Agencies under the supervision and/or authority of the Director of Health.

**B. *Designated Alternate*** means an individual appointed in writing by the Qualified Food Operator to assume responsibility for the activities within the food service establishment when the Qualified Food Operator is not present. The Designated Alternate shall submit documentation to the Director of Health attesting to his/her knowledge of safe food handling techniques as specified in section III (K) of these regulations.

**C. *Critical Violation*** means a violation that is more likely than other violations to contribute to food contamination, illness, or environmental health hazard. Such violations shall include four (4) point demerit items on the inspection report and any of the risk factors established by the Connecticut Department of Public Health as itemized in Appendix 1.

**D. Fee Schedule** means the fees specified in the Annual Fiscal Year Budget adopted by the Board of Directors of the Farmington Valley Health District.

**E. Food Service Classification** means the categorization of a food service establishment based on the menu and type of food preparation within the facility. The Food Service Classification of the food service establishment shall be one of the following:

1. Class I means a food service establishment with commercially prepackaged foods and/or beverages only. No preparation, cooking, or hot holding of potentially hazardous foods except that commercially packaged precooked foods may be heated and served in the original package within four (4) hours.

2. Class II means a food service establishment using cold or ready-to-eat commercially processed food requiring no further heat treatment and/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.

3. Class III means a food service establishment having exposed potentially hazardous foods that are prepared by hot processes and consumed by the public within four (4) hours of preparation. A Class III food service establishment shall employ a Qualified Food Operator.

4. Class IV means 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. A Class IV food service establishment shall employ a Qualified Food Operator.

**F. Food Service Establishment** means any place, other than a private residence, where food or drink is prepared or served, with or without charge, for consumption on or off the premises.

**G. Food Service Permit** means a license issued to a person, corporation, establishment, or firm serving food or drink to the public. A permit shall be issued for a specific time period, specific activity, and specific location. Specific types of Food Service Permits are as follows:

1. **Initial Permit:** refers to a permit issued for a new food service establishment or for an existing facility that has had a change in ownership. This Permit is valid for a thirty (30) day period.

2. **Annual Food Service Permit:** refers to a permit, renewed annually, issued for a food service establishment.

3. **Limited Permit:** refers to a permit issued to a facility owned or operated by a church or other non-profit organization. Such facilities are used to prepare foods for special events only and are not regular food preparation and service operations.

4. **Temporary Permit:** refers to a license issued to a person, corporation, establishment, organization, or firm operating a temporary food service establishment.

**H. FVHD** means the Farmington Valley Health District.

**I. *Inspection Report*** means the report on which the demerit items marked identify the violations found in the food service establishment at the time of inspection.

**J. *Late Fee*** refers to a penalty assessed to a food service establishment submitting its complete food service permit renewal application, permit fee, and supporting documentation after the expiration date of the previous food service permit.

**K. *Qualified Food Operator (QFO)*** means an individual employed in a supervisory position in a Class III or Class IV food service establishment for a minimum of thirty (30) hours weekly and who has passed a test administered by a testing organization approved by the Department of Health or has submitted documentation satisfactory to the Director of Health attesting to the individual's knowledge of safe food handling techniques as specified in the Regulations of Connecticut State Agencies Sections 19-13-B42 (s) (6), 19-13-B48 (j) (5), and 19-13-B49 (t) (5).

**L. *Rating*** means an appraisal of a food service establishment based in sum or in part on the following factors: the absence/presence of critical violations that are likely to cause foodborne illness, the absence/presence of chronic violations of the Regulations of Connecticut State Agencies, the facility inspection history and efforts to correct previously noted violations, the training and demonstrable knowledge of food service personnel, and/or overall sanitary conditions in the facility at the time of inspection.

**M. *Temporary Food Service Establishment*** means any food service establishment that operates at a fixed location for a period of time, not to exceed fourteen (14) consecutive days, in connection with a fair, carnival, circus, public exhibition, or similar transitory gathering.

**N. *Permit Reinstatement Fee*** shall be required whenever a Permit to operate a food service facility has been suspended and must be submitted before the Permit is reinstated. The Reinstatement Fee shall be the same as the permit fee.

**O. *Reinspection Fee*** shall be assessed whenever a food service establishment requests that a reinspection be performed in order to improve the Rating or inspection score. Such reinspections will only be performed after a written itemization of corrective measures taken and the appropriate fee is submitted.

