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[HISTORY: Adopted by the Town Council of the Town of Stratford 3-11-2002 by Ord. No. 02-02;<sup>1</sup> amended in its entirety 6-13-20005 by Ord. No. 05-15. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Health regulations — See Ch. 120.  
Milk and milk products — See Ch. 137.

ARTICLE I

Definitions; General Provisions

§ 105-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

CATERING FOOD SERVICE — Any service which involves the sale or distribution of food and drink prepared in bulk at one geographic location for service in individual portions at another or which involves preparation and service of food on public or private premises not under the ownership or control of the operator of this service.

FOOD — Everything ingested by human beings as food or drink, including substances containing no food value but which are nevertheless customarily ingested by human beings as food or drink.

FOOD SERVICE ESTABLISHMENT — A place where food is prepared or offered for consumption by the public, whether or not

consumption occurs on the premises where the food is prepared or offered, and regardless of whether there is a charge for the food. The term includes restaurants, delicatessens, caterers, bakeries, grocery stores, non-profit organization kitchens in churches, civic clubs, community centers, health and nursing facilities, academic institutions and other settings where food is prepared and offered to the public. Food establishments shall be classified per the Connecticut Public Health Code which is based upon the degree of risk involved in the operation.

LAVATORY — A room with a toilet and washbasin equipped with hot and cold running water, liquid soap with pump dispenser, disposable towels and/or a mechanical drying device.

MOBILE CATERERS — A mobile unit which offers food or drink at various locations.

RESTAURANT — All establishments dispensing food or drink.

TEMPORARY FOOD SERVICE EVENT — A food service establishment at a temporary event such as a festival or outdoor fair or other similar transitory gathering that operates at a fixed location for a period not to exceed two weeks.

§ 105-2. Compliance required.

No food establishment, restaurant, or mobile unit shall be operated or maintained within the Town except in compliance with the provisions of this chapter and in compliance with the health and sanitary regulations herein contained, and/or contained in the Public Health Code

<sup>1</sup> Editor's Note: This ordinance also repealed former Ch. 105, Food-Handling Establishments, adopted as Arts. I through IV of Ch. 12 of the 1963 Code, as amended.



established by the Commissioner of Public Health pursuant to Sections 19a-36 and 19a-36a of the Connecticut General Statutes, hereinafter "the Connecticut Public Health Code."

**§ 105-3. Cessation of operation for violations.**

Any establishment, or mobile unit dealing in food and drink, within the provisions of this chapter, which fails to meet the requirements of the regulations contained in this chapter and/or contained in the Connecticut Public Health Code may be ordered to cease operation and shall have its license suspended until such time as it meets necessary requirements and is permitted to resume business.

**§ 105-4. License required for sale and/or offering of food to the public.**

- A. No person shall prepare food for sale, sell it, offer to sell it or hold or transport it for sale without having obtained a license from the Town Department of Health for the food establishment or establishments where the business is to be carried on. The same license requirement shall apply to any person offering food to the public whether or not money is exchanged.
- B. Transfer of food service license is prohibited. Any person who assumes ownership of a food service establishment must complete a plan review application to acquire a license from the Health Department before offering or selling food to the public.
- C. Any individual or organization selling or offering food to the public at a temporary event must first

obtain a permit from the Director of Health. An application for a temporary food event permit must be submitted to the Health Department 10 days prior to the event. The applicant must comply with established food sanitation guidelines for temporary food service. The Director of Health may refuse to grant a temporary food event permit if in her/his judgment the applicant is unable to comply with required food protection protocols.

**§ 105-5. Hearing for restoration of suspended license.**

- A. Application for hearing. Any person whose license has been suspended under the provisions of this chapter may request a hearing with the Director of Health at which time he/she shall have an opportunity to show cause why the license should be restored. Upon such request, the Director of Health or his/her authorized agent shall appoint a time and place for a hearing, as soon as conveniently practical, but in no event at a time later than 48 hours after request for a hearing has been received.
- B. Decision. The Director of Health or his/her authorized agent shall be the sole judge as to whether or not necessary requirements of this chapter and the Connecticut Public Health Code have been met and a suspended license shall be restored. If the judgment is that a license shall not be restored, then the suspension shall remain in force until the Director or his representative shall determine that the restoration of such license would not endanger the public health or safety.



