

**REPEALED BY ORDINANCE 90A**

**71. AN ORDINANCE REGULATING THE LICENSING, OPERATION AND  
INSPECTION OF FOOD SERVICE OR RESTAURANT ESTABLISHMENTS;  
ITINERANT FOOD VENDORS AND FOOD CATERING SERVICES IN THE CITY  
OF GROTON  
(MAY 15, 1989)**

**I. Short Title**

This Ordinance shall be known and may be cited as the “City of Groton Food Service Ordinance”.

**II. Purpose**

It is hereby declared that the purpose of this ordinance is to protect, preserve and improve the public health, safety and general welfare within the City of Groton; and to prevent the spread of disease therein. It is hereby found that the operation of food service or restaurant establishments, of itinerant food vendors and of food catering services may adversely affect the public health, safety and general welfare. It is therefore declared that in order to maintain adequate protection of the public health, safety and general welfare. It is therefore declared that in order to maintain adequate protection of the public health, safety and general welfare, licensing of food service or restaurant establishments, of itinerant food vendors and of food catering services is required. This ordinance is enacted pursuant to C.G.S. 19a-207.

**III. Certain Provisions of Public Health Code Adopted by Reference**

The regulations adopted and promulgated by the Public Health Council of the State of Connecticut relative to the inspections of restaurants and food service establishments (Sanitation of Places Dispensing Foods and Beverages, Section 19-13-B42; Catering Food Service, Section 19-13-B49; Itinerant Food Vending, Section 19-13-B48; Sanitation of Foods Stuffs, Section 19-13-B40) and Chapter 417, Connecticut General Statutes, Consumer Protection, Section 21a-62 (Analysis of Food) and the regulations adopted and promulgated by the Public Health Council of the State of Connecticut relative to the inspection of grocery stores, bakeries and meat, fish and vegetable markets, forming part of the Public Health Code of the State of Connecticut are hereby adopted and made part of this ordinance by reference.

**IV. Definitions**

For the purposes of interpretation and enforcement, and unless the context requires otherwise, words and terms used in this ordinance shall have the meanings ascribed to them as follows:

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- (a) “Director of Health” shall mean the Director of Health of the City of Groton. Except for the conduct of hearings, pursuant to Article VII(b) and the promulgation of Rules and Regulations, pursuant to Article XIII, the “Director of Health” shall include his or her designated agent;
- (b) “Food Service or Restaurant Establishment” means any premises or areas where food and/or beverages are prepared and served to the public for consumption on, about or off such premises, including places where food and/or beverages are occasionally provided, such as refreshments at meetings/functions including, but not limited to, social clubs, church kitchens and halls, etc., to which the public is invited. The term does not include a private home where food and/or beverages are prepared for consumption by an individual family or its guests;
- (c) “Itinerant Food Vendor” means any establishment or form of conveyance or vehicle serving food and/or beverages, which establishment, conveyance or vehicle has no fixed location and no permanent connection to water supply and sewage disposal systems;
- (d) “Food Catering Service” means any premises where food and/or beverages, intended for sale or distribution, are prepared in bulk or individual portions, for service in bulk or individual portions, at another location;
- (e) “Premises” shall mean a building, or any space within a building, or area adjacent to a building or portion of a building used as a food service or restaurant establishment or food catering service;
- (f) “Constructed” or “Construction” shall include the construction, expansion, remodeling or renovation of any premises in whole or in part for use as a food service or restaurant establishment or food catering service.

**V. License to Operate**

- (a) It shall be unlawful for any person, firm or corporation to operate a food service or restaurant establishment, itinerant food vending business or food catering service within the City of Groton without having applied for and received from the Director of Health a license to conduct such operation.

Such license must be prominently displayed by the licensee, and no license issued under this ordinance may be transferred from one person, firm or corporation to another person, firm or corporation. If more than one (1) food service or restaurant establishment, itinerant food vending business or food catering service is operated by the same owner, a separate license shall be required for each such operation.

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- (b) All applications to operate a food service or restaurant establishment, itinerant food vending business or food catering service shall be in writing on forms provided by the Director of Health, signed by the applicant and shall set forth:
- (1) the name and address of each applicant;
  - (2) the location of the proposed operation and the facilities therein;
  - (3) the type of operation proposed;
  - (4) the dates of operation if the application is for temporary food service establishment;
  - (5) when a food service or restaurant establishment or food catering service is hereafter constructed, or when an existing structure is converted for use as a food service or restaurant establishment or food catering service, properly prepared plans and specifications for such construction, remodeling or alteration, showing layout arrangements, construction materials of all areas, location, size and type of fixed equipment and facilities, shall be submitted to the Director of Health for approval before such work is begun.

Upon the effective date of this ordinance, no sink shall be installed in a public eating establishment in the City of Groton for the washing and sanitizing of eating/cooking utensils unless it be a “three compartment sink” which shall be a sink of adequate size, permanently installed, piped with an ample supply of hot and cold water under pressure to each compartment and consisting of three separate water-tight compartments;

- (6) such other information as may be necessary in order for the Director of Health to make any determination required by this ordinance.

