

Chapter 10

**FOOD AND FOOD ESTABLISHMENTS\***

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\***Charter references**—Authority to regulate sale of meat, milk, vegetables, butter, margarine, produce or food of any kind, § 536; inspection of meat, food and milk, § 2135.

**Cross references**—Garbage, trash and refuse, Ch. 11; health, Ch. 12; licenses, permits and miscellaneous business regulations, Ch. 14.



## ARTICLE I. IN GENERAL

### Sec. 10-1. Inspection—Food dispensers.

The board of health, by its duly authorized representatives, shall inspect all soda fountains, restaurants, hotels, meat or grocery stores or other places where produce or provisions for human consumption are sold or offered for sale at intervals established by regulations of the board of health within guidelines issued by the state board of health or at least once in three (3) months.

(Code 1970, § 11-7; Ord. of 6-74)

### Sec. 10-2. Same—Food and drink; full and free access; examination and condemnation.

(a) *Inspections authorized.* The director of health, any sanitarian or any duly authorized representative of the board of health is hereby authorized to inspect, take samples of and examine any food, drink and other substances used or intended to be used for human consumption as often as may be necessary for the detection of unwholesomeness or adulteration.

(b) *Free inspections required.* All dealers in food, their agents and all persons engaged in the transportation of food or drink shall upon request of any duly authorized representative of the board of health fully and freely permit any such inspection.

(c) *Condemnation of unfit food.* The director of health, any sanitarian or any duly authorized representative of the board of health shall condemn, forbid the sale of and cause to be denatured when possible, or cause to be removed or destroyed any food or drink found, after inspection, to be unfit for human consumption.

(Code 1970, § 11-8)

### Sec. 10-3. Sale of unfit food or drink prohibited.

No person shall sell, offer or exhibit for sale, or have in his possession with the intent to sell, any meat, fish, vegetables, milk or any other article of food or drink for human consumption, either raw,

manufactured or otherwise prepared, which is putrid, decayed, infected, contaminated or unwholesome.

(Code 1970, § 11-9)

### Sec. 10-4. Possession of food as prima facie evidence of intent to sell.

Any meat, fish, vegetables, milk, or other food-stuffs or drink in the possession of, held or kept by a dealer in food or drink shall be prima facie evidence of intent to sell any such article for human consumption.

(Code 1970, § 11-10)

### Sec. 10-5. Establishments and premises to be maintained in sanitary condition.

Any person who owns, operates, leases or occupies any establishment in which food or drink intended for human consumption is stored, kept or offered for sale shall maintain such establishment and its surrounding premises in a clean and sanitary condition. Any such establishment shall be deemed to be in an unclean, unhealthful and insanitary condition when any food or drink therein is not reasonably and securely protected from flies, dust, dirt or any other contaminating agents.

(Code 1970, § 11-11)

### Sec. 10-6. Sanitary storage, display and transporting of food and drink required.

All food and drink intended for human consumption shall be so kept, sold or offered for sale, displayed and transported as to be protected from dust, dirt, flies and other contamination. All containers and receptacles in which food or drink is kept shall be maintained in a clean and sanitary condition. Ice boxes and refrigerators in food stores and restaurants shall at all times be kept in a clean and sanitary condition.

(Code 1970, § 11-12)

### Sec. 10-7. Food and drink to be elevated above ground.

All meats, vegetables, fish or any other food or drink intended for human consumption shall be kept at least two and one-half (2½) feet above the

floor, sidewalk or ground whether such merchandise is on display or deposited on delivery or otherwise.

(Code 1970, § 11-13)

**Sec. 10-8. Protection against entry of flies.**

During the season when flies are prevalent, all openings to the outer air from establishments where food is sold, stored, offered for sale, handled or prepared, shall be effectively screened and doors shall be self-closing, unless other effective means approved by the director of health are provided to prevent the entrance of flies.

(Code 1970, § 11-14)

**Sec. 10-9. Establishments and adjacent living quarters; construction requirements.**

No establishment where food is sold or prepared shall open directly into any room used as living or sleeping quarters or toilet, unless properly separated by a finished wall or walls and the opening connecting same is fitted with a self-closing door opening outward from the restaurant or store.

(Code 1970, § 11-15)

**Sec. 10-10. Preparation or storage of food in sleeping quarters prohibited.**

No person shall sell, offer or exhibit for sale, or have in his possession, charge or control with intent to sell for human consumption, any article of food or drink which has been manufactured, prepared or stored in any living or sleeping quarters or toilet room.

