

## **ARTICLE IV. FOOD SERVICE ESTABLISHMENTS:**

### **A Regulation Pertaining To the Sanitation of Food Service Establishments and Setting Permit Requirements, Inspection Requirements, Plan Review Requirements, Fees For Same, And Penalties For Violations.**

**Sec. 30R-4-1. Authority.** These Regulations are authorized pursuant to Section 19a-243, Subsection (a) of the General Statutes of the State of Connecticut as amended. Facilities for dispensing foods or beverages shall meet the requirements of Sections 19a-36f through 19a-36o inclusive, of the Connecticut General Statutes, and Sections 19a-36h-1 to 19a-36h-7, inclusive of the Regulations of Connecticut State Agencies. Furthermore, these regulations are adopted pursuant Chapter 30, Section 30-1 of the Darien Code of Ordinances.

**Sec. 30R-4-2. Purpose.** In order to prevent the spread of disease and safeguard the health, safety, and welfare of the inhabitants of the Town of Darien and the general public, the Darien Health Department shall, through a program of inspection, education, enforcement of the Regulations of Connecticut State Agencies, and licensing, regulate food service establishments in the Town of Darien.

#### **Sec. 30R-4-3. Definitions**

- A. Chronic Violations** refers to violations that have been repeatedly noted in past inspection reports.
- B. Fee Schedule** refers to those fees proposed by the Director of Health and adopted by the Board of Selectmen, pursuant to Section 30-3 of the Darien Code of Ordinances.
  - 1. Annual Food Service Permit Fee** is to be submitted with the permit application/renewal. Annual permits are effective from January 1 until December 31. Applications for new permits submitted after July 1 shall have the Annual Food Service Permit Fee prorated accordingly.
  - 2. Late Fee** refers to a fee for a food service establishment submitting its complete food service permit renewal application, Annual Food Service Permit Fee, and supporting documentation after the expiration date of the previous annual permit.
  - 3. Permit Reinstatement Fee** shall be required whenever a permit to operate a food service establishment has been suspended or revoked and must be submitted before the permit is reinstated. The Permit Reinstatement Fee shall be in addition to the Annual Food Service Permit Fee, and will not be prorated.
  - 4. Plan Review Fee** must be submitted with an application to review plans for a new or renovated food service establishment.
  - 5. Hearing Fee** shall be assessed whenever a food service establishment is subject to an ORDER to attend a HEARING due to violations found during inspections and/or failure to achieve compliance for noted violations within the provided timeframe
  - 6. Reinspection fee** shall be assessed when a food service facility formally requests that a reinspection be performed in order to improve the inspection outcome or rating. Reinspection(s) conducted by request will only be performed after a written itemization of corrective measures is submitted by applicant together with the appropriate reinspection fee.

C. **Food Service Classification** means the categorization of a food service establishment risk category of food preparation and the population served, based on the FDA Food Code as adopted and implemented under C.G. § 19-36 et al (the “Food Code”). The Classification shall be one of the following:

1. **“Class 1 food establishment”** means a retail food establishment that does not serve a population that is highly susceptible to food borne illnesses and only offers (A) commercially packaged food in its original commercial package that is time or temperature controlled for safety, or (B) commercially prepackaged, precooked food that is time or temperature controlled for safety and heated, hot held and served in its original commercial package not later than four hours after heating, or (C) food prepared in the establishment that is not time or temperature controlled for safety;
2. **“Class 2 food establishment”** means a retail food establishment that does not serve a population that is highly susceptible to food-borne illnesses and offers a limited menu of food that is prepared or cooked and served immediately, or that prepares or cooks food that is time or temperature controlled for safety and may require hot or cold holding, but that does not involve cooling;
3. **“Class 3 food establishment”** means a retail food establishment that (A) does not serve a population that is highly susceptible to food-borne illnesses, and (B) offers food that is time or temperature controlled for safety and requires complex preparation, including, but not limited to, handling of raw ingredients, cooking, cooling and reheating for hot holding;
4. **“Class 4 food establishment”** means a retail food establishment that serves a population that is highly susceptible to food-borne illnesses, including, but not limited to, preschool students, hospital patients and nursing home patients or residents, or that conducts specialized food processes, including, but not limited to, smoking, curing or reduced oxygen packaging for the purposes of extending the shelf life of the food;

