



Board of Selectmen / First Selectman  
Town of Somers  
600 Main Street  
Somers, CT 06071

July 18, 2024

Subject: Request to Adopt New Food Handling Regulations

Dear Sir:

We, on behalf of the Health Department, have a request to add a Food-Handling Establishment ordinance.

As you may be aware, on June 17, 2017, legislation in Connecticut passed a bill that established the Food and Drug Administration (FDA) Model Food Code as Connecticut's Food Code. The new law began phasing in the FDA Food Code on July 1, 2017, and went into full effect on February 16, 2023, repealing the Connecticut Public Health Code (*Sections 19-13-B40, B42, B48, and B49*).

Please find attached a document prepared by our Health Director and Sanitarian that outlines the proposed Food-Handling Establishment ordinance.

The creation of this ordinance will assist us in providing municipal enforcement.

The town attorney has reviewed the document and has no comments or additions.

We respectfully request that the Board of Selectmen consider creating the proposed ordinance as recommended and schedule a public hearing as the next step in the adoption process.

Respectfully,

Todd Rolland  
Director of Public Works, Deputy Director of Emergency Management, Tree Warden  
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Attachments:

- Proposed Chapter 115 Food-Handling Establishments,
- Chapter 114 Attachment 4, fee schedule.

## **Chapter 115 Food-Handling Establishments (§ xxx- §xxx)**

### **Purpose.**

### **Application.**

### **License, food establishment classification, & inspection intervals.**

### **Exemptions.**

### **Fees.**

### **Failure to comply/license suspension.**

### **Purpose.**

This article is to be in aid of enforcement of the FDA Food Code and of any amendments thereof hereafter adopted, all of which deal with the sanitation of restaurants, food operations, and other places preparing and serving foods or beverages.

### **Application.**

Every person proposing to operate a food establishment shall make written application on forms provided by the Director of Health.

### **License duration; food establishment class classifications; inspection intervals.**

All licenses to conduct, operate or maintain any food establishment shall be issued for a period of one (1) year beginning December 31 and ending January 1 of the following year.

Food establishment classifications:

“*Class I 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.

“*Class II 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, cooked and served immediately, or that prepares and cooks food that is time

or temperature controlled for safety and may require hot or cold holding, but that does not involve cooling.

“*Class III 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.

“*Class IV 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.

Food establishment inspection intervals:

Class I establishment—three hundred sixty (360) days;

Class II establishment—one hundred eighty (180) days;

Class III establishment—one hundred twenty (120) days;

Class IV establishment—ninety (90) days;

### **Exemptions.**

Residents of the Town of Somers offering fresh fruits and vegetables grown on and sold from their own property shall be exempt from this chapter.

### **Fees.**

See Chapter 114; Attachment 4.

### **Failure to comply/license suspension.**

The Director of Health may immediately suspend, without warning, prior notice or hearing, any license or other permit to operate a food service establishment if the operation constitutes an imminent, or immediate and substantial hazard to public health which shall include but is not limited to:

- A lack of equipment capable of maintaining the product temperature as required by the FDA Food Code.
- A food-borne illness outbreak reasonability connected to the food service establishment.

- The absence of potable water, supplied under pressure, in a quantity which, in the opinion of the Director of Health, is capable of meeting the needs of the facility.
- A backup of sewage into the facility or a sewage overflow on the premises.
- An infestation of vermin.
- A lack of facilities to wash, rinse, and sanitize food contact surfaces, equipment, and utensils.
- If there is a failure to correct a substantial violation that is continually found and reported on the inspection form.
- If the owner, operator or person in charge has interfered with the performance of the Director of Health's duties.
- If the Certified Food Protection Manager has an expired training certificate from a state-approved testing organization.

FEES

114 Attachment 4

**Town of Somers  
Schedule of Fees: Health Department/Sanitarian [Adopted 6-2-  
2022, effective 7-16-2022]**

<b>Food Service:</b>	
Annual license-(January 1 to December 31)	
Restaurant:	
Class I	\$150
Class II	\$200
Class III	\$250
Class IV	\$300
Temporary (1 to 14 days)	\$75
Food establishment plan review	\$200
Additional review for plan revisions	\$50
School:	
Public	No charge
Private	\$150
Day-care facility inspection	\$150
Group home facility inspection	\$150
Additional fees:	
Reinspection fee	\$75
Operating without a permit	\$50% of license cost
<b>Site Development:</b>	
Septic permits:	
New	\$200
Repair	\$200
Over 2,000 gallons per day	\$400
Minor/tank only	\$100
Soil testing:	
Per lot	\$200
Repair	\$100
Well:	
Well permit	\$150
Well abandonment	\$50
B100A:	
B100a application review	\$50
Plan review:	
Subdivision, per lot	\$100
Revision, per lot	\$50
Water treatment wastewater application	\$100