

# SUBSTITUTE

Introduced by: Luis E. Cotto, Minority Leader

HEADING  
AND  
PURPOSE

An ordinance amending Chapter 14, Article I, Section 14-7 "Classification; fees; revocation; nontransferability; penalties" and Section 14-10 "License expiration". As Amended.

COURT OF COMMON COUNCIL,  
CITY OF HARTFORD

April 28, 2010

Be It Ordained by the Court of Common Council of the City of Hartford that the following sections of the Municipal Code be amended as follows:

**Sec. 14-1. Purpose.**

This article is in aid of enforcement of Section 19-13-B42, Section 19-13-B48, and Section 19-13-B49, inclusive of the Public Health Code of the State of Connecticut and of any amendments thereof hereafter adopted, all of which deal with sanitation of restaurants, food operations and other places and other places preparing and serving food and beverages.  
(Ord. No. 05-09, 2-9-09)

**Sec. 14-1.5. Authority.**

This section is enacted pursuant to the provisions of G.S. § 7-194.  
The director of health shall be charged with the enforcement of the provisions of this article.  
(Ord. No. 05-09, 2-9-09)

**Sec. 14-2. Definitions.**

As used in this article, the following terms shall have the meaning indicated:  
*Food establishment* means an establishment, sometimes referred to as a food operation, engaged in the retail sale or service or distribution of food, including itinerant vendors who transport food for the purpose of retail sale within the city, temporary food service operations and caterers whose fixed base of operation are located within the city's boundaries.  
*Foods or beverages* means potentially hazardous foods and drinks which consist in whole or in part of milk, milk products, eggs, meat, poultry, fish, shellfish or other ingredients capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.  
*Not-for-profit organization* is a nonprofit tax exempt organization.  
*Public event* means one to which the general public is invited by advertisement or advertisements circulated or directed to the public at large and where food is served or made available.

(Ord. No. 05-09, 2-9-09; Ord. No. 12-09, 3-23-09)

**Sec. 14-3. License--Required.**

(a) No person shall operate a food establishment who does not have a valid license issued by the director of health. Only a person who complies with the requirements of this section and the Public Health Code of the State of Connecticut shall be entitled to receive or retain such license. Licenses are not transferable and shall be renewed annually. A valid license shall be posted in a conspicuous public location, visible to the patrons of the establishment.  
(b) The provisions of this section shall apply to every food establishment engaged in the city in the business of manufacturing for sale or dispensing of food and/or beverages intended for human consumption, and every person operating a hotel, restaurant, store or vehicle for selling or dispensing food and/or beverages to the public.  
(c) The provisions of this section shall not apply to fixed and mobile nonresident food establishments and caterers delivering food and/or beverages to private homes in the City of Hartford, provided that they have a valid food service license issued by the director of health in the town in which the business is based. The license shall be prominently displayed or produced by the

mentioned fixed and mobile nonresident food establishments and caterers upon request.  
(Ord. No. 05-09, 2-9-09)

**Sec. 14-4. Application.**

(a) Licensing procedure, contents, and exemptions. Every person proposing to operate a food establishment shall make written application on forms provided by the director of health. Such application shall include the name and the business and residence address of the applicant, the nature and location by street and number of the business to be carried on and such other information as the director of health may deem necessary for the enforcement of sanitary regulations in connection with the operation of such business.

(b) The director of health shall issue a license to the applicant when the food establishment is found to be in compliance with the requirements of this chapter, the Public Health Code of the State of Connecticut, and all other applicable regulations and policies within the City of Hartford, and said applicant shall not be found to be delinquent with respect to any taxes owed to the City of Hartford.

(Ord. No. 05-09, 2-9-09)

**Sec. 14-5. Plans prerequisite.**

(a) Every person who:

(1) Proposes to remodel or alter an existing building or portion thereof which is being used or is proposed to be used as a food establishment;

(2) Proposes to construct a new building which is to be used in whole or in part as a food establishment;

(3) Proposes a menu change resulting in a reclassification of the existing food establishment to a Class III or Class IV as described in section 14-7;

(4) Takes over ownership of an existing food establishment; or

(5) Seeks to reopen an existing food establishment that has been closed for more than thirty-one (31) days.

(6) Proposes to be an itinerant vendor as defined in section 27-26 of this Code shall, prior to the start of such opening, re-opening, remodeling or construction, submit plans therefore in duplicate to the director of health for approval. Such plans shall be drawn to a scale of no less than one-fourth (1/4) inch equals one (1) foot. The plans and specifications shall indicate the proposed floor plan or layout, construction materials of work areas and the type and model of proposed equipment. The director of health or his/her authorized agent shall determine compliance with the approved plans, specifications and requirements of the Public Health Code of the State of Connecticut and this chapter. These plans are in addition to those required by the state building code and do not constitute an application for a building permit. Whenever section 14-4 requires as part of the application, plans and specifications, the director of health or his/her agent shall inspect the food establishment prior to its commencing operations. The director of health or his/her authorized agent shall determine compliance with the Public Health Code of the State of Connecticut and the city's ordinance and regulations.

