

Whereas, in the interest of protecting health, safety and welfare of the public a restaurant rating system has been shown to improve food safety sanitation practices over time.

Whereas, Inspections are a “snapshot” of the day and time of the inspection. On any given day, an establishment could have more or fewer violations than noted.

Whereas, numerous health departments in Connecticut use a restaurant rating system to track establishments within their jurisdiction.

Whereas, restaurant rating systems can also be highly beneficial for how an establishment is run and the way staff is performing.

Whereas, it has been found that posting health department restaurant inspection ratings at restaurants and using letter grades for restaurant inspection ratings are linked with fewer foodborne outbreaks and could lead to safer restaurants.

NOW, THEREFORE, BE IT ORDAINED that Chapter 14, Article I of the New Haven General Code of Ordinances be amended as set forth and enact:

Chapter 14 FOOD-SERVICE AND RESTAURANT ESTABLISHMENTS¹

ARTICLE I. IN GENERAL

Sec. 14-1. 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: (a) Sanitation of Places Dispensing Foods and Beverages (Section 19-13-B42); (b) Catering Food Service (Section 19-13-B49); (c) Itinerant Food Vending (Section 19-13-B48); (d) Sanitation of Food Stuffs (Section 19-13-B40); and (e) Chapter 341, State of Connecticut, Health Statutes, Consumer Protection, (Section 19-208), 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, by reference, are hereby adopted and made part of this chapter.

¹Editor's note(s)—Ord. of Aug. 1, 1977, expressly amended the Code by revising Ch. 14 to read as herein set out. Former Ch. 14, §§ 14-1—14-5, 14-11—14-17, had pertained to the same subject matter and had been derived from Ord. of April 7, 1964, § 1—11.

Ch. 14 was not affected by the selected chapter review and re-enactment project begun in 2006 and derives unchanged from the Code of 1962, reprinted in 1985, as amended.

(Ord. of 8-1-77)

Sec. 14-1.1. Definitions.

(a) *Food-Service establishment* means:

- (1) Any premises or areas where food or beverages, or both, are prepared and sold or otherwise distributed to the public for consumption on, about or off such premises.
- (2) Any premises or areas where groceries, bakery products, confectioneries, meats, fish, vegetables, fruits, and dairy products are sold, offered for sale or kept for sale;
- (3) Any premises where food or beverages, or both, are prepared in bulk or in individual portions for service in bulk or in individual portions at another location;
- (4) A truck, automobile, pushcart or other vehicle (also known as an Itinerant Food Vendor) from which food or beverages are dispensed, which vehicle has no fixed location and has no permanent connection to water supply and sewage disposal systems;
- (5) Any premises having facilities for the preparation, service or delivery of food and beverages, though used only intermittently or temporarily for the same; and
- (6) Any premises used to conduct a catering food service, said service being one which involves the sale or distribution of food or drink prepared in bulk at one geographical location for service in individual portions at another or which involves preparation and service of food on public or private premises not under the ownership or control of the operator of such service.

But does not mean or include:

- (1) Premises which meet the definition set forth in subsections (1) through (5) above only because beers, wines and spirits are sold in unopened cans or bottles in such establishments or because food or beverages are dispensed in such premises solely in coin-operated vending machines; or
 - (2) Premises primarily devoted to the sale of newspapers, magazines, or drugs, whether ethical or proprietary, and sundries where food and confectioneries prepared and packaged elsewhere are sold.
- (b) *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.
- (c) *Director* shall mean the director of public health appointed pursuant to section 127 of the Charter of the City of New Haven and section 19-75 of the Connecticut General Statutes, or his/her designated representative; provided, that the powers and duties of the director under section 14-16 shall be nondelegable.
- (d) *Food-Service Rating* is where a food service establishment is required to publicly post a “grade” visible to the public at the entrance/ service window based on the results of the most recent food safety inspection.
- (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.