D. **“Food Establishment”** means an operation that (A) stores, prepares, packages, serves, vends directly to the consumer or otherwise provides food for human consumption, including, but not limited to, a restaurant, catering food service establishment, food service establishment, temporary food service establishment, itinerant food vending establishment, market, conveyance used to transport people, institution or food bank, or (B) relinquishes possession of food to a consumer, directly or indirectly, through a delivery service, including, but not limited to, home delivery of grocery orders or restaurant takeout orders or a delivery service that is provided by common carriers. “Food Establishment” does not include a vending machine, as defined in section 21a-34, a private residential dwelling in which food is prepared under section 21a-62a or a food manufacturing establishment, as defined in section 21a-151;

1. **Itinerant Food Vendor** is a person, firm or corporation who operates a mobile food service which moves to its customers and does not occupy a fixed location. Foods sold by itinerant vendors must be prepared in approved, permitted facilities. Such vendors are subject to Permit Reciprocity whenever applicable.
2. **Temporary Food Service Establishment** means any non-mobile food service establishment that operates at a fixed location for a period of time, not to exceed fourteen (14) consecutive days, in connection with a fair, carnival, circus, public exhibition, farmer’s market or similar transitory gathering.
3. **Seasonal Food Service Establishments** are those which serve food six (6) months or less during any calendar year.

4. **Catering Food Service Establishment** means a business that is involved in the (A) sale or distribution of food and drink prepared in bulk in one geographic location for retail service in individual portions in another location, or (B) preparation and service of food in a public or private venue that is not under the ownership or control of the operator of such business.

**E. Food Inspector** means the Darien Director of Health, or the Darien Director of Health's Authorized Agent, or a registered sanitarian who has been certified as a food inspector by the Commissioner of Public Health.

**F. Food Service Permit** is a written document issued by the Director of Health that authorizes a person to operate a Food Establishment. A Food Service Permit may be issued for a specific time period, specific activity, and specific location. Types of Food Service Permits are as follows:

1. **Initial Permit:** refers to a permit issued for a new Food Establishment or for an existing Food Establishment that has had a change in ownership. An Initial Permit is valid for a thirty (30) day period.
2. **Annual Food Service Permit:** refers to a permit, renewed annually, issued for a Food Establishment.
3. **Limited Permit:** refers to a permit issued to a non-profit organization that only prepares foods periodically for special events and are not regular food preparation and service operations.
4. **Temporary Permit:** refers to a permit issued to a person operating a Temporary Food Service Establishment.
5. **Seasonal Permit:** refers to a permit issued to a food service facility for six months or less.
6. **Itinerant Vendor:** refers to a permit issued to mobile food vendors that sell prepared food.

**G. Imminent Health Risk Violations** refers to conditions found within a Food Establishment that pose a significant immediate risk to public health that necessitates immediate corrective action or closure of the food service establishment.

**H. Inspection Report** means the report completed by the Darien Health Department, on forms approved by the Connecticut State Department of Public Health, which identify the violations and demerit items found in the Food Establishment at the time of inspection. All inspection reports shall be made available to the public on request at the Food Establishment and will be posted on the Health Department website for public viewing.

**I. "Certified food protection manager" (CFPM)** means a Food Establishment employee that has a CFPM certificate of training from a Conference for Food Protection recognized accrediting agency along with supervisory and management responsibility and the authority to direct and control food preparation and service;

1. **Alternate Person in Charge:** The person designated by the owner or manager of the Food Establishment to be in charge of the Food Establishment when the Certified Food Protection Manager cannot be present.
2. **Person in Charge:** The individual present at a Food Establishment who is responsible for the operation at the time of inspection.

