

PREAMBLE

The Central Connecticut Health District is committed to improving the quality of life in our member towns through prevention of disease and injury, fostering of a healthy environment, and promotion of public health.

The purpose of this sanitary code (the “Code”) is to protect and promote the public’s health within the Central Connecticut Health District through the provision of rules and regulations in the areas of food establishments, sewage disposal, water supplies, motels and rooming houses, hair and nail salons, public swimming pools, bathing places and public bathing establishments, and action where imminent health hazards are present in accordance with the Connecticut Public Health Code (Conn. Regs. 19-13-A1 et seq.). This Code provides requirements in addition to those in the Connecticut Public Health Code.

This Code was adopted by the Central Connecticut Health District Board of Health pursuant to the General Statutes of the State of Connecticut, Section 19a-243, Subsection (a) on June 15, 2023. This Code replaces the previous code first adopted by the Board on May 17, 2007 and last approved with revisions on April 15, 2021. It supersedes previous codes and ordinances adopted by member towns in the Health District, has an effective date of June 15, 2023, and is in force throughout the Central Connecticut Health District.

CHAPTER 1 GENERAL PROVISIONS

SECTION 1.1 DEFINITIONS

For the purpose of this Code,

“Authorized Agent” means the person, pursuant to the Connecticut General Statutes (CGS) Chapter 368f, Section 19a-242(d), designated by the Director of Health to act on behalf of the Director of Health in the performance of assigned duties. The Authorized Agent shall be state licensed and program certified where appropriate.

“Board of Health” means the governing authority of the Central Connecticut Health District established pursuant to CGS Chapter 368f, Section 19a-241.

“Certified Food Inspector” means a person with the proper training and experience, and certified by the Connecticut Department of Public Health, Food Protection Program, to inspect food establishments in the State of Connecticut.

“Commissioner of Health” means the Commissioner of the State of Connecticut Department of Public Health.

“Connecticut Public Health Code” means the Public Health Code of the State of Connecticut, as may be amended from time to time, established in accordance with CGS Chapter 368a, Section 19a-36, as amended.

“Director of Health” means the Director of Health of the Central Connecticut Health District appointed by the Board of Health pursuant to CGS Chapter 368f, Section 19a-243(a) and charged with the responsibility and authority for preserving and improving the public health and preventing the spread of disease in the towns within the Health District.

“Environmental Health” means the study, art and technique of applying scientific knowledge for the improvement of the environment of man for his health and welfare.

“Environmental Health Inspector” means an individual who performs the duties of an Environmental Health Specialist, and may be certified in various practice areas, but who is not a Registered Sanitarian.

“Environmental Health Specialist” means an individual authorized by the Director of Health to conduct inspections of the Operations licensed by the Health District or applying for license from the Health District, and other supportive inspections for state and municipal agencies. This may include, but is not limited to, a Supervising Sanitarian, Registered Sanitarian I or II, an Environmental Health Inspector, a Certified Food Inspector, a Lead Inspector Risk Assessor and a certified Septic Inspector.

“Food and Drug Administration (FDA)” means the The United States Food and Drug Administration, which is a federal agency of the Department of Health and Human Services.

“Health District” means the Central Connecticut Health District established under CGS Chapter 368f, Sections 19a-240 through Section 19a-246, as amended.

“Imminent Health Hazard” means a condition which is likely to cause an immediate threat to life or serious risk of damage to the health, safety, and welfare of the public if no immediate action is taken.

“Lead Inspector Risk Assessor” means a person, pursuant to the Connecticut Public Health Code, Section 19a-111-1(11), who has completed an approved training course and obtained a certificate from the Connecticut Department of Public Health, Lead Poisoning Prevention and Control Program.

“License” shall mean the whole or any part of a certificate of approval, authorization, or similar form of permission which may be required of any Owner or Operator by the provisions of this Code. Said license shall be in writing and shall be issued only by the Director of Health.

“License Holder” means the Owner or Operator of record for the license.

“Licensed Operation” means the business or entity which has received a written license from the Health District and is conducting the operations or services for which it is licensed.

