

Sec. 12-1. GENERALLY.
Purpose and Authority.

**CHAPTER 12. Food and
Food Establishments**

Sec. 12-3. License Required.

**CHAPTER 12. ARTICLE 1. FOOD AND FOOD
ESTABLISHMENTS**

Sec. 12-1. GENERALLY. Purpose and Authority.

This chapter shall be liberally construed and applied to promote its underlying purpose of protecting the public health by regulating the storage, preparation, processing, sale and service of food consistent with Sec. 19-13-B40, Sec. 19-13-B42, Sec. 19-13-B48, Sec. 19-13-B49 and other sections of the Public Health Code of the State of Connecticut.

Sec. 12-2. Definitions.

- (a) Director of Health means the local Director of Health or his authorized agents.
- (b) Authorized Agent means an individual certified to inspect food service establishments by the State of Connecticut, and designated to do so by the Director of Health.
- (c) Approved means acceptable to the Director of Health, based on a determination that the source of food, the plans for the facility, and/or the storage, preparation, processing, sale and service of a food establishment is in conformance with the requirements of this chapter, the Public Health Code of the State of Connecticut, and/or good public health practices.
- (d) Food means any raw, cooked or processed edible substance, ice, beverage or ingredient used or intended for human consumption, except produce sold at temporary vegetable stands, carts, or other vehicles on a seasonal basis.
- (e) Food Establishment means any cart, truck, stand, vehicle or place where food intended for human consumption is manufactured, prepared, stored, offered for sale, or served. The term includes, but is not limited to the following: (1) food service operation, (2) catering operation, and (3) itinerant food vending establishment. These terms expressly exclude private homes where food is prepared and served for consumption by members of the particular household wherein such food has been prepared and served.
- (f) Food Service Operation means any operation where food is sold, stored, prepared, and/or served to the public.
- (g) Catering Operation means any operation involved in the sale and/or distribution of food prepared in bulk in one location for service in individual portions at another, or, which involves preparation and/or service of food on public or private premises not under the ownership or control of the operator of such service.
- (h) Itinerant Food Vending Establishment means a food vending business as defined in Sec. 19-13-B48 (a) (7) of the Regulations of Connecticut State Agencies.

ARTICLE 2 LICENSE REQUIREMENTS.

Sec. 12-3. License Required.

- (a) No person shall operate a food establishment within the Town of East Hartford without first having obtained a license from the Director of Health.
- (b) No license shall be issued without the prior written approval of the Director of Health. The duration of such license shall be for one (1) year except as

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provided in Sec. 12-7.

(c) The fee for a food establishment license shall be as provided by the Town Council in its Schedule of Fees.

(d) Applications for a food establishment license shall be made on forms to be provided by the Director of Health.

(e) The food establishment license is not transferable.

(f) If two or more types of licensed activities are carried on at one location and as part of one operation, only one fee shall be charged. Such fee shall be the highest amount charged if any one of the activities were to be licensed separately.

(g) No license is required for establishments which sell only food products which do not require preparation, refrigeration, cooking and/or heating of any kind on the premises.

(h) An Itinerant Food Vending Establishment is subject to the requirements of Sec. 19-13-B48, et. seq. of the Regulations of Connecticut State Agencies, and rules and regulations promulgated by the Town's Director of Health and Social Services. Unless otherwise provided by State law or regulation, an Itinerant Food Vending Establishment may not operate within the town of East Hartford without a license from the Director of Health and Social Services. In determining the location or locations on which the Itinerant Food Vending Establishment may operate, the Director of Health and Social Services shall consult with the Chief of Police.

Sec. 12-4. License Display.

The food establishment license shall be displayed in a prominent location within the establishment so that it may be easily seen by the public.

Sec. 12-5. License Suspension and Revocation.

(a) The Director of Health shall have the power to suspend and/or revoke the license of a food establishment upon any violation of the Public Health Code of the State of Connecticut or any health ordinances and/or regulations of the Town.

(b) No order of revocation shall be issued except after a hearing held after reasonable notice has been given to the licensee except that, if the Director of Health finds unsanitary or other conditions, which in his judgment, constitute an immediate and substantial hazard to the public health, he may immediately issue written notice of suspension to the license holder or person in charge citing the reasons for such action. Such notice shall also advise the licensee that it shall appear at a hearing to be held by the Director of Health within five (5) working days from the date of the notice to give reasons why such license should not be permanently revoked.

(c) When a food establishment incurs damage to its facilities, including but not limited to, water, wind, fire damage, or loss of utility services necessary to maintain food in a fresh and wholesome condition, upon notice, the license will be suspended pending a site inspection of the premises by the Director of Health or his agent. Upon satisfactory completion of the inspection, the license shall be reinstated.

(d) The holder of any food establishment license who is aggrieved by a suspension or revocation of such license by the Director of Health may appeal such suspension or revocation to the State of Connecticut in accordance with State law. During the filing on an appeal, the license shall not stay the revocation or suspension unless a stay is expressly granted in writing by the Director of Health for good cause.

Sec. 12-6. Waiver of Fees for Charitable Causes.

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Sec. 12-10. Classifications of Food Establishment Operation Licenses.

Sec. 12-6. Waiver of Fees for Charitable Causes.

(a) The Director of Health may waive the payment of a fee by a food establishment whose total profits are devoted to charitable purposes. Eligibility for such waiver shall be determined by the Director of Health.

(b) The Town Council may, upon application, waive payment of a fee for a food establishment license by an applicant for a temporary license who intends to serve food for a period not in excess of three (3) days at a festival or other event sponsored by the Town or a non-profit organization with which such applicant intends to share profits derived from its sales at such festival or event.

Sec. 12-7. Temporary Licenses.

The Director of Health may upon application issue a temporary food establishment license to a qualified food establishment for a period not to exceed two weeks.

Sec. 12-8. Promulgation of Regulations.

The Director of Health may supplement this Chapter with such regulations as may, in his judgment, be required for the protection and preservation of the public health, provided the same shall not be inconsistent with any provision of State laws or with the provisions of this Chapter.

Sec. 12-9. Plan Review.

In addition to other provisions of the Statutes or Ordinances of the town, no person shall construct or remodel any food establishment or substantially change or alter any food preparation equipment in any food establishment without first obtaining the approval of the Director of Health. Two (2) copies of the proposed plan shall be submitted to the Director of Health in accordance with technical requirements he may establish. The Director of Health shall approve the plans if he determines that they conform to State and local laws and regulations.

ARTICLE 3. CLASSIFICATIONS.

Sec. 12-10. Classifications of Food Establishment Operation Licenses.

(a) Food Service Operation License.

1. Grocery License.

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- (a) Reference is made to 19-13-B40 of the Public Health Code of the State of Connecticut.
- 2. Grocery with Food Preparation License.
 - (a) Reference is made to 19-13-B40 and 19-13-B42 of the Public Health Code of the State of Connecticut.
- 3. Food Preparation for Service to the Public.
 - (a) Reference is made to 19-13-B42 of the Public Health Code of the State of Connecticut.
- (b) Catering License.
Reference is made to 19-13-B49 of the Public Health Code of the State of Connecticut.
 - (c) Itinerant Vending License.
Reference is made to 19-13-B48 of the Public Health Code of the State of Connecticut.

Voted: August 16, 1994
Published: August 26, 1994
Effective: September 16, 1994