#### **IV. Permit Requirements**

**A.** No person, corporation, establishment, or firm shall operate a food service establishment or a temporary food service establishment within the Farmington Valley Health District unless a valid permit has been issued to him/her by the Director of Health or the Authorized Agent. A permit shall be issued to and permitted to continue in effect for only those persons, corporations, establishments, or firms who comply with the requirements of these regulations, the Regulations of Connecticut State Agencies, and regulations promulgated by the State of Connecticut Department of Public Health, as they may be amended.

**B.** Permits shall not be transferable from one person or place to another person or place.

**C.** Any person desiring to own or operate a food service establishment shall make written application for a permit on forms provided by the Farmington Valley Health District. Such application shall include the

name and address of each owner, the location of the establishment, the signature of each owner or its principal officer, and the Qualified Food Operator and Designated Alternate. The appropriate permit fee shall accompany the application. In the case that a facility or site is served by a well, conformance with the requirements established by the Connecticut Department of Public Health must be demonstrated and copies of recent water sample results shall be submitted with the Permit application. If the facility is served by an on-site septic system, verification that the system has the capability of adequately treating the anticipated wastewater flows must be demonstrated. All new food service facilities must be served by grease recovery or grease interceptor units as approved by local building officials and/or WPCA's.

**D.** All permits shall be renewed annually. Permittees desiring renewal of such permits shall file an application with the Farmington Valley Health District prior to the expiration date with the appropriate permit fee and documentation as specified in Section IV (C) of these regulations. For those facilities served by a septic system, verification of septic tank and grease trap maintenance must be submitted. For facilities served by a well, copies of a recent water analysis must also be submitted together with verification of compliance with all Connecticut Department of Public Health requirements.

**E.** In the case that a food service permit renewal application, permit fee, and supporting documentation as specified in Section IV ( C ) of these regulations are submitted after the previous permit expiration date, a late fee shall be assessed. If a permit is not renewed within thirty (30) days of the expiration date, ORDERS to close the facility shall be issued by the Director of Health.

**F.** Permits in the towns of Barkhamsted, Canton, Colebrook, East Granby, Granby, Hartland, and New Hartford shall expire on January 31 of each year. Permits in the town of Avon shall expire on March 31 of each year. Permits in the town of Farmington shall expire on June 30 of each year. Permits in the town of Simsbury shall expire on September 30 of each year.

**G.** In the case of transfer of ownership of an existing food service establishment to a new ownership, the establishment shall be in compliance with Farmington Valley Health District regulations and the Regulations of Connecticut State Agencies before a permit can be issued. New ownership shall be subject to the Initial Permit procedure as described in Section VI of these regulations.

**H.** Whenever a food service establishment changes to a different class as determined by the Director of Health or his Authorized Agent, the facility shall be reclassified. No food service establishment shall change operations to a different classification without prior written approval from the Director of Health or the Director's Authorized Agent. At the time of reclassification written application for a new permit must be made by the applicant to reflect this change. The appropriate fee shall accompany the application. Any such establishment shall be subject to the Initial Permit procedure as described in Section VI of these regulations.

**I.** Permits shall be posted with the most current Rating in a conspicuous location clearly visible to the public.

## **V. Limited Permits**

**A.** Any nonprofit organization such as a church, civic club, fraternity, and/or charitable group that owns and /or operates a facility that is used periodically for food preparation and/or service shall make written application for

a Limited Permit on forms provided by the FVHD. Such application shall include the name of the organization, contact person(s), and a summary of expected events to be held during the year.

**B.** Prior to approval of an application for a Limited Permit, the FVHD shall inspect the establishment to determine compliance with the Farmington Valley Health District Regulations, and the Regulations of Connecticut State Agencies.

**C.** If the establishment passes the inspection referred to in subsection (B) of this section, the Farmington Valley Health District shall issue a Limited Permit to the organization owning or operating the facility. The Limited Permit shall be valid for one year and renewed annually upon application by the non-profit organization. Such non-profit facilities shall not be subject to the Initial Permit procedure as described in Section VI of these regulations.

**D.** Establishments receiving limited permits shall be exempt from the requirement to post Ratings.

## **VI. Initial Permits**

**A.** A pre-operational inspection shall be conducted by the Director of Health or Authorized Agent to determine compliance with the approved plans and specifications, the requirements of the Farmington Valley Health District Regulations, and the Regulations of Connecticut State Agencies. If the food service establishment passes the pre-operational inspection, the Farmington Valley Health District shall issue an Initial Permit to operate the establishment for a period of time not to exceed thirty (30) days. The issue date of an Initial Permit shall be on the day of the pre-operational inspection. An Initial Permit shall be replaced with an Annual Food Service Permit if the facility and operations are deemed compliant with the Farmington Valley Health District Regulations and the Regulations of Connecticut State Agencies requirements at the time of an inspection during the Initial Permit period. The failure of the Farmington Valley Health District to inspect the food service establishment within the thirty (30) day period shall result in the automatic extension of the Initial Permit until the next inspection.