“Non-Profit Organization” means 1) an organization holding a tax exempt status as defined by the United States Internal Revenue Code, Section 501(c)(3) and which is exempt from local real estate and personal property tax (if owned) under Connecticut General Statute, Section 12-81 or 2) religious groups or 3) schools or 4) youth organizations or 5) agencies funded in whole or in part by tax dollars from member towns in the Health District ~~member towns~~ or 6) Federal, State or local government facilities.

“Owner” means any individual, firm, partnership, association, corporation, company, governmental agency, institution, club or organization of any kind, and includes the plural, who has ownership of the property or business entity that is licensed by the Health District.

“Operation” means a business or entity which is seeking or holds a written license from the Health District, including but not limited to a Food Establishment as defined in Section 2

“Operator” means any individual, firm, partnership, association, corporation, company, governmental agency, institution, club or organization of any kind, and includes the plural, who has oversight or control of the day to day operations of the business entity that is licensed by the Health District.

“Public Place” means any permanent or temporary place, premises, building or group of buildings which is freely accessible to persons other than employees; or any of the above which is open to the public for the purpose of conducting business or for public gatherings of any character.

“Registered Sanitarian” means a person who is licensed pursuant to the CGS Chapter 395, Section 20-361.

“Septic Inspector” means a person who, pursuant to the Public Health Code Section 19-13-B103e(b), is approved by the commissioner of Public Health to investigate, inspect and approve plans relating to subsurface sewage disposal systems.

“Standard Operating Procedure (SOP)” means compiled for consistency in carrying out routine operations.

“Temporary License” means a License granted for a limited period of time up to 14 days as conditioned by the Director of Health.

SECTION 1.2 EMERGENCY POWERS

In the event of an imminent health hazard, pursuant to CGS Section 19a-206 the Director of Health may take whatever action is deemed necessary to protect public health in accordance with applicable statutes, regulations, codes and rules.

SECTION 1.3 SEVERABILITY

If any provision of application of this Code is held invalid for any reason, that invalidity shall not affect other provisions or applications of the Code.

SECTION 1.4 UNCONSTITUTIONALITY CLAUSE

If any provision of this Code is held void by a court of competent jurisdiction, such holding shall not affect any other provision of this Code.

SECTION 1.5 SUPPLEMENTARY PROVISIONS

In the case of any items not specifically included in this Code, the Connecticut Public Health Code or applicable Public Health Statutes shall apply.

SECTION 1.6 CONFLICT OF REGULATIONS

In the event of any inconsistency between this Code and any other applicable state statute, regulation, municipal ordinance or other law, the provision which provides the greatest protection for the health, safety and welfare of the people shall prevail.

SECTION 1.7 FEES

Pursuant to CGS Section 19-a-243 the Board of Health may establish reasonable fees to defray the cost of the administration and issuance of Licenses, application reviews and approvals, inspections and other associated activities. A copy of the Fee Schedule is available from the Central Connecticut Health District, online at www.ccthd.org .

SECTION 1.8 REQUIREMENT FOR LICENSE TO OPERATE

A License is required for all Operations specified in Chapters 2 through 5 of this Code. This license shall be posted near the entrance of the establishment so as to be visible to the public.

SECTION 1.9 APPLICATION AND ISSUANCE OF LICENSE

- A. Any Owner or Operator desiring to operate a Licensed Operation shall make a written application for a License on forms provided by the Health District at least ten (10) working days prior to:
- 1) the opening of a new Licensed Operation;

- 2) the expiration of an existing License; or
- 3) a change of ownership.

The application shall be accompanied by the appropriate fee prescribed on the Health District Fee Schedule (see Section 1.7).