**J. Permit Reciprocity** for Itinerate Vendors: Refer to Sec. 30R-4-16 (*Food from Establishments Outside of Darien*).

**K. Rating** is a written form provided to a Food Establishment containing an appraisal of conditions observed during the inspection of such Food Establishment based on the following factors: the absence/presence of Priority, Priority Foundation Violations, the absence/presence of chronic or repeat violations, the Food Establishment's inspection history and prior efforts to correct previous violations, the training and demonstrable knowledge of food service personnel, and the overall sanitary conditions in the facility at the time of inspection. Ratings are issued to Class 2, 3 and Class 4 food service establishments; Ratings are not issued to Class 1 facilities, Itinerant Food Vendors, grocery stores, or Temporary Food Service Establishments.

**L. Temporary Event Coordinator** refers to the individual(s) or organization that is organizing and planning a temporary event that includes Food Establishment(s).

**M. Time or Temperature Controlled for Safety ("TCS")** refers to food maintained at a certain temperature or maintained for a certain length of time, or both, to prevent microbial growth and toxin production; and

**N. Variance** means a written document issued by the commissioner that authorizes a modification or waiver of one or more requirement(s) of the Food Code.

**O. Violation(s)** are evaluated on a three-tier risk-based system as follows:

1. **Priority** (most severe): Are those item(s) that contribute directly to the elimination, prevention, or reduction to an acceptable level, any hazard(s) associated with foodborne illness or injury, when there is no other provision that more directly controls the hazard. Priority Violations must be corrected at the time of inspection or within 72 hours thereafter.
2. **Priority Foundation**: item(s) that support, facilitate, or enable on or more Priority item(s), including item(s) that require the purposeful incorporation of specific actions, equipment or procedures to attain control of risk factors that contribute to foodborne illness or injury, such as personnel training, infrastructure or necessary equipment, HACCP plans, documentation or record keeping, and labeling. Priority Foundation Violations must be corrected at the time of inspection or within 10 calendar days thereafter.
3. **Core** (least severe): item(s) relating to general sanitation, operational controls, sanitation SOPs, facilities or structures, equipment design, or general maintenance. Violations must be corrected at the time of inspection or within 90 days thereafter.

#### **Sec. 30R-4-4. Permit Requirements**

- A. No person shall operate a food service establishment within the Town of Darien unless a valid Food Service Permit has been issued. A Food Service Permit may be revoked for noncompliance with the requirements of these regulations, regulations adopted by the

State of Connecticut Department of Public Health, and regulations of other Connecticut State Agencies, as they may be amended.

**B.** Food Service Permits shall not be transferable from one person or place to another person or place.

**C.** Any person desiring to own or operate a Food Service Establishment shall make written application for all required Food Service Permits on forms provided by the Darien Health Department. Such application shall include the name and address of each owner, the location of the Food Establishment, the signature of each owner or its principal officer, and the Certified Food Protection Manager and Alternate Person in Charge. The appropriate Food Service Permit Fee shall accompany the application.

**D.** All new Food Service Establishments, or any other establishment discharging fats oils and grease must be served by grease recovery or grease interceptor units as approved by local building official and the Department of Public Works.

**E.** All Food Service Permits shall be renewed annually. Permittees desiring renewal of such permits shall file an application with the Darien Health Department prior to the expiration date with the appropriate Food Service Permit Fee and documentation as specified in Section 30R-4-4 (C) of these regulations. For those Food Establishments served by a septic system, verification of septic tank and grease trap maintenance must be submitted. For Food Establishments served by sewers, verification of grease trap maintenance must be provided. All permits require Town tax payments to be up-to-date.

**F.** If a Food Service Permit renewal application, Food Service Permit Fee, and supporting documentation as specified in Section 30R-4-4(C) of these regulations is submitted after the previous permit expiration date, *a Late Fee may be assessed*. If a Food Service Permit is not renewed within thirty (30) days of the expiration date, ORDERS to close the Food Establishment may be issued by the Director of Health or Authorized Agent.

**G.** In the case of transfer of ownership of an existing Food Service Establishment to a new ownership, the new owner must demonstrate to the Darien Health Department that the Food Service Establishment is in compliance with Health Department Regulations of the Town of Darien and the State Department of Public Health before a Food Service Permit will be issued. New ownership shall be subject to the Initial Permit procedure as described in Section 30R-4-6 of these regulations.