- C. Additional hearing. If the judgment is that a license shall not be restored, the licensee may, after a reasonable time, apply for another hearing. Such application shall be accompanied by an affidavit stating what action has been taken to eliminate the unsanitary condition since the previous hearing or what new occurrences have eliminated the unsanitary condition. If, in the opinion of the Director of Health or his/her authorized agent, the allegations set forth in the affidavit might justify restoration of the license, if true, the Director or his/her authorized agent shall order another hearing at a time not more than 96 hours from the time such application for another hearing is received. If it is the judgment that the license shall not be restored, then the suspension shall remain in force until the Director of Health or his/her authorized agent shall determine that the restoration of such license will not endanger the public health or safety.
- D. Number of hearings not limited; costs. There shall be no limitation as to the number of hearings an applicant may have, but the Director of Health may deny any request for a hearing or refuse even to act upon such request after two hearings have been had, unless the applicant shall pay the reasonable costs of such hearings as have been had and submit a bond to cover the costs of the hearing for which the application is made.

#### § 105-6. Appeals to Court.

- A. Any person who has been aggrieved by administrative action under the

provisions of this chapter may appeal to the Superior Court of the State of Connecticut for appropriate relief under the following circumstances:

- (1) If the refusal to issue a license is arbitrary and unreasonable and in abuse of the discretion of the Director of Health, but not otherwise.
  - (2) If the action of the Director of Health or his/her authorized agent in the proceedings authorized by § 105-5 is arbitrary and unreasonable and an abuse of discretion, but not otherwise.
- B. No person shall be deemed to have exhausted his administrative remedies under § 105-5 until at least two hearings have been held or two applications for a hearing have been denied or not acted upon.

#### § 105-7. Inspection of premises.

The Health Department Inspector may inspect all food establishments as often as deemed necessary and at any time in accord with the schedule stipulated in the Connecticut Public Health Code.

#### § 105-8. Equipment.

Equipment in all food service establishments and mobile catering units must be certified by the American National Standard Institute (ANSI).

#### § 105-9. Penalties for offenses.

- A. Penalty for not having license. Any person who prepares for sale, sells, offers to sell, holds or transports for sale, or offers to the public any food



in the Town without a license shall be fined not more than \$100. Each sale or offer to sell made by a person whose license is under suspension shall be considered a separate violation of this section. Any person who assumes ownership of a food service establishment and proceeds to offer or sell food to the public without first obtaining a license from the Health Department shall be subject to the same penalty. This penalty is in addition to any other penalties provided for or powers bestowed upon municipal health authorities and/or the Director of Health pursuant to Chapter 368e of the Connecticut General Statutes and the Connecticut Public Health Code.

- B. Any licensed food establishment that fails an inspection and requires a follow-up inspection to ensure compliance shall be subject to a reinspection fee. A late charge will be assessed if the reinspection fee is not paid within 30 days.
- C. Any food service establishment that fails a reinspection shall be subject to additional reinspection fees.

## ARTICLE II Employee Health; Health Requirements

### § 105-10. Required policies.

- A. All licensed food service establishments shall have a written policy which prohibits employees with respiratory and other communicable diseases from preparing and/or serving food.

- B. All licensed food service establishments shall have a written infection control policy that describes the procedures to follow when an employee has an injury such as a cut or abrasion that could lead to contamination of food with bodily fluids.