- B. Prior to the issuance of a License, the Director of Health or Authorized Agent may inspect the Operation to determine compliance with the provisions of this Code and particularly the requirements applicable to the type of Operation (see Chapters 2 through 5), the Connecticut Public Health Code and any other applicable codes, regulations or statutes.
- C. The Director of Health shall issue a new License to the applicant if the inspection reveals that the Operation complies with the applicable requirements. The initial license is issued on the date of approval and expires on the following program renewal date.
- D. A License shall expire on the annual renewal date indicated in Table 1 for the particular Licensed Operation, attached herein. A grace period of no more than 60 days may be granted, at the discretion of the Director of Health, for a total initial licensing period of not to exceed 14 months. Fees are not prorated for the licensing year. Licenses may be renewed for another year upon application and payment of an annual fee, provided that the Operation is in compliance with this Code, the Connecticut Public Health Code and any other applicable codes, regulations or statutes.
- E. Failure to renew a License by the expiration date, and pay the license renewal fee, shall result in a late fee penalty in accordance with the Fee Schedule. If the License is not renewed, and the assessed fees paid within 60 days of the expiration date, the License shall be revoked and the facility will be closed per Order of the Director of Health.
- F. Temporary Licenses must be applied for a minimum of 10 business days prior to the event as defined by the relevant Chapter below and be accompanied by the applicable fee. The Temporary License will not be processed until the fee has been paid. Upon passing inspection, the Temporary License will be issued on site and must be displayed by the Owner or Operator in a location visible to the public.
- G. In the case of a transfer of ownership of an existing Operation, the new owner shall submit an application for a License on forms provided by the Health District a minimum of 10 business days prior to the transfer. A new owner inspection will be conducted and the Operation shall be brought into compliance with the applicable Chapter below, the Connecticut Public Health Code and any other applicable codes, regulations, or statutes by correcting all violations before a License to operate can be issued.

SECTION 1.10 INSPECTIONS / RIGHT OF ENTRY

The Director of Health or Environmental Health Specialist shall be permitted, after proper identification, to enter at any reasonable time any Operation seeking a License or Licensed Operation for the purpose of making inspections, as deemed necessary by the

Director of Health, to determine compliance with the applicable Chapter below, the Connecticut Public Health Code and any other applicable codes, regulations or statutes. The Director of Health or Environmental Health Specialist shall not be harassed, intimidated, or otherwise interfered with during such inspection.

The Director of Health or Environmental Health Specialist shall be permitted to examine the records of the Operation to obtain reasonable information pertaining to aspects of the business subject to the License including, but not limited to, training records and reasonable employee shift records, but not including financial records. By application for License, the Owner or Operator gives permission for records examination as set forth in this section.

SECTION 1.11 NON TRANSFERABLE LICENSE

A License is valid only for the Owner or Operator, and Operation location, of record. Licenses are not transferable.

SECTION 1.12 SUSPENSION OF LICENSE

The Director of Health may suspend any License issued per any Chapter of this Code if the Licensed Operation does not comply with the requirements of the relevant Chapter, the Connecticut Public Health Code or any other applicable code, regulation or statute.

In the event that the Director of Health or Environmental Health Specialist finds unsanitary or other conditions in any Licensed Operation which in his or her judgment constitutes a violation of any relevant Chapter of this Code, the Connecticut Public Health Code or any other applicable code, regulation or statute, the Director of Health or Environmental Health Specialist may issue a written Notice of Violation, Notice of Intent to Suspend License and/or Notice of Fine (“Notice”) in conjunction with an inspection report to the Owner and/or Operator citing such conditions, specifying the corrective action to be taken and 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 and a written Order shall be issued by the Director of Health, to the Owner or Operator, to cease the Licensed Operation. Operations shall cease immediately upon receipt of the Order.

One (1) copy of the Order to cease operations shall be posted by the Owner or Operator in a location clearly visible to the general public from the exterior of such facility. Said Order to cease operations shall not be defaced or removed by any person except the Director of Health or Environmental Health Specialist.

SECTION 1.13 REVOCATION OF LICENSE

The Director of Health may, after providing opportunity for hearing and appeal, revoke a License for:

- 1) serious or repeated violations of any of the requirements of any relevant Chapter of this Code, the Connecticut Public Health Code, other applicable codes, regulations, or ordinances,
- 2) or for interference with the Director of Health or Environmental Health Specialist in the performance of their duties.

Prior to revocation, the Director of Health shall notify the Owner or Operator, in writing of the reasons for which the License is subject to revocation and that the License shall be revoked at the end of ten (10) days following service of such Notice unless an appeal is filed with the Director of Health by the owner of operator within forty-eight (48) hours of receipt of the Notice. If no appeal is filed, the revocation of the License becomes final.