**B.** If the Director of Health or the Director's Authorized Agent determines that the food service establishment is non-compliant with FVHD Regulations and/or the Connecticut Public Health Code requirements at the time of inspection during the thirty (30) day Initial Permit period, the FVHD may renew the Initial Permit for an additional thirty (30) day period. Failure of the food service establishment to achieve a passing score at the time of inspection during this extension period may result in the suspension of the Initial Permit and the institution of the enforcement provisions listed under Section XIII of these regulations.

## **VII. Temporary Permits**

**A. A completed application should be submitted no less than 14 days before the event.** The application for a temporary food service establishment shall include contact information, the dates the event will be held, primary food handlers, proposed menu, sources of food and a sketch showing the location of food storage and dispensing equipment. The appropriate fee shall be submitted in accordance with the Farmington Valley Health District Fee Schedule. If the proposed location is served by a well, a water analysis shall accompany the application verifying that the water meets the requirements of the Regulations of Connecticut State Agencies.

**B.** Permits issued to temporary food service establishments shall be issued for a period of time not to exceed fourteen (14) consecutive days and shall be limited to a one-time renewal.

**C.** Establishments receiving temporary permits shall be exempt from the requirement to post Ratings.

**D.** Failure to comply with the above could result in the food service operation(s) being excluded from the event.

### **VIII. Plan Review**

**A.** Whenever a food service establishment is constructed or an existing food service establishment is altered for use as a food service establishment, properly prepared plans and specifications for such construction or alteration shall be submitted to the Farmington Valley Health District for review and approval before construction or alteration is begun. Plans and specifications shall include the proposed layout, arrangement, and construction of all areas within the food service establishment and the type and model of all proposed equipment. All such equipment shall be NSF (National Sanitation Foundation) approved or equivalent. Plans and specifications shall be submitted with an application for review of such plans with the appropriate fee as stipulated in the Farmington Valley Health District fee schedule. Such application shall include proposed number of seats, proposed class, a proposed menu, water analysis verifying that the water meets the requirements of the public health code, documentation regarding septic system maintenance and/or design, and evidence of the employment of a Qualified Food Operator.

**B.** In no case shall renovations or alterations be made in an existing food service establishment without the permit holder or Qualified Food Operator obtaining approval of such plans from the Farmington Valley Health District.

### **IX. Inspections**

**A.** All food service establishments shall be inspected by the Director of Health, Registered Sanitarian, or an Authorized Agent of the Director of Health, if such director, sanitarian, or agent has been certified by the Commissioner of Public Health. As many additional inspections or re-inspections shall be conducted as are necessary to enforce the Regulations of Connecticut State Agencies in the effort to protect the health of the public.

**B.** All food service establishments shall maintain a copy of the most recent inspection report at the permitted food service establishment. Upon request, the report will be available for review by the certified food service inspector.

### **X. Ratings and Inspections**

**A.** A Rating shall be provided by the Director of Health or Authorized Agent to the food service establishment's Qualified Food Operator or Designated Alternate with the inspection report during each

inspection. Ratings shall be based in sum or in part on the following factors: the absence/presence of Critical Violations that are likely to cause food borne illness, the absence/presence of chronic violations of the Regulations of Connecticut State Agencies, the facility inspection history and efforts to correct previously noted violations, the training and demonstrable knowledge of food service personnel, and/or overall sanitary conditions in the facility at the time of inspection.

**B.** A food service establishment shall receive a Rating during an inspection as follows:

1. **Good:** A food service establishment shall receive a Good Rating when safe food handling practices were observed at the time of inspection and the facility was found to be in considerable compliance with the factors outlined in Section X (A)
2. **Fair:** A food service establishment shall receive a Fair Rating when the minimum requirements of the Connecticut Public Health Code were met at the time of inspection but improvements were needed in the food handling practices of food service personnel and the factors outlined in Section X (A).
3. **Poor:** A food service establishment shall receive a Poor Rating when chronic and/or critical violations that are likely to cause food borne illness were evident at the time of inspection, or the facility received a score below eighty (80) or had one (1) or more four (4) point demerit items in violation, or was not in compliance with the factors outlined in Section X (A).