**H.** Each class 2 food establishment, class 3 food establishment and class 4 food establishment shall employ a certified food protection manager. No person shall serve as a certified food protection manager unless such person has satisfactorily passed a test as part of a food protection manager certification program that is evaluated and approved by an accrediting agency recognized by the Conference for Food Protection as conforming to its standards for accreditation of food protection manager certification programs. A certified food inspector shall verify that the food protection manager is certified upon inspection of the food establishment. The owner or manager of the food service establishment shall designate an alternate person or persons to be in charge at all times when the certified food protection manager cannot be present. The alternate person or persons in

charge shall be responsible for ensuring the following: (1) All employees are in compliance with the requirements of this section; (2) foods are safely prepared in accordance with the requirements of the food code; (3) emergencies are managed properly; (4) a food inspector is admitted into the food establishment upon request; and (5) he or she receives and signs inspection reports.

I. Whenever a Food Establishment changes to a different class as determined by the Director of Health or Food Inspector, the Food Establishment shall be reclassified. No Food Establishment shall change operations to a different classification without prior written approval from the Director of Health. At the time of reclassification written application for a new permit must be made by the applicant to reflect this change. The appropriate fee shall accompany the application. Any such Food Establishment shall be subject to the Initial Permit procedure as provided in Section 30R-4-6 of these regulations.

J. Permits shall be posted in a conspicuous location clearly visible to the public within the food service establishment. Ratings shall be posted by the main entrance of the establishment.

**Sec. 30R-4-5. Limited Permits**

A. Any non-profit organization that owns or operates a Food Establishment that is used periodically for food preparation or service shall make written application for a Limited Permit on forms provided by the Darien Health Department. Such application shall include the name of the organization, contact person(s), and a summary of expected events to be held during the year.

B. Prior to approval of an application for a Limited Permit, the Darien Health Department shall inspect the Food Establishment to determine compliance with these Regulations, and the Regulations of the State Department of Public Health.

C. If the Food Establishment passes the inspection referred to in subsection (B) of this Section, the Health Department may issue a Limited Permit to the organization owning or operating the food service establishment. The Limited Permit is effective from January 1 until December 31 and shall be renewed annually upon application by the organization. Food Establishments with Limited Permits shall not be subject to the Initial Permit procedure as described in Section 30R-4-6 of these regulations.

D. Ratings will not be issued for establishments receiving Limited Permits.

**Sec. 30R-4-6. Initial Permits**

A. A preoperational inspection shall be conducted by the Food Inspector to determine compliance with the approved plans and specifications, regulations of the Town of Darien and the State Department of Public Health. If compliance is determined, the Health Department shall issue an *Initial Permit* effective for thirty (30) days. The issue date of an Initial Permit shall be on the day of the preoperational inspection. An Initial Permit shall be replaced with an Annual

Food Service Permit when the food service establishment operations are deemed compliant with Darien Health Department Regulations and the Regulations of the State Department of Public Health by means of an inspection conducted during this Initial Permit period. The failure of the Health Department to inspect the food service establishment within such thirty (30) days shall result in the automatic extension of the Initial Permit until an inspection is conducted.

**B.** If the Food Establishment is found to be noncompliant with these Regulations or Regulations of the Connecticut Department of Public Health at the time of inspection during the Initial Permit period, the Health Department may renew the Initial Permit for an additional thirty (30) days. Should the Food Establishment continue to be noncompliant at the time of re-inspection during this extension period, a Hearing shall be held within thirty days and shall be conducted in accordance with Section 30R-4-14 of these regulations. If the applicant has not demonstrated that the Food Establishment is compliant with local and state regulations after an inspection conducted after the Hearing, ORDERS to close the facility may be issued by the Director of Health.