(Code 1970, § 11-16)

**Sec. 10-11. Procedure when infection or disease suspected.**

When reasonable suspicion arises as to the possibility of transmission of infection or communicable disease from any person employed in or about any establishment or business in which food or drink is manufactured, prepared, sold or served to the public, the director of health is authorized to require such person to immediately cease such employment until such time as satisfactory evidence of good health has been filed with

him. Such evidence of good health shall include a certificate of examination by a reputable and competent physician, including microscopic or other scientific tests recognized as reasonably necessary aids to establish a diagnosis.

(Code 1970, § 11-17)

**Sec. 10-12. Bread to be properly wrapped.**

No person shall sell, distribute or transport any bread in loaf form which is not properly enclosed in a sanitary wrapper.

(Code 1970, § 11-20)

**Sec. 10-13. Food in used wrappings prohibited.**

No person shall wrap food products in newspapers, old sacks or any paper or wrapper which has been previously used.

(Code 1970, § 11-21)

**Sec. 10-14. License to deal in, manufacture or process food or drink required; duration; nontransferable; fees for issuance.**

(a) No person shall conduct, operate or maintain any establishment dealing in or manufacturing and/or processing any food or drink used or intended to be used for human consumption or to be offered for sale either at retail or wholesale without first obtaining a license therefor from the health department.

(b) All such licenses shall be issued for a period of one (1) year and shall run from July first to June thirtieth of the following year.

(c) Licenses issued for any such establishment shall not be transferred or assigned.

(d) Every applicant for any such license shall pay a fee or fees for each such establishment in accordance with the following schedule:

Retail establishments, including bakeries, annually . . . . .	\$100.00
Wholesale establishments, annually . . . . .	125.00
Meat processing establishments, annually . . . . .	125.00

In addition to such annual license, new establishments shall pay a plan review fee of fifty dollars (\$50.00).

(Ord. of 11-95; Res. No. 30847-2, 1-27-10)

**Editor's note**—An ordinance adopted in Sept., 1995, repealed former § 10-14, relative to a license to deal in, manufacture or process food or drink, which derived from Code 1970, § 11-6; § 1 of an Ord. of 9-86 and § 2 of an Ord. of 4-90. An ordinance adopted in Nov., 1995, adopted a new § 10-14 to read as herein set out.

**Sec. 10-15. Self-service foods.**

(a) The following definitions shall apply in the interpretation and enforcement of this section:

*Potentially hazardous food* means any food that consists, in whole or in part, of milk, milk-products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

*Preservative* means something that has the power of preserving; an additive used to protect against decay, discoloration or spoilage.

*Raw consumption* means food to be consumed raw; foods that are not cooked nor have any additives.

*Trained food handler* means one who undergoes a training program and has basic knowledge and skills in temperature control, food handling and food sanitation.

(b) All standards and regulations promulgated by the State of Connecticut relative to the regulation of self-service foods as are presently in existence or as may be later promulgated are hereby adopted and incorporated herein.

(c) In addition to standards and regulations promulgated by the State of Connecticut, the following standards and regulations shall apply:

- (1) No potentially hazardous food shall be made available in self-service containers or displays provided, however, that a food service may apply to the board of health for an exception which exception shall be granted upon a showing that the food service will satisfactorily comply with rules

and regulations adopted by said board of health governing the display and handling of potentially hazardous food.

- (2) Potentially hazardous food, when made available for consumption, shall be prepared, served or packaged by trained food handlers, provided, however, that the board of health may grant an exception to this requirement if the food service makes a showing that it will satisfactorily comply with rules and regulations adopted by said board of health governing the display and handling of potentially dangerous food.

(3) Any foods intended for raw consumption from a self-service container or display unit shall be labeled as follows:

- a. Any food composed of more than one ingredient shall have a sign listing all ingredients contained therein;
- b. Any food containing a preservative must have a sign listing the preservative or, if no preservative has been added, a sign so stating.

(d) The board of health shall, after public hearing, adopt and amend rules and regulations governing the display and handling of potentially hazardous food which rules and regulations shall have the force and effect of law, upon approval by a majority vote of the common council.

(e) No person shall conduct, operate or maintain a salad bar without first obtaining a license therefor from the health department. The annual fee for such license shall be twenty-five dollars (\$25.00).

(Ord. of 9-85; Ord. of 11-86; Ord. of 4-90, § 3)

**Secs. 10-16—10-25. Reserved.**

**ARTICLE II. EATING AND DRINKING ESTABLISHMENTS**

**DIVISION 1. GENERALLY**

**Sec. 10-26. Definitions.**

As used in this article:

*Dealer in food* shall be used in the context in which it appears and shall include retail and wholesale bakeries, meat, grocery, produce, confectionery, delicatessen or fish markets.