(b) The director of health or his/her agent shall have a minimum of thirty (30) days to complete the plan review process once all necessary documentation is provided by the owner of the food establishment.

(c) No application for a license to operate a food establishment will be accepted when construction or remodeling is involved until such plans have been submitted and approved.

(Ord. No. 05-09, 2-9-09; Ord. No. 12-09, 3-23-09)

**Sec. 14-6. Temporary food establishment licensing: submittal, procedures, and approvals.**

(a) Temporary food establishment means a food establishment that operates at a fixed location for a temporary period of time, not to exceed two (2) weeks, in connection with a carnival, circus, public exhibition, festival, celebration, or similar transitory gathering.

(b) Any person required to be licensed for temporary food service under this article shall make application to the department health and human services, environmental health division. The event coordinator or the event operator is the individual required to complete the application. All applicants shall make the required application at least thirty (30) days prior to the opening event.

(c) Prior to issuing a license, the director of health or his/her authorized agent shall inspect the proposed temporary food establishment to determine compliance with the provisions of this section and the Public Health Code of the State of Connecticut.

(d) The director of health shall issue a license to the applicant if the inspection reveals that the proposed temporary food establishment complies with the requirements of this section and the Public Health Code of the State of Connecticut.

(e) Temporary licenses shall not exceed a period of five (5) days.

(f) Applicants shall be subject to the fee schedule as outlined in Section 14-7 of this chapter and shall not be granted any waiver.

(Ord. No. 05-09, 2-9-09; Ord. No. 12-09, 3-23-09)

**Sec. 14-6.1. Catering food establishment licensing; submittal, procedures, and approvals.**

*Caterer* means a person, firm, or corporation who operates or maintains a licensed catering food service within the City of Hartford. A catering food service will mean the sale or distribution of food and drink prepared in bulk at one (1) geographic location for service of individual portions at another location, or the preparation and service of food on public or private premises that are not under the ownership or control of the operator of the service. A valid license will mean a license issued by the pertinent health regulatory agency having jurisdiction. The food establishment must be operated in conformance with Section 19-13-B49 of the Connecticut Public Health Code.

*Reciprocal registration/licensure* means any caterer wishing to cater or serve food within the City of Hartford must either (1) be licensed with the City of Hartford; or, if not based within the City of Hartford, (2) hold a valid caterer's registration or license from another local or district health department in the State of Connecticut or from another state within the United States. A copy of this registration or license must be submitted with a temporary food service application as defined in section 14-6 of the Hartford Municipal Code before the caterer may operate within the City of Hartford.

(Ord. No. 05-09, 2-9-09; Ord. No. 12-09, 3-23-09)

**Sec. 14-7. Classification; fees; revocation; nontransferability; penalties.**

(a) *Classification.* For purposes of this article, the following classifications of retail food establishments shall be applied.

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

(2) *Class II* is a food 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.

(3) *Class III* is a food 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.

(4) *Class IV* is a food 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.

(5) *Caterer* is a food service establishment which meets one of the above listed classifications and provides food services as defined in section 14-6-1.

(b) *Fees.* The following annual fees shall be collected by the department of health for each license or renewal issued for a food establishment:

(1) Class I . . .	\$125.00
Class II . . .	200.00
Class III . . .	300.00
Class IV . . .	400.00
Caterer	200.00

This fee is in addition to the fee for a Class I, II, III or IV food service license.

Not-for-profit organization license processing fee . . . 50.00

Itinerant vendor/mobile vendor . . . 500.00

The above fees may be prorated on a quarterly basis. Notwithstanding the above fees, not for profit organizations shall not be subject to any fee for licenses issued hereunder except for other fees and a license processing fee of fifty dollars (\$50.00) as set forth herein.

Plan review:

Class I and II . . . \$100.00

Class III and IV . . . 200.00

Lost or replacement of the original food service license fee . . . 25.00

Return check fee . . . 50.00

(2) *Other fees:*

Late fees for lapsed licenses, permits for Class I, II, III, IV, one hundred dollars (\$100.00) initially and two hundred dollars (\$200.00) each month or portion of a month in arrears thereafter.

Re-inspection fee; as provided for in this article . . . \$100.00.