If more than one food service or restaurant establishment, itinerant food vending business or food catering service is operated by the same owner, a separate application shall be required for each such operation.

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(c) Each application shall be accompanied by a fee in accordance with the following schedule, which shall not be refundable, to defray the cost of administration:

(1) Establishment with a seating capacity of 1 – 15 people	\$10.00
(2) Establishment with a seating capacity of 16-25 people	25.00
(3) Establishment with a seating capacity of 26-50 people	50.00
(4) Establishment with a seating capacity of more than 50 people	100.00
(5) Take-out establishment	75.00
(6) Itinerant food vending vehicles or conveyances	25.00
(7) Catering services	100.00
(8) Non-profit organizations	fee waived
(9) Temporary License (not to exceed 14 days)	25.00

(d) Upon receipt of an application for a license, the Director of Health or his/her designated agent shall inspect the premises and equipment of the applicant and shall issue a license to operate upon finding:

- (1) that the proposed operation complies with the requirements of this ordinance and the Public Health Code of the State of Connecticut; and
- (2) that the proposed operation complies with all other statutes, codes or ordinances; including health, zoning, building, fire and safety requirements of the State of Connecticut or the City of Groton, as of the effective date of the permit.

(e) The Director of Health may issue a probationary license to operate a food service or restaurant establishment, itinerant food vending business or food catering service, valid for a period not to exceed sixty (60) days, whenever additional time is required for the applicant to meet fully the requirements of subsection V(d) above, and in the opinion of the Director of Health, the public health, safety and general welfare would be adequately protected. Whenever the requirements of subsection V(d) above are met during the time period for which the probationary license is valid, a license to operate such establishment, business or service shall be issued and no additional fee shall be required.

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- (f) The foregoing notwithstanding, any food service or restaurant establishment, itinerant food vending business or food catering service lawfully conducting business in the City of Groton on the effective date of this ordinance may continue to do so, provided that any such operation shall obtain a license in accordance with the provisions of Section V, on or before September 1, 1989.

**VI. Inspections**

- (a) The Director of Health or his/her designated agent shall be permitted to enter any food service or restaurant establishment or food catering service, or to view any itinerant food vending business, conveyance or vehicle at any reasonable time for the purpose of making inspections to determine compliance with this ordinance.
- (b) The Director of Health or his/her designated agent shall periodically survey the premises, equipment, vehicles, conveyances and operation of all persons holding valid food service licenses. If he/she finds that any licensee is operating in violation of the Public Health Code of the State of Connecticut or other applicable statutes, ordinances or rules and regulations, he/she shall issue an order to the licensee to take such measures forthwith as are necessary for full compliance with the said Code, statutes, ordinances or rules and regulations. Any license issued under the terms of this ordinance may be suspended by the Director of Health for violation by the licensee of any of the terms of said Code or other applicable statutes, ordinance or rules and regulations.
- (c) Food may be examined or sampled by the Director of Health as often as necessary for enforcement of this ordinance 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 reasons therefore, place a hold order on any food or beverage which he/she believes is unfit for human consumption. The Director of Health, or his/her designated agent, shall tag, label or otherwise identify any food subject to the hold order. No foods 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 Director of Health within forty-eight (48) hours, and that if no hearing is requested, the food shall be destroyed. The Director of Health shall hold a hearing if so 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 written order, to denature or destroy such food or to bring it into compliance with the provisions of this ordinance or the Public Health Code of the State of Connecticut.

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**VII. Revocation or Suspension of License**

- (a) The Director of Health may revoke or suspend any license to operate a food service or restaurant establishment, itinerant food vending business or food catering service if he/she finds:
- (1) that any of the provisions of this ordinance are violated; or
  - (2) that there exist serious or repeated violations of the Public Health Code of the State of Connecticut; or
  - (3) that the holder of the license or his/her agent has refused to permit the Director of Health to make a reasonable inspection of the premises or the operation therein, or unduly hinders such inspection, such inspection routinely being made between the hours of 9:00 a.m. and 12:00 noon or 1:30 p.m. and 4:30 p.m., but which may on occasion or for specific cause be made at other reasonable times.
- (b) The Director of Health shall not revoke or suspend any license issued under this ordinance without notifying the holder of the license, in writing, of the facts and of the specific section or sections of this ordinance or the Public Health Code of the State of Connecticut upon which his/her determination was made, and of the holder's right to request a hearing before the Director of Health and to present evidence or argument on all facts or issues involved.
- (c) A request for a hearing under subsection VII(b) shall stay any revocation or suspension until such time as a hearing has been held and a decision rendered thereon, provided, however, that if the Director of Health finds unsanitary or other conditions in the operation of a food service or restaurant establishment, itinerant food vending business or food catering service which, in his/her judgement constitutes an immediate and substantial hazard to the public health, and incorporates a finding to that effect in his/her notice, the license may be summarily suspended, pending a hearing thereon, which hearing shall be promptly instituted and all facts and issues promptly determined.