**C.** Ratings shall not be issued for Food Establishments receiving Initial Permits.

#### **Sec. 30R-4-7. Temporary Events & Permits**

- A.** *Temporary Event Coordinators* must submit a completed *Application for Approval of Temporary Event* no less than 14 days before the corresponding event. The application for a temporary food service event shall be on forms provided by the Health Department and include contact information of all vendors as well as the address and dates the event will be held. There shall be no fee for this application.
- B.** Unless exempt under the Itinerant Vender Permit Reciprocity MOU, vendors serving food and beverages at temporary events shall apply for Temporary Permits on forms provided by the Health Department and include therein the following information: primary food handlers, proposed menu, sources of food and a sketch showing the location of food storage and dispensing equipment. The appropriate fee, if required, shall be submitted in accordance with the approved Fee Schedule.
- C.** Temporary Permits issued to temporary food service establishments shall be issued for a period of time not to exceed fourteen (14) consecutive days and shall be limited to a one time renewal.
- D.** Vendors at farmer's markets or similar transitory gatherings who perform any food preparation or service must obtain a Temporary Food Service Permit from this office unless exempt under the Itinerant Vender Permit Reciprocity MOU.
- E.** Failure to obtain a Temporary Permit in advance of the event could result in the food service establishment being excluded from the event.
- F.** Ratings will not be issued for Food Establishments participating in temporary events.

**Sec. 30R-4-8. Plan Review Approval**

**A.** Whenever a Food Establishment is constructed or when the food preparation and storage facilities are being renovated in an existing food Establishment or a change in Food Service Classification is being proposed, properly prepared plans and specifications for such construction or alteration shall be submitted to the Health Department for review and approval before construction or alterations may begin. Plans and specifications shall include the proposed layout, arrangement, and construction of all areas within the Food Establishment and the type and model of all proposed equipment. All such equipment shall be National Sanitation Foundation (NSF) approved or equivalent. An application for plan review and approval shall be submitted together with plans, specifications and the appropriate Plan Review Fee as provided in the Fee Schedule. Such application shall include proposed number of seats, proposed class, a proposed menu, verification of connection to an adequate and safe water supply, documentation regarding the adequacy of wastewater and grease control system(s), together with evidence of the employment of a CFPM and an Alternate Person in Charge

**B.** In no case shall renovations or alterations be made in an existing Food Establishment without the permit holder obtaining prior approval of such proposed renovations or alterations from the Health Department.

**Sec. 30R-4-9. Inspections**

**A.** All Food Establishments shall be inspected by the Director of Health or Authorized Agent of the Director of Health, if such individual has been certified as a Food Inspector by the Commissioner of Public Health. As many additional inspections or reinspections shall be conducted as are necessary to enforce these Regulations and the Regulations of Connecticut Department of Public Health and protect the health of the public.

**B.** All Food Establishments shall maintain a copy of the most recent Inspection Report at the permitted Food Establishment. Upon request, the report will be available for review by the Food Inspector and the public.

**C.** All Inspection Reports, including electronic versions of the inspections, exclusive of those undergoing an appeal process, are public documents available during normal business hours at the Health Department office and at the respective food service facility.

**Sec. 30R-4-10. Inspection Reports, Availability for Public Viewing and Ratings**

**A.** . At the conclusion of each inspection, all Food Establishments will receive an Inspection Report itemizing Violation(s) and shall specify a time frame for correction.

**B.** A placard notifying patrons of Inspection Report availability, along with the most current Rating, must be posted at the main entrance of the Food Establishment.



- C. All Class 2, 3 and Class 4 Food Establishments shall receive Ratings at the conclusion of each inspection as follows:
  - 1. "A" means compliance with applicable rules with NO Priority Violations;
  - 2. "B" means substantial compliance with applicable rules and regulations
  - 3. "C" means needs improvement or the presence of any chronic, previously identified risk factor violations that have not been corrected.
  - 4. Detailed criteria for the issuance of Ratings are provided in Appendix 1.
- D. The owner or CFPM of any Food Establishment may at any time request an inspection for the purpose of improving the inspection results of the Food Establishment. Within 10 (ten) days of receiving a written request for the reinspection, a signed statement itemizing the corrective measures that have been taken and the appropriate Reinspection Fee have been submitted, the Director of Health or Authorized Agent shall make a complete reinspection and issue a new Inspection Report and Rating as appropriate.
- E. Ratings are not provided in conjunction with inspections performed for Class 1 facilities, grocery stores, Temporary Events, Limited Permits and Initial Permits.