SECTION 1.14 HEARING PROCESS

- A. Preliminary Hearings** shall be held by the Director of Health or Authorized Agent, at the Director of Health's discretion, prior to the issuance of a fine or suspension of a License. The Owner or Operator shall be given adequate notification of time and location of the Preliminary Hearing. The intent of the Preliminary Hearing is to allow the parties to identify a corrective action plan and timelines to cure a violation identified during inspection. Based on the outcome of the Preliminary Hearing, the Director of Health can proceed with issuance of a Notice, Order, fine or defer such actions pending resolution of the corrective action plan.
- B. Appeal Hearings** shall be conducted by the Director of Health or Authorized Agent provided a written appeal for such action is filed with the Director of Health by the Owner or Operator within 48 hours after issuance of a Notice, Order or fine. Appeals must include a written itemization of corrective measures taken to address those items noted as deficiencies in the Notice or Order. The Licensed Operation shall remain in compliance with the Notice or Order until a decision is made following the Appeal Hearing. The Director of Health or designee shall:
- 1) Commence an Appeal Hearing within five (5) business days of the receipt of the written appeal from the Owner or Operator.
 - 2) Issue a decision as to whether the Order will remain within 24 hours of the conclusion of the Appeal Hearing.
 - 3) Provide the Owner or Operator a written report with conclusions and an itemization of any conditions agreed upon at the Appeal Hearing within five (5) business days of the conclusion of the hearing.
- C. License Revocation Hearings** shall be held if an appeal is filed with the Director of Health within 48 hours after the receipt of a Notice of License Revocation pursuant to Section 1.13. Hearings shall be held within five (5) days of the receipt of the appeal which must contain detailed itemization of the corrective measures taken to address deficiencies cited in the License Revocation Order. The Licensed Operation shall remain closed in accordance with the License Revocation Order until a decision is made following the hearing. Hearing timeframes shall be the same as for the Appeal Hearings.

SECTION 1.15 APPEALS TO THE COMMISSIONER OF HEALTH

The Owner or Operator of a Licensed Operation who is aggrieved by an action of the Director of Health may, not later than three business days after the date of receipt of the Appeals or License Revocation Hearing decision from the Director of Health, appeal to the Commissioner of Health, per the Connecticut General Statutes Section 19a-229. The Commissioner shall thereupon immediately notify the authority from whose order the appeal was taken and examine the merits of such case and may vacate, modify, or affirm

such action in accordance with the Connecticut General Statutes. The Order or Notice of License Revocation shall stand pending the outcome of the appeal.

SECTION 1.16 FINES AND PENALTIES

Any Owner or Operator who violates any provision of this Code may be punished by a fine of not more than five hundred dollars (\$500.00) per violation. A copy of the ~~Fine~~ Fee Schedule is available from the Central Connecticut Health District online at www.ccthd.org. Any party aggrieved by a fine may appeal to the Director of Health via the appeals process detailed in Section 1.14 of this Code.

SECTION 1.17 INJUNCTION

In addition to all other remedies, the Director of Health may seek to enjoin violators of this Code and of the Connecticut Public Health Code as authorized under Connecticut General Statute, Section 19a-206.

SECTION 1.18 SERVICE OF NOTICE

Written Notices and Orders provided for in this Code shall be deemed to have been properly served when a copy of the notice or order has been delivered personally or sent by certified mail, return receipt requested, to the owner or operator of the licensed operation. Such written Notices and Orders shall also be deemed to have been properly served provided it has been posted on the front entrance door of the Licensed Operation or upon the nearest window thereto in such a manner as to be clearly visible to the general public from the exterior of the Licensed Operation. Said notice shall not be defaced or removed by any person except the Director of Health or his Authorized Agent. A copy of any such Notice or Order shall be filed in the records of the Director of Health.

SECTION 1.19 REINSTATEMENT OF LICENSE

- A. Suspension. Whenever a License has been suspended, the holder of the suspended License may make a written request for license reinstatement. 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 re-inspection. If the applicant is found to be in compliance with the requirements of this Code, the Connecticut Public Health Code, other applicable codes, regulations or statutes, and the conditions responsible for the suspension have been corrected, the License shall be reinstated.
- B. Revocation. After a period of thirty (30) days from the date of revocation, a written application may be made for the issuance of a new License. Procedures delineated in this Code for obtaining a new license shall be followed.

SECTION 1.20 REFERRAL TO OTHER REGULATORY AGENCIES

The Director of Health shall make referrals to other regulatory agencies such as the local Building Department, Fire Department, Department of Consumer Protection and/or the local Water Pollution Control Authority, as appropriate, for their input when considering License applications.