(c) *Temporary food service event.* All applications shall be subject to the following fee schedule:

Applications received fifteen (15) or more days prior to the day of event:

Processing fee for all temporary food service events except those sponsored by not-for-profit organizations . . . \$75.00

Processing fee for not-for-profit organizations . . . 25.00

Applications received between five (5) through fifteen (15) days prior to the day of event:

All applicants including not-for-profit organizations . . . 125.00

Applications received less than five (5) days prior to the day of event:

All applicants including not-for-profit organizations . . . 150.00

(d) A seasonal food license may issue to a food establishment that operates less than six (6) months per year, operates outside the scope of temporary food service events/special events as defined herein and meets all state and local public health code requirements. Facilities that qualify for a seasonal license are at the discretion of the department of health and human services and shall generally be limited to [farmers markets,] little league/school snack bars and other similar facilities. Individuals or entities seeking a seasonal food license shall be required to submit an application, subject to plan review and provide other supporting documentation. A fee of two hundred dollars (\$200.00) is required per applicant per year except that a fee of fifty dollars (\$50.00) per year will be charged to not-for-profit organizations.

(e) Farmers market license.

(1) Definitions:

Farmers market means, pursuant to Section 22-6r(1) of the Connecticut General Statutes, a cooperative or nonprofit enterprise or association that consistently occupies a given site throughout the season, which operates principally as a common marketplace for a group of farmers, at least two of whom are selling Connecticut-grown fresh produce, to sell Connecticut-grown farm products in conformance with the applicable regulations of Connecticut state agencies and where the farm products sold are produced by the participating farmers with the sole intent and purpose of generating a portion of household income.

Season means a one (1) year period commencing from the date of issuance of a food vending license for a farmers market.

(2) Farmers market food vendor licenses shall be issued only to vendors who comply with the regulations set forth in the appropriate sections of Connecticut Public Health Code and are subject to the discretion of the Director of Public Health.

(3) A fee of fifty dollars (\$50.00) is required for non-farmer food vendors for each season and a fee of twenty-five dollars (\$25.00) is required for non-profit food vendors. Said licenses shall only be issued to vendors operating in compliance with the appropriate sections of Connecticut Public Health Code and are subject to the discretion of the Director of Public Health.

(4) To ensure public safety, farmers providing cold samples shall obtain a license, but said license shall be free of charge.

(5) The aforementioned license shall be valid for one season and only be valid at certified Farmers markets, but at any certified Farmers market throughout the City of Hartford. Any food vendor wishing to operate in other locations shall procure the appropriate license for their desired activity.

(Ord. No. 05-09, 2-9-09; Ord. No. 12-09, 3-23-09)

#### **Sec. 14-8. Nontransferability.**

Licenses and renewals issued under this section are not transferable by address, owner or change of classification. Any change of address, owner or classification shall require a new license.

(Ord. No. 05-09, 2-9-09)

#### **Sec. 14-9. Penalties.**

Any person who violates any of the provisions of this section and/or the Public Health Code of the State of Connecticut shall be guilty of an infraction and upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100.00). Each day of the violation thereof shall be deemed a separate offense. If criminal prosecution is the result of noncompliance of any of the provisions of this section, the defendant shall be subject to the City of Hartford costs, together with reasonable attorney's fees. Any person who operates a food and/or beverage establishment:

(1) Without a valid food license, and/or

(2) While his establishment is tax delinquent, and/or

(3) While failing to remedy a previously cited violation by the time specified, shall be subject to a fine of not more than one hundred dollars (\$100.00) or imprisoned not more than thirty (30) days or both. Each day the violation continues shall constitute a separate offense.

(Ord. No. 05-09, 2-9-09)

#### **Sec. 14-10. License expiration.**

All licenses shall expire annually on June 30, unless otherwise noted, and be renewed for another year upon application and payment of the annual fee. Licenses received after June 30 shall be subject to late fees as described in subsection 14-7(b)(2).

(Ord. No. 05-09, 2-9-09)

#### **Sec. 14-11. Suspension or revocation.**

(a) The director of health may suspend any license to operate a food establishment if the license holder does not comply with the requirements of this chapter or the Public Health Code of the State of Connecticut. If the director of health or his/her authorized agent finds unsanitary conditions in the operation of a food establishment which in his/her judgment constitute a substantial hazard to public health, he/she shall immediately notify the license holder or operator in writing, citing such conditions and specifying the corrective action to be taken and the time period within which such action shall be taken. If deemed necessary, he/she will order immediate correction. If the corrections are not made in the stated time, the license shall be suspended. Suspension is effective upon service of a notice as stated in this article. When a license is suspended, food service activities shall immediately cease.

