

# ***Town of Franklin***

## ***Ordinance on Food Establishment Licensing***

*Effective: March 18<sup>th</sup>, 1990*

*Revised: August 6<sup>th</sup>, 2008*

### **SECTION I: DEFINITIONS**

- A) FOOD- Any raw, cooked or processed edible substance, beverage, or ingredient used or intended for use, in whole or in part, for human consumption.
- B) FOOD ESTABLISHMENT- Any place in the Town of Franklin where food is regularly or temporarily prepared and served ready-to-eat to the public, for consumption on the premises or for consumption elsewhere.
- C) HEALTH OFFICER- The Director of Health for the Town of Franklin, or the Registered Sanitarian who is his/her authorized agent. These officers shall be responsible for enforcing this ordinance.
- D) CERTIFIED AGENT- One who has been certified by the State of Connecticut as a food service establishment inspector.

### **SECTION II: LICENSING REQUIREMENTS & PROCEDURES**

- A) SCOPE OF REQUIREMENT- Any person operating a food establishment must possess a valid license issued to him/her by a Health Officer. Licenses may not be transferred from person to person, or from location to location. All licenses issued under this ordinance shall expire on September 30<sup>th</sup> of each year. The owner or operator of a food establishment shall keep his/her valid license posted in a conspicuous location, visible to the patrons of the establishment and protected against defacement or damage at all times.
- B) PRIORITY OF LICENSE- This license, or written approval by a Health Officer of the site plan required by Section 3 below, and any amendments to such plan, must be obtained before any other permits required by the Town of Franklin may be issued.
- C) APPLICATION- Any person wishing to operate a food establishment must apply at least fifteen days prior to:

- 1) the start of such operation, for new licenses, or
- 2) the start of a new license year, for renewal or licenses.

Written application for a license shall be made to the Health Officer on forms provided by the Officer, and the application must include the following:

- 1) site & operation plans, required by Section 3 below;
- 2) a license fee of \$60.00, or, for licenses issued for less than a full year, of \$5.00 per month or part thereof;
- 3) an application fee of \$30.00 (for new licenses only);
- 4) a written analysis of the water supply of the food establishment, performed by a laboratory registered under the Public Health Code (PHC) for such testing, certifying that the water tested meets the sanitary standards of the PHC, and detailing the results of such testing. This analysis shall be required only with applications for new licenses, and for renewals for license years beginning in even-numbered calendar years. The water samples tested for such analysis must be taken from the water supply not more than sixty days prior to the date the license or renewal is to take effect.

- D) EXCEPTIONS- No license fee or other fees shall be required of:
  - 1) any food establishment owned or operated by the Town of Franklin; or
  - 2) any non-profit entity.
- E) STANDARD FOR ISSUANCE- After submission of a completed application and after investigation, the Health Officer shall issue the license if all of the following conditions are met:
  - 1) the license fee and all other fees or fines assessed upon the applicant under this ordinance have been paid in full to the Town of Franklin;

- 2) all Town of Franklin taxes upon any personal property used by such food establishment are fully paid within one year of their due date;
- 3) the proposed operation complies with the PHC, other applicable state regulations, and any regulations duly made by the Health Officer;
- 4) the application and/or proposed operation comply with all requirements of this ordinance.

If non-compliance with any of the above conditions is found, the Health Officer may, at his discretion, suspend action on the application for a stated period not to exceed thirty days, to allow the proposed operation to comply before final action is taken.

### **SECTION III: PLAN REVIEW OF RENOVATION & NEW CONSTRUCTION**

- A) SCOPE OF REQUIREMENT- Any person desiring to begin the operation of a new food establishment, or any operator of an existing food establishment who proposes to renovate, remodel, or change the equipment or operation of such establishment, must submit detailed plans to a Health Officer prior to obtaining any other permits required by the Town of Franklin, and prior to the start of construction or alteration of the food establishment.
- B) PLAN REQUIREMENTS- Construction and/or alteration plans shall show the layout, construction materials, and arrangement of work, service, and storage areas, and the location, size, and type of all fixed equipment and facilities. The menu, service expectations, and any other information needed to properly evaluate the proposed work shall also be submitted.

### **SECTION IV: ADOPTION OF PUBLIC HEALTH CODE**

All parts of the PHC that are applicable to food establishments are hereby incorporated into, and made part of, this ordinance, and if any provision of this ordinance is in conflict with said PHC, the provision of the PHC shall govern.

### **SECTION V: SANCTIONS**

- A) FINES- Any person operating a food establishment who does not have a valid license as required by this ordinance, or who fails to comply with any legal order of a Health Officer, either within the stated period allowed, or, if none is stated, within a reasonable period, shall be subject to a fine of not more than one hundred dollars for each day that such violation continues between the first day of the violation and the date of correction, or the date of disposition by a court of competent jurisdiction.
- B) OTHER SANCTIONS- The enumeration of specific sanctions in this ordinance, or the imposition thereof, shall not preclude the imposition of other sanctions that may be allowed by law or equity.

### **SECTION VI: VALIDITY**

If any section, subsection, clause, or phrase of this ordinance is, for any reason, found to be invalid or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining portions of this ordinance.

### **SECTION VII: EFFECTIVE DATE**

This ordinance shall take effect fifteen days after adoption and publication according to law. Any food establishment legally operating in the Town of Franklin as of the effective date of this ordinance shall have sixty days after such effective date to obtain the license required hereunder.

***THIS REVISED ORDINANCE WAS ADOPTED BY VOTE OF TOWN MEETING LEGALLY  
WARNED AND HELD ON THE 13th DAY OF August, 2008***

***THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY AFTER BEING POSTED  
AND PUBLISHED ACCORDING TO LAW.***

***PUBLISHED DATE: August 15<sup>th</sup>, 2008***

***EFFECTIVE DATE: August 30<sup>th</sup>, 2008***