**Sec 30R-4-11. Enforcement**

- A. If a Food Establishment is found to have "priority" violations at the time of inspection, the Director or Authorized Agent shall itemize those items in violation to be corrected within 72 hours, whereupon the Director or Authorized Agent shall verify compliance and issue a new Inspection Report and Rating noting compliance.
- B. If a Food Establishment is found to have Priority Foundation Violation(s) at the time of inspection, the Director or Authorized Agent shall itemize those items in violation to be corrected within ten (10) days, whereupon the Director or Authorized Agent shall verify compliance and issue a new inspection report and Rating noting compliance,
- C. The Director may approve a compliance schedule beyond time limits noted in subsections A and B above if a written schedule of compliance is submitted by the permit holder and a determination is made that no health hazard exists or will result from allowing an extended schedule for compliance.
- D. The Director of Health shall hold a Hearing for any Food Establishment that does not comply with the compliance schedule outlined in subsections A and B above. At the Hearing, the owner and CFPM shall submit a plan in writing specifying methods for correcting violations and a timetable for achieving compliance. If the methods for correcting violations are not completed within the agreed upon timetable, the Food Service Permit may be subject to immediate suspension.
- E. If a Food Establishment has one (1) or more of the same Priority Violation(s) as noted in previous inspections, or receives a "C" Rating more than once in a year, the Food Establishment shall be subject to a hearing and the Permit to operate will be subject to

suspension or revocation in accordance with Sections 30R-4-12, 13, and 14 XII, XIII and XIV of these Regulations.

- F. If a Food Establishment fails to post the most recent Rating as described under Section 30R-4-10 (C) of these Regulations, the Director of Health may Order the establishment to post its most current rating. If the Order is not followed, the Director of Health may assess a fee in accordance with the most recently adopted Fee Schedule and Section 30R-4-17 of these Regulations.
- G. In the case that a CFPM is not employed onsite as required, the Food Establishment has ninety (90) days to comply. If compliance is not achieved within this period, the Director of Health may suspend or revoke the Food Service Permit and Order the food service establishment to close.

**Sec 30R-4-12. Suspension of Permit**

A. The Director of Health may suspend a Food Service Permit to operate a Food Establishment if the permit holder does not comply with these Regulations or Regulations of the Department of Public Health. Failure to pay the Hearing Fee as required constitutes grounds for Food Service Permit suspension.

B. Prior to such action, the Director of Health shall notify the permit holder in writing by issuing a *“Notice of Intent to Suspend”* stating the reasons for which the Food Service Permit is subject to suspension, and advising that the Food Service Permit shall be suspended at the end of five (5) days following service of such Notice, unless an Appeal for a hearing is filed in accordance with Section 30R-4-14(B) of these Regulations. If an Appeal is received, the Suspension will be held in abeyance until such Hearing is held and a decision is rendered.

C. In the event that a hearing request is not made by the permit holder, the suspension shall go into effect after five (5) days have elapsed from the date of the service of the Notice. At such time, an Order shall be issued by the Director of Health to cease all food service operations. No such operations shall resume without written approval of the Director of Health.

D. A suspended permit will be reinstated only after a satisfactory inspection of the facility and payment of the Permit Reinstatement Fee.

**Sec. 30R-4-13. Revocation of Permit.**

A. When serious violations of any of the requirements of these Regulations or the Regulations of Connecticut State Agencies, are observed which may be considered to pose an imminent health risk to patrons of the Food Establishment, or for interference with the Director of Health or Authorized Agent in the performance of their duties, the Food Service Permit may be revoked and Order(s) to close the Food Establishment will be issued by the Department of Health. The permit holder or Person in Charge shall immediately cease all food operations, and such operations shall not be resumed without written approval of the Director of Health.

**B.** Any permit holder who has had their Food Service Permit revoked shall have an opportunity for a Hearing in accordance with Section 30R-4-14(C) of these regulations.

**C.** A revoked Food Service permit will be reissued only after a satisfactory reinspection of the facility and payment of the Permit Reinstatement Fee.