*Food establishments* shall mean and include any restaurant, buffet, lunch room, grill room, lunch counter, dining room, hotel, tavern, mobile commissary unit, temporary food service establishment, catering kitchen and commissary for food service vending machines, and any other public places where food or drink is served, sold and consumed on the premises, or any such place where food is prepared for ultimate consumption in a public eating establishment.

(Code 1970, § 11-1; Ord. of 9-95)

**Cross reference**—Definitions and rules of construction generally, § 1-2.

**Sec. 10-27. Cleaning and bactericidal treatment of utensils.**

(a) All multi-use eating and drinking utensils used at places dispensing food or drink shall be washed after each usage until clean to the sight and touch in warm water between one hundred and ten (110) and one hundred and twenty (120) degrees Fahrenheit containing soap or alkali cleaner.

(b) After cleansing, all multi-use eating and drinking utensils shall be placed in wire cages and subjected by immersion for at least five (5) minutes to the bactericidal action of water heated to a minimum of one hundred seventy (170) degrees Fahrenheit. Bactericidal treatment employed by the use of chemicals, ultraviolet light, or any other method approved by the director of health shall also be acceptable.

(c) All multi-use utensils used in the preparation or serving of food and drink shall be thoroughly cleaned and effectively subjected to an approved bactericidal process immediately following the day's operation.

(Code 1970, § 11-18)

**Sec. 10-28. Storage and handling of utensils.**

(a) After bactericidal treatment, utensils shall be stored in a clean, dry place protected from flies, dust and other contamination, and shall be handled in such a manner as to prevent contamination as far as practicable.

(b) Single service utensils used for serving food or drink shall be stored in a sanitary manner protected from dust, flies and other contamination.

(Code 1970, § 11-19)

**Secs. 10-29—10-35. Reserved.**

**DIVISION 2. LICENSES**

**Sec. 10-36. Required to operate.**

No person shall conduct, operate or maintain any food establishment without first obtaining a license therefor from the board of health.

(Code 1970, § 11-2; Ord. of 9-95)

**Sec. 10-37. Classifications of food establishments; fees for issuance of licenses; duration; inspection intervals; reinspection fees; late charge.**

(a) All licenses to conduct, operate or maintain any food establishment shall be issued for a period of one (1) year beginning July 1 and ending June 30 of the following year, except that any license issued after July 1 of any year shall expire as of the June 30 following the date of issuance of such license.

(b) Food establishments shall be classified as follows:

(1) *Class I establishment* — Food service establishment with commercially prepackaged food and/or hot or cold beverages only. No preparation, cooking or hot holding of potentially hazardous foods is included, except that commercially packaged precooked foods may be heated and served in the original package within four (4) hours; e.g., cold commercially packaged sandwiches and sandwich meat and cheeses, pastries, confectioneries, snacks, popcorn, pretzels, donuts, coffee, tea, soft drinks, etc.

(2) *Class II establishment* — Food service establishment using cold or ready to eat commercially processed food requiring no further heat treatment and/or hot or cold

beverages. No cooking, heating or hot holding of potentially hazardous foods is included, except that commercially packaged precooked foods may be heated and served in the original package within four (4) hours, and commercially precooked hot dogs, kielbasa and soup may be heated if transferred directly out of the original package and served within four (4) hours; e.g., cold deli sandwiches, salads, commercially prepared, processed and packaged sandwiches, hot dogs, kielbasa, soups, coffee, tea, soft drinks, etc.

- (3) *Class III establishment* — Food service establishment having on the premises exposed potentially hazardous foods that are prepared by hot processes and consumed by the public within four (4) hours of preparation; e.g., hot meat sandwiches, pizza, soups, seafood, etc.
- (4) *Class IV establishment* — 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; e.g., meats, poultry, eggs, seafood, dairy, etc.

(c) Food establishments shall be inspected at the following intervals:

- (1) Class I establishment — 360 days;
- (2) Class II establishment — 180 days;
- (3) Class III establishment — 120 days;
- (4) Class IV establishment — 90 days;
- (5) Temporary food service establishment — At intervals based on the applicable class of the establishment.

(d) Every applicant for a license to conduct, operate or maintain a food establishment shall pay a fee or fees for such establishment in accordance with the following schedule:

- (1) *Class I establishment*:
  - a. Fixed establishment — One hundred ten dollars (\$110.00) per year, or part thereof.

b. Mobile establishment — Fifty dollars (\$50.00) per year, or part thereof.

(2) *Class II establishment*:

- a. Fixed establishment — One hundred forty-five dollars (\$145.00) per year, or part thereof.
- b. Mobile establishment — Eight-five dollars (\$85.00) per year, or part thereof.