**C.** All food service establishments must post their most current Rating provided during the inspection by the Director of Health or Authorized Agent. The Rating must be posted in a conspicuous location clearly visible to the public near the current permit and remain posted until the next scheduled inspection. If the owner or Qualified Food Operator (QFO), requests a re-inspection in accordance with Section X(D) of these regulations, the Rating does not have to be posted until the requested re-inspection is completed.

**D.** 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 and/or the Rating of the facility. Within 10 (ten) days following receipt of the appropriate Reinspection Fee and a written request for the reinspection including a signed statement itemizing the corrective measures that have been taken, the Director of Health or Authorized Agent shall make an inspection to ensure that the owner or Qualified Food Operator is complying with the requirements of this section. There can only be one request for reinspection made for every regular inspection.

**E.** Ratings are not given with inspections performed for Temporary Events, Limited Permits and Initial Permits

## **XI. Enforcement**

**A.** If a food service facility receives a Poor Rating, or a score below eighty (80), or has one (1) or more four (4) demerit items at the time of inspection, the Authorized Agent shall itemize those items in violation to be corrected within two (2) weeks, whereupon the Agent shall make a complete re-inspection and issue a new inspection report and Rating.

**B.** If a food service facility receives a Poor Rating, or receives a score below eighty (80), or has one (1) or more (4) point demerit items in violation on its re-inspection, the food service permit shall be subject to suspension or revocation in accordance with Sections XII, XIII and XIV of these regulations.

**C.** If a food service facility fails its regular inspections or receives a Poor Rating more than once within one year, the Director of Health or the Assistant Director shall hold a Show Cause Hearing with the owner or Qualified Food Operator. Methods for correcting violations and a timetable for achieving compliance must be submitted in writing by representatives of the food service establishment at the Hearing. If correction is not made in the specified time, the permit will be subject to suspension.

**D.** If a food service facility fails to post the most recent Rating as described under section XIII, of these regulations, the Director of Health shall Order the establishment to post its most current rating. If the Order is not followed, the Director of Health shall suspend the food service permit until such time as the Rating is properly posted.

**E.** If a food service facility receives a Poor Rating and/or fails an inspection within two years of a previous Permit suspension, the Permit will be subject to revocation.

**F.** In the case that a Qualified Food Operator is not employed on-site, except as provided by the Qualified Food Operator replacement provision in section 19-13-B42 (s) (7) of the Regulations of Connecticut State Agencies, the food service establishment has thirty (30) days to comply. If compliance is not achieved within this period, the Director of Health shall take immediate steps to close the establishment.

## **XII. Suspension of Permit**

**A.** The Director of Health may suspend at any time, any permit to operate a food service establishment if the permit holder does not comply with these regulations and/or the requirements of the Regulations of Connecticut State Agencies.

**B.** Prior to such action, the Director of Health shall notify the permit holder in writing with a “Notice of Intent to Suspend” stating the reasons for which the permit is subject to suspension, and advising that the permit shall be suspended at the end of five (5) days following service of such Notice, unless a hearing request is filed within that time in accordance with Section XIV of these regulations. If a Hearing request is received, the Suspension will be held in abeyance until such Hearing is held and a decision is rendered.

**C.** In the event that a hearing request is not made by the permit holder, the suspension shall go into effect after five (5) days have elapsed from the date of the service of the Notice and an ORDER shall be issued by the Director of Health to cease all food service operations. No such operations shall resume without written approval of the Director of Health

**D.** A suspended permit will be reinstated only after a satisfactory re-inspection of the facility and payment of the permit reinstatement fee.

## **XIII. Revocation of Permit**

- A. When serious violations of any of the requirements of these regulations and/or the Regulations of Connecticut State Agencies, are observed which may be considered to pose an imminent health risk to patrons of the establishment, or for interference with the Director of Health or his authorized agent in the performance of their duties, the permit may be revoked and **ORDERS** to close the establishment will be issued by the DOH. The permit holder or person in charge shall immediately cease all food operations, and such operations shall not be resumed without written approval of the Director of Health.
- B. Any Permit holder who has had their Permit revoked shall have an opportunity for a Hearing in accordance with Section XIV of these regulations.
- C. A revoked permit will be reissued only after a satisfactory re-inspection of the facility and payment of the permit reinstatement fee.