### § 105-11. Lavatories.

Water-flush toilets in an enclosed lavatory with a system of sewage disposal approved by the Director of Health must be provided for the use of employees. Where food is consumed on the premises by patrons, separate lavatories must be provided for men and for women, except that where public seating capacity is 12 or fewer, as determined by the State Building Code, a single, unisex lavatory may be provided. Access to a public lavatory must not be by way of any portion of the food preparation area. The doors to all lavatories shall be equipped with automatic closing devices. No lavatory shall open directly off the kitchen, nor shall a lavatory be so located that flies have ready access from it to the food preparation area. The number, type and location of lavatories shall comply with the Building Code and the Public Health Code of the State of Connecticut.

### § 105-12. Hand washing required.

Adequate and convenient hand-washing facilities shall be provided, including hot and cold water, liquid soap with a pump dispenser and approved sanitary towels or mechanical drying device. The use of a common towel is prohibited. No employees shall resume work after using the lavatory without first washing his/her hands.

**§ 105-13. Use of certain cleansers prohibited.**

No article, polish or other substance containing any cyanide preparation or other poisonous material shall be used for the cleansing or polishing of utensils.

**§ 105-14. Approved bactericidal / sanitizing processes.**

The following bactericidal/sanitizing processes are approved:

- A. All bactericidal/sanitizing processes approved by the U.S. Food and Drug Administration Food Code and the Connecticut Public Health Code shall be permissible.
- B. If bactericidal/sanitizing solutions are found to exceed the maximum allowable concentrations, the solution shall be considered toxic and debited accordingly on the inspection report.

**§ 105-15. Refuse containers.**

A. Mass storage receptacles or containers which are used to store garbage or other waste material shall comply with the following criteria:

- (1) Containers must be situated on a minimum of a four-inch concrete pad with proper drainage, unless otherwise approved by the Director of Health, and such surfaces must be kept free of all garbage, litter and other refuse material.
- (2) Containers must be maintained in a clean and sanitary condition acceptable to the Director of Health.

- (3) Containers must be structurally sound and watertight so as to prohibit leakage of contents, and also be rodent-proof and insect-proof.
- (4) Containers must have tight-fitting lids which are kept closed at all times, with locking devices when so ordered by the Director of Health.
- (5) Containers must have sufficient capacity to meet the needs of the establishment or facility that is using the receptacle.
- (6) Containers must be enclosed with chain link fencing equipped with privacy slats.

B. Food service establishments must take all practical measures to minimize the odor and noise affecting surrounding premises, and to protect their health and safety, including the routine cleaning and sanitizing of containers and surrounding areas, preventing overflow of receptacles, and keeping lids closed at all times.

C. Any food service establishment that violates the provisions of this section shall be subject to a fine of \$100 for each day that the violation is documented to occur by the Health Department.

**§ 105-16. Vehicles.**

All vehicles used in the transportation of food or food products of all kinds shall be kept in a clean and sanitary condition:

- A. All food shall be kept off the floor.
- B. National Sanitation Foundation or equivalent approved shelving must be used.



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- C. Food shall be held in National Sanitation Foundation or equivalent approved hot and cold holding units.

- B. Food service licenses shall not be transferred to subsequent operators/owners.

ARTICLE III  
Qualified Food Operators

§ 105-17. Employment of qualified food operator required.

- A. All Class III and IV food service establishments must employ a qualified food operator (QFO) per the Connecticut Public Health Code.
- B. No food service entity shall be issued a license to operate in a Class III or IV category until they have retained a full-time QFO in a supervisory capacity and documentation has been provided to the Health Department.
- C. Any licensed food service establishment that wants to change classification must notify the Health Director in writing and receive written approval from the Health Department to make the change. Any Class I or II establishment that wants to convert to a Class III or IV must first retain a full-time QFO in a supervisory capacity and receive approval from the Health Department.
- D. The QFO for each Class III and IV establishment must submit an employee training manual that meets Health Department requirements.

§ 105-18. License required.

- A. No food service establishment shall be maintained in the Town unless licensed by the Director of Health, with the exception of state operated and supervised facilities.

§ 105-19. Inspection of premises; issuance and display of license.