Created: 2021-08-22 15:57:35 [EST]

(Supp. No. 23)

(f) *Shared kitchen* means:

- (1) Any licensed retail or wholesale food establishment, that leases, rents, or otherwise makes their commercial kitchen space available for utilization by individuals or business entities for food preparation, temporary extra production capacity, menu planning, training, taste testing, product development, food packaging, food storage or any other food-related purpose that is secondary or incidental to the establishment's primary business activity of retail or wholesale food establishment.
- (2) Any establishment used as a place of business for the exclusive or primary purpose of utilizing, leasing, or renting its commercial kitchen space to individuals, or business entities, for food preparation, temporary extra production capacity, menu planning, training, taste testing, product development, food packaging, food storage or any other food-related purpose; and does not hold a valid retail food establishment license.

(g) *Shared kitchen user* means any person or business entity who utilizes, leases, or rents kitchen space at any licensed shared kitchen that:

- (1) Does not add any additional equipment to the shared kitchen that requires professional installation or plumbing and/or electrical modifications;
- (2) Does not make any structural changes to the building.
- (3) Does not otherwise make any changes to the existing shared kitchen that would require an additional inspection.
- (4) Does not operate beyond the approved hours of operation for the existing shared kitchen.

(h) *Micro-food business* means:

- (1) A small business entity involved in the production of food for wholesale and/or retail sales that grosses less than two hundred fifty thousand dollars (\$250,000.00) in sales annually that:
 - a. Is a shared kitchen user.

(Ord. of 8-1-77; Ord. of 1-8-79, § 1; Ord. of 12-4-89; Ord. of 8-2-93; Ord. No. 1859, 4-15-19)

Sec. 14-2. Restaurants and food-service establishments; grocery stores, bakeries, meat, fish and vegetable markets; plans of construction; approval.

When any food service establishment is hereafter constructed, properly prepared plans and specifications for such construction, showing layout arrangements, and construction materials of all areas, and the location, size and type of fixed equipment and facilities shall be submitted to the director or his/her designee for approval before such work is begun. A plan review fee will be applicable. The Director shall recommend the Plan Review Fee and shall include such proposed fee in the proposed annual budget. The fee shall be as approved by the Board of Alders of the City of New Haven in the approved annual budget, as may be amended.

(Ord. of 8-1-77)

Sec. 14-3. Director of health; right of entry.

The director shall be permitted to enter, at any reasonable time, any food service or restaurant establishment within the City of New Haven for the purpose of making inspections to determine compliance with this chapter.

(Ord. of 8-1-77)

Sec. 14-4. Violations; penalty.

A licensed shared kitchen shall ensure that any person engaged in the business of a shared kitchen user on the licensed premises is in compliance with all equipment, food, and fire safety requirements set forth in the Municipal Code of New Haven and any rules promulgated thereunder.

(Ord. of 8-1-77; Ord. No. 1859, 4-15-19)

Sec. 14-5. Temporary food service operations.

[The provisions of this section shall apply to temporary food service operations.]

(1) Definitions.

- (a) *Temporary food service operation* means any food service establishment as defined by section 14-1.1(a) of the Code of Ordinances of the City of New Haven, as amended, which is intended to or does continue in operation for a period not to exceed two (2) successive weeks at one (1) or more locations in connection with a carnival, circus, public exhibition, festival, celebration, or similar transitory event.
- (b) *Director* means the director of the department of public health for the City of New Haven appointed pursuant to section 127 of the Charter of the City of New Haven, Connecticut and section 19a-200 of the Connecticut General Statutes or his/her designee(s).
- (c) *Person* means one (1) or more individuals, any type of partnership, joint venture, corporation, association, and all other entities such as a limited liability company organized under the laws of the State of Connecticut.

(2) License required, fee. No person shall conduct a temporary food service operation without a license issued by the director. The application for this license shall be in form and substance as required by the director. A license is required for each event. A license fee schedule is set out in section 17-20 of this Code.

(3) Director's right of entry and/or inspection.