#### **XIV. Hearings and Appeals**

- A. Suspension Hearings provided for in this section shall be conducted by the Director of Health at a time and place designated by him, provided a written request for such action is filed with the Director of Health by the permit holder within five (5) days after a **NOTICE OF INTENT TO SUSPEND** has been provided in accordance with Section XII, B. Appeals for Hearings must include a written itemization of corrective measures taken to address those items noted as deficiencies in the NOTICE.
- B. Suspension Hearings must be held within five (5) business days of the receipt of the written Appeal from the permit holder.
- C. A decision as to whether to suspend the permit shall be made within 24 hours of the Hearing. A written report with conclusions and an itemization of any conditions agreed upon at the hearing shall be furnished to the permit holder within five (5) business days of the hearing date unless a decision is made to suspend the permit.
- D. Hearings for permit revocation shall be held if an Appeal is filed with the Director of Health within forty-eight hours of service of the ORDER to close. Hearings shall be held within five (5) days of the receipt of the Appeal which must contain detailed itemization of the corrective measures taken to address deficiencies cited in the ORDER. The establishment shall remain closed in accordance with the ORDER until a decision is made at the Hearing.
- E. Upon the decision of the DOH to suspend or revoke the permit to operate, an ORDER to immediately cease all food preparation and service operations shall be issued. The owner of a food service establishment who is aggrieved by such ORDER of the Director of Health may, within 48 (forty-eight) hours, appeal to the Commissioner of Public Health who shall thereupon immediately notify the authority from whose order the appeal was taken and examine into the merits of such case and may

vacate, modify, or affirm such action. Copies of any such appeals must be filed with the Director of Health.

- F. Show Cause Hearings shall be held by the Director of Health or the Assistant Director when deemed necessary and are required whenever an establishment fails two inspections or receives two Poor Ratings within one year. The QFO and owner of the food service establishment shall be given adequate notification of the time and location of the Hearing and shall provide written documentation as to how compliance with the regulations will be achieved.

**XV. Right Of Entry To Inspect**

The Director of Health or his Authorized Agent, after proper identification, shall be permitted to enter during business hours or at any other reasonable time, any food service establishment for the purpose of making inspections to determine compliance with FVHD Regulations and Regulations of Connecticut State Agencies requirements. The Director of Health or his agent may examine records of the establishment to obtain information pertaining to food and supplies purchased, received or used, persons employed, and employee training records, but not including financial records. Refusal to allow entry to inspect shall result in a presumption that the establishment presents an immediate and substantial hazard to the public health, and the Director of Health shall issue a Notice of Violation/Order of Abatement that requires immediate access to the establishment or the establishment will be ordered to close.

**XVI. Penalties**

Applicable penalties are found in sections 19a-36, 19a-220, and 19a-230 of the Connecticut General Statutes, and sections 19-13-B1&2 of the Regulations of Connecticut State Agencies.

**XVII. Severability**

Should any section, paragraph, sentence, clause, or phrase of this regulation be declared by a court of competent jurisdiction, to be unconstitutional or invalid for any reason, the remainder of the regulation shall not be affected thereby.

**XVIII. Date of Effect**

This regulation shall be in full force and effect on

\_\_\_\_\_, Chairman, Board of Health

Date\_\_\_\_\_.

As amended by the Board on \_\_\_\_\_ (date)

\_\_\_\_\_, Chairman, Board of Health

## ***Appendix 1***

### ***Summary of violations associated with major risk factors***

from the Inspection Report of Food Service Establishments as published by the State of Connecticut  
Department of Public Health (focused inspection 1/2002)

#### **Food Source**

#1. Approved Source, wholesome, nonadulterated

#### **Food Temperature**

#3. Potentially hazardous food meets temperature requirements during storage, preparation, display, service and transportation

#4. Adequate facilities to maintain product temperature, thermometers provided

#### **Personal Hygiene**

#9. Handling of food minimized

#12. Personnel with infection restricted

#13. Handwashing facilities provided (adequate handwashing practiced)

#15. Good hygienic practices

#38. Suitable handcleaner and drying provided

**Cross contamination / Contaminated equipment**

**#7.** Food protected during storage, preparation, display, service and transportation

**#24.** Sanitization rinse (hot water – chemical)

**#25.** Clean wiping cloths

**#26.** Food contact surfaces of utensils and equipment clean

**#30.** Hot and cold water under pressure, provided as required

**Personnel**

**#60.** Qualified Food Operator

**#61.** Designated Alternate

**#62.** Written documentation of training program

**Note:** Any modifications to Appendix 1 would be in accordance with modifications in the regulations or standards as promulgated by the Connecticut Department of Public Health.