



# TORRINGTON AREA HEALTH DISTRICT

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*"Promoting Health & Preventing Disease Since 1967"*

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PURSUANT TO SECTION 19a-243 OF THE GENERAL STATUTES OF THE STATE OF CONNECTICUT, AS AMENDED, BE IT ORDAIND BY THE Torrington Area Health District THAT:

## SECTION 1. DEFINITION:

- a. "Food service establishment means," any place where food or beverage is consumed or 'is prepared or served with or without charge for consumption on or off the premises, including, catering establishments or any eating place whether fixed or mobile." The term does not include a private home where food is prepared for individual family consumption, and it does not include the location of food vending machines. Food service establishment includes but is not limited to the following: "restaurants, hotels, taverns, bars, rest homes, schools, factories, institutions, camps, grocery stores with onsite food preparation and ice cream parlors."
- b. "Temporary food service establishments". A temporary food service establishment is defined as a food service establishment but having an operational duration of three (3) consecutive days or less.

## SECTION 2. LICENSE:

It shall be unlawful for any person, firm, corporation, etc. to operate a food service establishment, permanent or temporary, or offer it services within the Torrington Area Health District that does not have a valid license issued to him or it by the Director of Health. Only a person who complies with the requirements of this Regulation and the Public Health Code of the State of Connecticut shall be entitled to receive or retain such a license. Licenses are not transferable. A valid license shall be conspicuously posted in every food service establishment, temporary or permanent. Licenses for temporary food service establishments shall be issued for a period of time not to exceed three (3) consecutive days.

## SECTION 3. ISSUANCE OF LICENSES:

- a. Any person, firm, corporation, etc. desiring to operate a food service establishment, whether permanent or temporary, shall at least ten (10) days prior to the opening or change of ownership of such establishment, make a written application for a license on forms provided by the Director of Health. Such application shall include, but not be limited to, the name and address of each applicant, the location and type of the proposed food service establishment, and the signature of each applicant.

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**Borough of Bantam, Bethlehem, Canaan, Cornwall, Goshen, Harwinton, Kent, Borough of Litchfield, Litchfield, Middlebury, Morris, Norfolk, North Canaan, Plymouth, Salisbury, Thomaston, Torrington, Warren, Watertown, Winsted**

The Torrington Area Health District is an equal opportunity provider, and employer. To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C., 20250-9410, or call (800) 795-3272 (voice), or (202) 720-6382 (TDD).

If the application is for a temporary food service establishment, the sponsor of the event must notify in writing the Torrington Area Health District at least thirty (30) days in advance of the name, addresses, and phone numbers of all participating food vendors.

Food vendors must apply for a food license at least ten (10) days prior to participating in any event. Failure to comply with any part of this section shall result in a \$ 100.00 fine.

- b. The application shall be accompanied by the appropriate fee and a set of plans of the food service establishment.
- c. Prior to issuance of final approval for a license, the Director of Health, or his authorized agent, shall inspect the proposed food service establishment to determine compliance with the provisions of this Regulation, the Public Health Code of the State of Connecticut, and any other applicable statutes, ordinances, or rules and regulations.
- d. If the Director of Health fails or refuses to issue a license to the applicant under this section of the Regulation, the applicant may appeal, pursuant to Section 6 herein.

**SECTION 4. FEES: SEE ATTACHED SHEET**

**SECTION 5. EXPIRATION OF PERMANENT LICENSES:**

All licenses expire annually on June 30<sup>th</sup> and may be renewed for another year upon application, inspection and payment of annual fee, provided the food service establishment is in compliance with this Regulation, the Public Health Code and any other applicable statutes, ordinances or rules and regulations.

**SECTION 6. SUSPENSION OF LICENSES:**

- a. The Director or Health may suspend any license to operate a food service establishment if the license holder does not comply with the requirements of this Regulation and the Public Health Code of the State of Connecticut. If the Director of Health finds unsanitary or other conditions in the operation of a food service establishment which, in his judgement, constitutes an immediate and substantial hazard to public health, he may immediately issue a written notice to the license holder or operator citing such conditions, specifying the time period within which such action shall be taken, and, if deemed necessary, order immediate correction. If correction is not made in the stated time, the license shall be suspended.

Suspension is effective upon service of notice as stated in Section 8 of this Regulation. When a license is suspended, food service operations shall immediately cease.

- b. Whenever a license is suspended, the license holder or person in charge or applicant, may within 48 hours after the making of such order, appeal to the Commissioner of Health of the State of Connecticut, pursuant to Connecticut General Statute 19a-229 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 order.
- c. During the process of any appeal, the license shall remain suspended.