- (a) The director may enter upon and/or inspect any temporary food service operation to determine compliance with the rules and regulation of the Public Health Code of the State of Connecticut, this section 14-5 et. seq. or other applicable statutes, ordinances, rules, and regulations of the department of health for the City of New Haven and/or to insure the health and safety of the public. If the director finds that such operation is being conducted in violation of any of the requirements or in a manner that is averse

to public health and safety, then he/she shall issue an order that the person conducting such operation take such corrective action as the director may prescribe and within the time period specified in this order. If this order is not complied with, then the director shall issue a written order requiring the cessation of such temporary food service operation forthwith. In addition, the director may deny a subsequent license for such a temporary food service operation.

- (4) Penalty for violation. Any person who shall operate a [temporary] food service without having applied for and received a license, or whose license has been suspended, as provided in this chapter shall be guilty of a misdemeanor and, upon conviction thereof shall be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment for not more than ninety (90) days, or both, for each offense. Each day upon which such a violation occurs shall constitute a separate violation.
- (5) Appeal from director's order. Any person aggrieved by an order of the director issued pursuant to this section 14-5 et. seq. may appeal such order to the commissioner of health for the State of Connecticut pursuant to section 19-103 of the Connecticut General Statutes as amended, or as hereafter amended. 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.

(Ord. of 10-7-98; Ord. No. 1386, 7-5-05)

Sec. 14-6. Notification of non-alcoholic (juice bar) events by café owners.

- (a) As used in this section, "juice bar or similar facility" means a café, or an area within a café, in which nonalcoholic beverages are served to minors, in accordance with CGS Section 30-22c.
- (b) The holder of a café permit shall notify, in writing, or by facsimile, the chief of the New Haven Police Department in advance of specific dates and hours of any scheduled event at which the premises or a portion thereof will be used as a juice bar, or similar facility. Such notice shall be received not later than forty-eight hours prior to the scheduled event.
- (c) The chief of the New Haven Police Department shall designate a law enforcement officer to attend any such scheduled event at the cost of such permit holder. The cost of said police personnel shall be paid by the café permit holder by sixty (60) days of invoice.
- (d) Failure of the holder of the café permit to adhere to all sections under this Section shall result in punishment by a fine of two hundred fifty dollars (\$250.00), or the maximum amount authorized by state statutes or this Code. Each day that the violation continues shall be deemed a separate offense. In addition, the city reserves the right to commence all appropriate legal action, including, but not limited to, collecting all debts owed to the city.
- (e) The holder of the café permit may appeal the fines imposed under this section to the board of police commissioners and shall file his/her a notice of appeal with the office of the chief administrative officer ("CAO").
- (f) Nothing in this section shall exempt the holder of a café permit from compliance with any other provision(s) in this code. The presence of alcoholic liquor, or the sale or dispensing to, or

consumption of, alcoholic liquor by a minor at a juice bar or similar facility is prohibited, as set forth by the general statutes.

- (g) The CAO shall have the right to develop regulations related to this section. The regulations may be amended from time to time, subject to the approval from the Board of Alders, and shall be made available to the public by the police department and/or the office of the CAO.
- (h) If any clause of this section is or becomes illegal, invalid or unenforceable because of present or future laws or any rule or regulations or by any governmental body, or entity, including any court of law, the remaining part of this ordinance shall not be affected thereby and shall be in full force and effect.

(Ord. No. 1633, 8-2-10)

Secs. 14-7—14-10. Reserved.

ARTICLE II. LICENSES

Sec. 14-11. Required; display.

- (a) It shall be unlawful for any person to operate a food service establishment, in the City of New Haven, who does not possess a valid food service license issued to him/her by the Director of Health. The food-service license must be displayed in a conspicuous place where it is easily readable to the public.
- (b) Each food service establishment will receive a food-service rating after their periodic food service inspection. This grading must be visible from the exterior of the establishment. Based on the most recent periodic food service inspection, the letter grades for food service establishments will be assigned as follows:
 - 1. A letter grade of a (A) will be assigned when an establishment has:
 - i. A rating score of 90 to 100
 - ii. No four-point demerit violations
 - iii. Four or less risk factor violations
 - 2. A letter grade of a (B) will be assigned when an establishment has:
 - i. A rating score of 80 to 89
 - ii. No four-point demerit violations
 - iii. Four or less risk- factor violations.
 - 3. A letter grade of a (C) will be assigned when an establishment has:
 - i. A rating score of 80 to 89
 - ii. No four-point demerit violations
 - iii. A rating of 80 to 100 with no four-point demerit violations but who have five or more risk factor violations.