**VIII. Renewal of Licenses**

- (a) A license to operate a food service or restaurant establishment, itinerant food vending business or food catering service, shall be valid, unless suspended or revoked, for one (1) year from the date of issuance, except that a license for a temporary food service establishment shall be valid for a period not to exceed fourteen (14) consecutive days. A probationary license to operate a food service or restaurant establishment, an itinerant food vending business or a food catering service shall not be renewed.

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- (b) Application for renewal shall be made at least sixty (60) days before expiration and shall be in the form and manner as required for application for the original license.
- (c) Each application for renewal of a license shall be accompanied by a fee in accordance with the fee schedule herein.
- (d) The Director of Health shall renew each license no later than thirty (30) days before expiration upon making such findings as are required for issuance of the original license.
- (e) If renewal of any license is denied, the Director of Health shall notify the holder of the license in writing, not later than thirty (30) days before the expiration of the license, of the facts and of the specific section or sections of this ordinance upon which his/her determination was made.

**IX. Appeal from the Director's Orders**

Any person aggrieved by an order of the Director of Health issued pursuant to these regulations may, within forty-eight (48) hours after the making of such order, appeal such order to the Commissioner of Health for the State of Connecticut pursuant to C.G.S. 19a-229. No such appeal shall stay the order appealed from, unless the Commissioner of Health, for good cause shown and on notice to the Director, issues an order granting such a stay.

**X. Certification of Operators**

- (a) This section X shall not apply to any person who on or before September 1, 1989 holds a license to operate a food service or restaurant establishment, an itinerant food vending business or a food catering service. Further, it shall not apply to operators of church kitchens and halls.
- (b) After September 1, 1989, all applications for a license or renewal of a license to operate a food service or restaurant establishment, an itinerant food vending business or a food catering service, excluding applications from persons exempted under subsection (a) of this section, shall include, in addition to the requirements of subsection V(b), the name of an individual certified by the Director of Health to operate a food service or restaurant establishment, an itinerant food vending business or a food catering service, who will be engaged "full-time" shall mean routinely working at least thirty-five (35) hours per week.

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- (c) All applications for certification to operate a food service or restaurant establishment, an itinerant food vending business or a food catering service shall be in writing and signed by the applicant, on forms provided by the Director of Health, and shall set forth:
  - (1) the name and address of the applicant;
  - (2) training and experience of the applicant in the operation of food service or restaurant establishments, itinerant food vending businesses or food catering services; and
  - (3) such other information as may be necessary in order for the Director of Health to make any determination required by this ordinance.
- (d) Each application shall be accompanied by a fee of twenty-five dollars (\$25.00), which shall not be refundable to defray the cost of administration.
- (e) A certificate to operate a food service or restaurant establishment, an itinerant food vending business or a food catering service shall be issued by the Director of Health upon finding:
  - (1) that the applicant has successfully completed an approved course of study which covers the theory, practice, methods, profession and work of operating a food service or restaurant establishment, an itinerant food vending business or a food catering service including food handling, food protection, food-borne illnesses, sanitation and hygiene; or
  - (2) that the applicant, through past experience and training, possesses sufficient knowledge of the theory, practice, methods, profession and work of operating a food service establishment and of food handling, food protection, food-borne illnesses, sanitation and hygiene such that the certifying of the applicant would not impair the public health, safety or general welfare.

For the purpose of this subsection, “approved course” shall mean a course approved by the Director or Health, who shall maintain a list of approved courses, which list shall from time to time be updated.

- (f) Any license issued pursuant to any application covered by subsection X(b) shall remain valid only so long as at least one (1) individual certified by the Director of Health to operate a food service or restaurant establishment, an itinerant food vending business or a food catering service is engaged full-time in the operation of same. In the case of exemptions under subsection X(a), the Director of Health may require, as a condition of renewal of license pursuant to Section VIII, that at least one (1) individual of the

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exempted operation become certified in accordance with the provisions of Section X(b) – (e).

- (g) Renewal of certification to operate a food service or restaurant establishment, an itinerant food vending business or a food catering service shall follow the procedures set out in Section VIII for the renewal of a license to operate a food service or restaurant establishment, itinerant food vending business or a food catering service.

**XI. Violations and Penalties**

Any person who shall operate a food service or restaurant establishment, an itinerant food vending business or a food catering service shall follow the procedures set out in Section VIII for the renewal of a license to operate a food service or restaurant establishment, itinerant food vending business or a food catering service.

**XII. Severability**

Should any section, subsection, paragraph, sentence or clause of this ordinance be adjudged invalid, the remainder of this ordinance shall not be affected thereby and shall be deemed valid and effective.

**XIII. Rules and Regulations**

The Director of Health may, after a public hearing, make and enforce reasonable rules and regulations not to conflict with, but to carry out, the intent of this ordinance.

**XIV. Effective Date**

The effective date of this ordinance shall be June 1, 1989.

Initially approved: April 19, 1989

Finally approved: May 15, 1989