(3) *Class III establishment*:

- a. Fixed establishment — One hundred eighty dollars (\$180.00) per year, or part thereof, plus two dollars (\$2.00) per seat for each seat in excess of thirty-five (35).
- b. Mobile establishment — One hundred fifteen dollars (\$115.00) per year, or part thereof.

(4) *Class IV establishment* — Two hundred fifteen dollars (\$215.00) per year, or part thereof, plus two dollars (\$2.00) per seat for each seat in excess of thirty-five (35).

(5) *Temporary food service establishment* — Twenty dollars (\$20.00) per day up to a maximum of one hundred dollars (\$100.00) per year.

(e) Late charge for food establishment licensing fee. There shall be a thirty dollar (\$30.00) late charge for any food establishment licensing fee not received by June 30. In addition, there shall be an additional thirty dollars (\$30.00) charge for each additional thirty-day period that the fee remains delinquent.

(f) Reinspection fee. In the event that a food establishment shall require a reinspection as a result of having failed to attain a passing grade on the initial inspection (4 pt. item(s) not corrected or previous grade below 80), such food establishment shall be required to pay a reinspection fee of one hundred dollars (\$100.00) for each required reinspection.

(g) All new or extensively remodeled food establishments must undergo a plan review before beginning operation. A fee of one hundred twenty-five dollars (\$125.00) is to be paid for each plan review.  
(Code 1970, § 11-3; Ord. of 9-95; Ord. No. 27823, 4-28-04; Res. No. 28693-2, 8-18-05; Res. No. 30847-2, 1-27-10; Res. No. 32711-2, 5-28-14)

**Sec. 10-38. Display; nontransferable.**

(a) All licenses issued to conduct, operate or maintain any eating or drinking establishment shall be displayed in a conspicuous place on the premises of the licensee's place of business.

(b) Licenses issued to conduct, operate or maintain any such establishment shall not be assigned or transferred.  
(Code 1970, § 11-4)

**Sec. 10-39. Revocation and suspension.**

Any license issued to conduct, operate or maintain any eating or drinking establishment may be revoked or suspended by the director of health whenever the licensee violates any ordinance or state regulation covering sanitation of public eating and drinking establishments. Such revocation or suspension shall be made only after notice and hearing.  
(Code 1970, § 11-5)

**Secs. 10-40—10-50. Reserved.**

**ARTICLE III. SELF-SERVICE FOOD OR BEVERAGE VENDING MACHINES**

**Sec. 10-51. Definitions.**

As used in this article, "self-service food or beverage machine," shall mean any vending machine offered for public use which upon the insertion of a coin, coins or token, or by other means, dispenses unit servings of food or beverages either in bulk or package without replenishing the device between each vending operation.  
(Code 1970, § 11-77)

**Cross reference**—Definitions and rules of construction generally, § 1-2.

**Sec. 10-52. Certain beverages exempt from article.**

Machines vending only beverages in sealed cans or bottles, other than milk or milk products, shall be exempt from the provisions of this article.  
(Code 1970, § 11-78)

**Sec. 10-53. License—Required.**

No person shall engage in the operation of, or operate or maintain any self-service food or beverage vending machine without first obtaining an operator's license therefor from the department of health.  
(Code 1970, § 11-79)

**Sec. 10-54. Same—Application; contents; fees.**

(a) Applicants for a license to operate a self service food or beverage vending machine shall file with the department of health a sworn application in writing on forms provided by the department of health. Such applications shall contain the following information:

- (1) Applicant's full name, residence and post office address and whether such applicant is an individual, firm or corporation. If the applicant is a partnership, the names and addresses of the partners shall be included.
- (2) Location of the commissary and of other establishments where supplies are kept and where vending machines are repaired or renovated.
- (3) Identity and form of the products to be dispensed through the vending machine and the number and location of each such type vending machine in his possession.
- (4) Signature of the applicant.

(b) Each applicant for such a license shall pay a fee or fees for each machine as follows:

Food or beverage, annually . . . . .	\$10.00
Ice machine, annually . . . . .	25.00

(Code 1970, § 11-80; Ord. of 4-90, § 4)

**Sec. 10-55. Same—Number to be conspicuously displayed.**

The operator's license number, of a size and style approved by the department of health, shall be conspicuously displayed upon each self service food or beverage vending machine operated by him.

(Code 1970, § 11-81)

**Sec. 10-56. Same—Qualification required to receive and retain.**

Only persons who comply with the provisions of the Public Health Code of the state, section 19-13-B52, and this article shall be entitled to receive and retain the license required under this article.

(Code 1970, § 11-82)