(b) Whenever a license is suspended, the license holder or person in charge may, within forty-eight (48) hours, file a written appeal with the director of health. If no appeal is filed within forty-eight (48) hours, the suspension becomes final and the license is subject to revocation. If an appeal is filed, the director of health or his/her appointed designee shall schedule a hearing within a reasonable time, rendering a decision within ten (10) days. The director of health may, revoke a food service license for serious or repeated violations of any of the requirements of this section or the Public Health Code of the State of Connecticut or for interference with the director of health or his authorized agent in the performance of their duties. Prior to revocation, the director of health shall notify the license holder or person in charge, in writing, of the reason 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 unless an appeal is filed within forty-eight (48) hours, if no appeal is filed within forty-eight (48) hours, the revocation of the license becomes final. If any appeal is filed, the director of health shall thereupon immediately examine the merits of such revocation and may vacate or affirm such revocation.

(Ord. No. 05-09, 2-9-09)

#### **Sec. 14-12. Reapplication for license.**

(a) *Suspension.* Whenever a license has been suspended, the holder of the suspended license may make written request for reinstatement of the suspended license with the reinspection fee. Within ten (10) days following receipt of such 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/her authorized agent shall make a reinspection. If the applicant is found to be complying with the requirements of this section and the Public Health Code of the State of Connecticut, the license shall be reinstated.

(b) *Revocation.* Following a revocation, a written application must be made a new license for the food establishment. Upon payment of the annual fee and following a successful reinspection, the license shall be reinstated.

(Ord. No. 05-09, 2-9-09)

#### **Sec. 14-13. Service of notice.**

A notice of service as provided for in this article is deemed to be properly served when it is delivered to the license holder or person in charge of the food establishment or when it is sent by registered or certified mail, return receipt requested, to the address of the food establishment shown on the last completed application of the license holder. A copy of any notice shall be filed in the records of the director of health.

(Ord. No. 05-09, 2-9-09)

#### **Sec. 14-14. Examination and condemnation of food.**

Food establishments may be inspected and food samples therefrom may be analyzed by the director of health or his/her authorized agent as often as deemed necessary for enforcement of this section or the Public Health Code of the State of Connecticut. The director of health or his/her authorized agent shall notify the owner or person in charge of the food establishment specifying the reasons to place a hold order on any food or beverage believed to be unfit for human consumption. The director of health or his/her 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 removed 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 such a case, an order for destruction will be issued by the director of health or his/her agent which shall be accomplished by the food establishment. The hold order shall state that a request for hearing may be filed with the director of health within forty-eight (48) hours, if in the event no hearing is requested, the food shall be destroyed. The director of health or his/her designee shall hold a hearing, if requested and on the basis of evidence produced at the hearing, the hold order may be vacated or the owner or person in charge of the food may be directed, by order, to denature or destroy such food or bring it into compliance with the provisions of this section or the Public Health Code of the State of Connecticut. The requested hearing must take place within twenty four (24) hours from the issuance of the hold order.

(Ord. No. 05-09, 2-9-09)

**Sec. 14-15. Standards for vehicles.**

The director of health shall establish rules, regulations and standards for the use of any vehicle or the sale of food or drink intended for human consumption.

(Ord. No. 05-09, 2-9-09)

**Cross references:** Motor vehicles and traffic, Ch. 22; vehicles for hire, Ch. 33.

**Sec. 14-16. Protection from contamination.**

No person who, either as principal or agent, has charge of or is interested or engaged in the care or custody of any foodstuffs or article mentioned in section 14-3 shall keep, sell, offer for sale, display or transport such foodstuffs or articles unless the same are protected from dust, dirt, flies, soiled papers, newspapers and any other sort of contamination; provided, however, that fresh fruits and vegetables may be exposed without covering during sale.

(Ord. No. 05-09, 2-9-09)

**Sec. 14-17. Unwholesome food prohibited.**

No person shall sell or offer for sale or have in his possession with intent to sell for human food in the city, any unwholesome, decayed or stale fruit, vegetables or provisions of any kind whatsoever, or any tainted, diseased or unwholesome meat, fowl or fish or any milk or other liquid used as food or drink by human beings that shall be so contaminated as to be injurious to the public health.

(Ord. No. 05-09, 2-9-09)

**State law references:** Adulterated food, G.S. § 29-221.

**Sec. 14-18. Sales or displays on sidewalks.**

Any food offered for sale, exhibited or in front of the place of business where such food is sold, offered for sale or exhibited, shall be transported, displayed, stored, and served in a manner in keeping with the requirements of Section 19-13-B42 of the Public Health Code for the State of Connecticut and all the requirements set forth within chapter 14 of this Code. Any violation of this section shall be deemed a nuisance.

(Ord. No. 05-09, 2-9-09)

**Sec. 14-19. Dressing, cleaning fish in public places.**

No fish shall be dressed and cleaned in any public place in the city. Any violation of this section shall be deemed a nuisance.

(Ord. No. 05-09, 2-9-09)

Secs. 14-20--14-30. Reserved.