#### SECTION 7. REVOCATION OF LICENSES:

- a. The Director of Health may revoke a license for a serious or repeated violation of any of the requirements of this Regulation, or the Public Health Code of the State of Connecticut or for interference with the Director of Health or his authorized agents in the performance of their duties. Prior to revocation, the Director of Health shall notify the license holder or person in charge of the food service establishment in writing of the reasons for which the license is subject to revocation, and that the license shall be revoked at the end of fourteen (14) days following service of such notice.
- b. Whenever a license is revoked, the license holder or person in charge or applicant may, within forty-eight (48) hours after the making of such order, appeal to the Commissioner of Health of the State of Connecticut 19a-229 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 order.
- c. During the process of appeal, the license shall remain revoked.

#### SECTION 8. SERVICE OF NOTICES:

A notice provided for in this Regulation is properly served when it is delivered to the license holder or person in charge, or when it is sent by registered or certified mail- return receipt requested- to the last known address of the license holder. A copy of any notice shall be filed in the records of the Director of Health.

#### SECTION 9. REAPPLICATION:

- a. Suspension: Whenever a license has been suspended, the holder of the suspended license, whether there is an appeal pending or not may make a written request for reinstatement of the suspended license. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that, in his opinion, the conditions causing the suspension have been corrected, the Director of Health, or his authorized agent, shall make a reinspection. If the applicant is complying with the requirements of this Regulation, the Public Health Code of the State of Connecticut, and any other applicable statutes, ordinances or rules and regulations, the license shall be reinstated.
- b. Revocation: Whenever a license has been revoked, the holder of the revoked license may after a period of ten (10) days from the date of revocation make written application for reinstatement of a license as provided in Section 3 of this Regulation, and payment of the annual fee, whether or not an appeal is pending. Within ten (10) days following receipt of a written request for reinstatement of an evoked license, including a statement signed by the applicant, that in his opinion the condition causing the revocation have been corrected, the Director of Health or his authorized agent shall make a reinspection. If the applicant is in compliance with the requirements of this Regulation, the Public Health Code of the State of Connecticut and any other applicable statutes, Regulation rules and regulations, the license shall be reinstated, upon payment of the fee.

#### SECTION 10: SUBMISSION OF PLANS:

Whenever a food service establishment is constructed or remodeled, and whenever an existing structure is converted to use as a food service establishment, temporary or permanent, properly prepared plans showing in particular, sink, counter and food preparation areas, and specifications for construction, remodeling, or alteration of the same shall be submitted to the Director of Health or his authorized agent, for review and approval before construction, remodeling or alteration is begun. The plans and specifications shall indicate the proposed layout, arrangement and construction materials of work areas and food preparation areas and a statement of the type and model of proposed fixed equipment and facilities shall be provided along with the plans. The Director of Health or his authorized agent, shall approve the plans and specifications, if they meet the requirements of this Regulation and the Public Health Code of the State of Connecticut prior to issuing or renewing a license.

#### SECTION 11. PRE-OPERATIONAL INSPECTION:

Whenever plans and specifications are required by Section 10 of this Regulation to be submitted, the Director of Health, or his authorized agent, shall inspect the food service establishment prior to its beginning operation to determine compliance with the approved plans and specifications, and with the requirements of this Regulation and the Public Health Code of the State of Connecticut.

#### SECTION 12. EXAMINATION AND CONDEMNATION OF FOOD:

General. Food may be examined or sampled by the Director of Health as often as necessary for enforcement of this Regulation of the Public health Code of the State of Connecticut. The Director of Health may, upon written notice to the owner or person in charge specifying with particularity the reason, therefore, place a hold order on any food or beverage which he believes is unfit for human consumption. The Director of Health, or his authorized agent, shall tag, label, or otherwise identify any food subject to the hold order. No food subject to a hold order shall be used, served or moved from the establishment. The Director of Health shall permit storage of the food under conditions specified in the hold order, unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished. The hold order shall state that a request for hearing may be filed with the Commissioner of Health, of the State of Connecticut within forty-eight (48) hours, and that if no hearing is requested, the food shall be destroyed. The Commissioner of Health of the State of Connecticut shall hold a hearing, if so requested, and on the basis of evidence produced at that hearing, the hold order may be vacated or the owner or person in charge of the food may be directed, by written order, to denature or destroy such food or to bring it into compliance with the provisions of this Regulation or the Public Health Code of the State of Connecticut.

#### SECTION 13. REPEAL AND DATE OF EFFECT.

This Regulation shall be in full force and effect July 1, 1976, after due publication and adoption is provided by law.

#### SECTION 14. UNCONSTITUTIONALITY CLAUSE:

Should any section, paragraph, sentence, clause, or phrase of this Regulation be declared unconstitutional or invalid for any reason, the remainder of said Regulation shall not be effected thereby.