**Sec. 30R-4-14. Hearings and Appeals**

**A. Hearings** shall be held by the Director of Health or his designee whenever deemed necessary or due to repeated Priority and/or Priority Foundation Violations found during routine and follow-up inspections. The owner and CFPM of the Food Establishment shall be given prior notification of the time and location of the Hearing at which time they shall provide written documentation and testimony at the Hearing to establish whether the Food Establishment is in compliance or how it will be brought into compliance with Darien and State Regulations.

**B. Suspension Hearings** shall be conducted by the Director of Health or his designee provided a written *appeal* for such action is filed with the Director of Health by the permit holder within five (5) days after a **NOTICE OF INTENT TO SUSPEND** has been provided in accordance with Section 30R-4-12 B. Appeals for Hearings must include a written itemization of corrective measures taken to address those items noted as deficiencies in the NOTICE.

1. Suspension Hearings must be held within five (5) business days of the receipt of the written appeal from the permit holder.
2. A decision as to whether to suspend the Food Service Permit shall be made within 24 hours of the Hearing.
3. A written report with conclusions and an itemization of any conditions agreed upon at the hearing shall be furnished to the permit holder within five (5) business days of the hearing date.

**C. Permit Revocation Hearings** shall be held if an Appeal is filed with the Director of Health within forty-eight (48) hours of service of the Notice of Permit Revocation and the ORDER to close. 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 ORDER. The Food Establishment shall remain closed in accordance with the ORDER until a decision is made at the Hearing.

**D.** Upon the decision of the Director of Health to suspend or revoke the Food Service Permit to operate, an ORDER to immediately cease all food preparation and service operations shall be issued. The owner of a Food Establishment who is aggrieved by such ORDER of the Director of Health may, within forty-eight (48) hours, *appeal* to the Commissioner of Public Health who shall thereupon immediately notify the authority from whose order the appeal was taken and examine into the merits of such case and may vacate, modify, or affirm such action. Copies of any such appeals must be filed with both the Commissioner of Public Health and the Director of Health.

**Sec. 30R-4-15. Right of Entry to Inspect.**

The Director of Health or Authorized Agent, after proper identification, shall be permitted to enter during business hours or at any other reasonable time, any Food Establishment for the purpose of making inspections to determine compliance with these Regulations and Regulations of the Department of Public Health. The Director of Health or Authorized Agent may examine records of the Food Establishment to obtain information pertaining to food and supplies purchased, received or used, persons employed, and employee training records, but not including financial records. Refusal to allow entry to inspect shall result in a presumption that the Food Establishment presents an immediate and substantial hazard to the public health, and the Director of Health may issue a Notice of Violation/Order of Abatement that requires immediate access to the Food Establishment or the Food Establishment will be ordered to close.

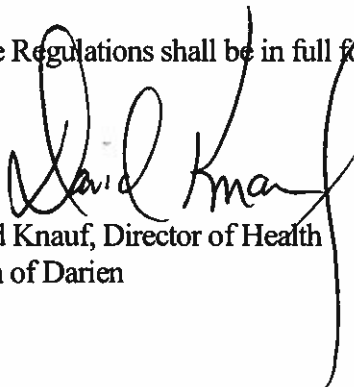
**Sec. 30R-4-16. Food from Establishments Outside of Darien**

Food from Food Establishments outside the jurisdiction of the Darien Health Department may be sold in the Town if such Food Establishments conform to the provisions of the Connecticut Public Health Code. To determine the extent of compliance with such provisions, the Director of Health or Authorized Agent may accept reports from responsible authorities in other jurisdictions where such food service establishments are located.

**Sec, 30R-4-17. Penalties.** Violation of these Regulations and Regulations of Connecticut State Agencies are subject to the penalties provided for in Sections 19a-36, 19a-220, and 19a-230 of the Connecticut General Statutes, and Sections 19-13-B1 & 2 of the Regulations of Connecticut State Agencies.

These Regulations shall be in full force and effect on June 14, 2023

By:



David Knauf, Director of Health  
Town of Darien

***Appendix 1***

***Rating Criteria (to be developed, currently under suspension)***