-
4. A letter grade of a (D) will be assigned when an establishment has:
 - i. A rating score of below 80
 - ii. One or more four-point violations.

(c) No license issued under this chapter may be transferred from one person to another person, business, or establishment.

(Ord. of 8-1-77)

Sec. 14-12. Fees; expiration.

- (a) A schedule of license fees for a license The Director shall recommend the Food Service License Fee and shall include such proposed fee in the proposed annual budget. The Fee shall be as approved by the Board of Alders of the City of New Haven in the approved annual budget, as may be amended.
- (b) If more than one such establishment is operated by the same owner, a separate license shall be required for each such establishment licensed. Licenses so issued under this section shall expire on January 2, with the exception of Itinerant Vendors which license will expire on April 1, of each year and may be renewed upon payment of the annual fee specified section 17-20 of this Code. Any establishment that does not renew a license upon written notification shall be assessed penalty fees, which will be based on the approved annual budget of the City of New Haven, set by the Board of Alders.
- (c) Charitable/Non-Profit organizations which prepare and distribute food solely for delivery to and/or service at soup kitchens and/or homeless shelters located in New Haven for conveyance free of charge to needy individuals shall be exempt from annual license fees but not inspections.

(Ord. of 8-1-77; Ord. of 1-8-79, § 2; Ord. of 5-28-80, § 5; Ord. of 4-15-85, § 3; Ord. of 8-4-86; Ord. of 6-6-88, § 1a; Ord. of 12-4-89; Ord. of 8-5-96, § 1; Ord. of 5-24-99; Ord. No. 1345, 2-2-04; Ord. No. 1386, 7-5-05)

Sec. 14-13. Application; filing, fees.

At the time of a shared kitchen user application, the shared kitchen identified in such application and the shared kitchen user must comply with the regulations adopted and promulgated by the Public Health Code of the State of Connecticut relative to the inspections of food service establishments, and the Municipal Code of New Haven and any rules promulgated thereunder.

If at the time of a shared kitchen user application:

- (1) The shared kitchen identified in such application has been cleared by the zoning and building departments, the department's signature shall not be required, and the shared kitchen's proof of license shall suffice within the meaning of this section 14-13 as a pre-condition for obtaining a license.

-
- (2) Within the twelve-month period prior to the application date, the shared kitchen identified in such application passed its most recent inspection by the fire marshal, the inspection within the meaning of this section 14-13 shall not be required as a condition for obtaining a license. The date and certified proof of inspection shall be provided by the identified shared kitchen.
 - (3) Within the six-month period prior to the application date, the shared kitchen identified in such application passed its most recent inspection by the water pollution control authority such that the premises and equipment and food safety operations comply with the requirements of the Municipal Code of New Haven and any rules promulgated thereunder, the inspection within the meaning of this section 14-13 shall not be required as a condition for obtaining a license. The date and certified proof of inspection shall be provided by the identified shared kitchen.

The shared kitchen user application shall become operative ninety (90) days following its effective date to allow affected city departments and the water pollution control authority to establish and streamline an official implementation process.

(Ord. of 8-1-77; Ord. of 5-28-80, § 6; Ord. of 4-15-85, § 3; Ord. of 6-6-88, § 1b; Ord. of 8-5-96, § 2; Ord. of 5-24-99; Ord. No. 1345, 2-2-04; Ord. No. 1386, 7-5-05; Ord. No. 1859, 4-15-19)

Sec. 14-14. Premises and equipment; investigation prerequisite to issuance of licenses.

Upon receipt of an application for a license, the director shall inspect the premises and equipment of the applicant, and if the same are found to be in compliance with the rules and regulations of the Public Health Code of the State of Connecticut, and other applicable statutes, ordinances, or rules and regulations of the New Haven Board of Health, he/she shall issue the applicant a valid license.