The Director of Health or authorized agent shall inspect the premises described in the application for license and, if the same is maintained and equipped in accordance with the rules and regulations governing sanitation of establishments dispensing food or beverages prescribed in this chapter and in the State of Connecticut Public Health Code, shall grant the license, which shall be signed by the Director of Health. Such license must be framed and posted in a conspicuous location within easy reading distance of patrons within the licensed premises.

§ 105-20. License fee; renewal.

- A. An annual fee shall be charged for such licensing of such food service establishments based upon a schedule determined by the Director of Health. A plan review shall be required prior to issuing a food service license as deemed necessary by the Director of Health or his/her authorized agent.
- B. A license not renewed on the date it becomes due may be renewed on or before the 10th day following such renewal date on the payment of a late charge as determined by the Director of Health in addition to the annual fee. Failure to renew a license within the specified ten-day extension will result in an immediate and indefinite loss of the license and closure of the establishment.



- C. Any person who purchases an existing food service establishment shall submit a plan review application which must be approved by the Health Department to obtain a new license under their name and pay the required fee before offering or selling food to the public.
- D. The Director of Health shall establish and levy fees for temporary food event permits including a nominal charge for volunteer and nonprofit entities. Applications must be submitted to the Health Department two weeks prior to the event.

**§ 105-21. Suspension or revocation of license.**

Such license may be temporarily suspended by the Director of Health upon the violation by the holder, of any of the terms of this chapter, or of the Connecticut Public Health Code, or revoked after an opportunity for a hearing by the Director of Health.

**§ 105-22. Periodic inspections; order to correct.**

The Director of Health or authorized agent shall inspect all licensed food service establishments per the schedule mandated by the Connecticut Public Health Code and additionally as needed and at any time. If the Director of Health or his/her authorized agent finds that any food service establishment maintained and operated by any person licensed hereunder is not being maintained, operated or equipped in accordance with the provisions of this chapter, or the Connecticut Public Health Code, the Director of Health shall issue an order to the licensee forthwith to take such measures as are necessary for full

compliance with the provisions of this chapter and/or to comply with the Connecticut Public Health Code.

**§ 105-23. Noncomplying food service establishments declared nuisances.**

Any food service establishment operated in the Town not complying with the requirements of this article shall be declared a nuisance.

**ARTICLE IV  
Catering**

**§ 105-24. Out-of-town catering services.**

Out-of-town catering services operating in Stratford must obtain a license from the Director of Health before selling or offering food to the public. All such caterers must show proof of licensure by the Health Department in their primary business location and provide a copy of the most recent health inspection report on their catering facility, as well as a copy of their QFO certificate and be in compliance with the State Public Health Code.

**ARTICLE V  
Unfit Food**

**§ 105-25. Inspection of premises.**

Dealers in food and all other substances used or intended to be used for human consumption and their agents and all persons engaged in the transportation thereof shall permit the Director of Health and his/her authorized agent freely and fully to inspect the premises and all parts of the establishment and all cattle, meat, fish, vegetables, milk and other food and all other substances used or intended to be used for





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human consumption and all utensils and equipment of the establishment.

**§ 105-26. Presumption of evidence.**

Any meat, fish, vegetable, milk or other food in the possession of or held or kept by, a food service establishment on the premises where such food dealer conducts business shall, prima facie, be deemed to be possessed, held or kept with intent to sell for human consumption.

**§ 105-27. C o n d e m n a t i o n   a n d  
destruction of unfit food.**

Any meat, fish, poultry, vegetables or milk or other food or drink found by the

Director of Health or authorized agent in a condition which renders it unfit for use as human food shall be condemned and caused to be denatured and may be destroyed or removed.

**§ 105-28. Possession of unfit food with intent to sell prohibited.**

No person shall, either as principal or agent, sell, offer, exhibit for sale or have in his possession, charge or control with intent to sell any meat, fish vegetables, milk or any article of human food or drink, either raw, manufactured or otherwise prepared, which is putrid, decayed, infected, contaminated or unwholesome for human consumption or has been condemned by the Director of Health or authorized agent.