(Ord. of 8-1-77)

Sec. 14-15. Periodic inspection after issuance.

The director shall periodically inspect the premises, equipment, and operation of all persons holding a valid food service or restaurant license. If he 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 forthwith to take such measures as are necessary for full compliance with the said code. All licenses issued under the terms of the chapter may be suspended or removed by the director for a violation by the licensee, of any of the terms of said code or other applicable statutes, ordinances, or rules and regulations.

(Ord. of 8-1-77)

Sec. 14-16. Hearing before director on suspension, revocation, or non-issuance.

If after notice of violation, a licensee shall fail to comply with any order issued pursuant to section 14-15, within a reasonable time as stated in such notice, the director shall issue an order suspending or revoking the license required by this chapter. Said order shall become final and non-appealable ten (10) days after receipt by the licensee thereof unless the licensee affected by such order within such

ten (10) day period, files with the director a written request for a hearing before the director. Such hearing shall be commenced not later than ten (10) days from the filing of such written request, and the director shall after considering the evidence produced at such hearing, sustain, modify, or reverse the order of suspension or revocation. Any applicant denied a license under the provisions of this chapter may likewise file within ten (10) days after receipt of written notice of such denial a written request for a hearing before the director, which hearing shall commence within ten (10) days after the receipt of such request by the director. In the absence of such a request for hearing, a notice of denial of application for a license under this chapter shall become final ten (10) days after receipt thereof by the applicant.

(Ord. of 8-1-77)

Sec. 14-17. Appeal from non-issuance, suspension, or revocation.

Any person or persons aggrieved by an order of the director issued after a hearing, as provided in section 14-16, which order denies, revokes, or suspends any license issued or required under this chapter, may appeal to the commissioner of health of the State of Connecticut from such order, pursuant to section 19-103 of the Connecticut General Statutes, as amended, or as hereafter amended. No such appeal shall stay the decision appealed from, unless the commissioner of health, for good cause shown and on notice of the director, issues an order granting such a stay.

(Ord. of 8-1-77)

Sec. 14-18. Reciprocal Licensing of Itinerant Food Vending Establishments MOU.

The Director of Health is authorized to enter into the State of Connecticut sponsored MOU.

This MOU has been adopted and will be amended from time to time

Secs. 14-19—14-40. Reserved.

ARTICLE III. FOOD POLICY COUNCIL

Sec. 14-41. Established.

The New Haven Food Policy Council is established and composed of eleven (11) members, ten (10) appointed by the mayor and approved by the Board of Alders, and one (1) aldermanic representative elected by the Board of Alders. At its initial formation, three (3) members shall serve for a one-year term, four (4) shall serve for a two-year term, and four (4) members shall serve for a three-year term. Subsequent council members, in addition to the aldermanic representative, will be appointed by the mayor and approved by the Board of Alders for a three-year term that may be renewed. The council may recommend prospective appointees to the mayor and Board of Alders. The ten (10) members of the council appointed by the mayor shall include: one (1) member of the department or organization administering the council; six (6) members of the community personally engaged in the production and distribution of food, or in the effects of food on the local economy

and health of city residents. Members may be chosen from the following fields: hunger relief, nutrition, businesses in the food sector, farming, and institutional food management; three (3) of the members of the council shall be selected from the public at large. Additionally, for the council's initial formation, two (2) temporary members will also be appointed by the mayor and approved by the Board of Alders for a one-time, three-year term, to participate in the establishment of council goals and objectives. The two (2) temporary members of the council shall include: one (1) member of the community personally engaged in food production, distribution, or in the effects of food on the local economy and health of city residents and one (1) member selected from the public at large. Three (3) years after its initial formation and every three years thereafter, the Board of Alders will evaluate the council on the basis of previous annual reports. As long as the council meets its goals or makes reasonable progress toward them, the council will be reauthorized for another three (3) years.

(Ord. No. 1384, 6-6-05)