



City of Milford, Connecticut

Founded 1639

TO: Ordinance Committee Members

FROM: Michelle Parente, Chairman

DATE: May 31, 2023

**SUBJECT: ORDINANCE COMMITTEE SPECIAL MEETING
AND PUBLIC HEARING
Monday, June 5, 2023 @ 7:00 p.m. - City Hall Auditorium**

There will be a special meeting of the Ordinance Committee of the Board of Aldermen on **Monday, June 5, 2023, at 7:00 pm.** in the City Hall Auditorium, 110 River Street, regarding the following Ordinances:

AGENDA

1. An Ordinance Amending Chapter 8, Food and Food Establishments of the Code of Ordinances of the City of Milford.
2. An Ordinance Adopting Chapter 11, Housing, Article IV, Fair Rent commission of the Code of Ordinances of the City of Milford.

Copies of said proposed Ordinance(s) are on file open to public inspection at the office of the City Clerk. Any individual with a disability who needs special assistance to participate in the meeting should contact the Director of Community Development (783-3230) five (5) days prior to the meeting, if possible.

Distribution:

Mayor Richard M. Smith
Philip Vetro, Chairman, Board of Aldermen
Karen A. Fortunati, City Clerk
Jonathan D. Berchem, City Attorney
Chris Saley, Director, Public Works
Peter Erodici, Finance Director
Deepa Joseph, Health Director
Joseph Griffith, DPLU Director
William Garfield, Recreation Director
Tania Barnes, Human Resources Director
Christine Angeli, Library Director
Chief Douglas Edo, Fire Department
Chief Keith Mello, Police Department
Toni Weeks, Risk Manager/Sr. Paralegal
Recording Secretary

**AN ORDINANCE AMENDING CHAPTER 8, FOOD AND FOOD ESTABLISHMENTS
OF THE CODE OF ORDINANCES OF THE CITY OF MILFORD**

**ARTICLE I.
IN GENERAL**

Sec. 8-1 Purpose.

This Chapter shall be liberally construed and applied to promote its underlying purpose of protecting the public health.

Sec. 8-2 Scope and Applicability

The United States Food and Drug Administration's Food Code ("Food Code") as adopted by reference in Connecticut General Statute Sec. 19a-36h, as well as adopted and promulgated by the State of Connecticut Commissioner of Health is hereby adopted and made part of this Ordinance. All food establishments shall comply with the requirements of the Food Code, as amended from time to time, any supplement thereto published by the United States Food and Drug Administration, and the Connecticut General Statutes and the Regulations of Connecticut State Agencies, as applicable.

Sec. 8-23 Definitions.

For the purpose of this Chapter, the following terms shall have the meanings indicated:

APPROVED - Acceptable to the Director of Health based on a determination as to conformance with the requirements of this Chapter, the Food Code and supplements, Connecticut General Statutes, the Regulations of Connecticut State Agencies, and/or good public health practices. Public Act No. 17-93, and the Public Health Code of the State of Connecticut, and/or good public health practices.

AUTHORIZED AGENT - A person designated by the Director of Health to act for him or her in the performance of any of his or her duties. For any person to be designated by the Director of Health to act for him or her in the enforcement of this Chapter, he or she must also be currently certified as a food service sanitation officer by the Commissioner.

CERTIFIED FOOD PROTECTION MANAGER - Has the same meaning as provided in Section 19a-36g of the Connecticut General Statutes.

COMMISSARY - A catering establishment, restaurant, or other fixed food establishment in which food is kept, handled, processed, prepared, packaged or stored with the intent of causing this food to be transported elsewhere for service.

COMMISSIONER - The State of Connecticut Commissioner of Public Health.

CORE ITEM – Has the same meaning as provided in Section 1-201.10 of the Food Code.

DIRECTOR OF HEALTH - The local Director of Health or his or her authorized agent.

FOOD - Any raw, cooked or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

FOOD CODE – United States Food and Drug Administration (FDA) Model Food Code as administered under Connecticut General Statutes Section 19a-36h.

FOOD ESTABLISHMENT - 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 service establishment does not include a vending machine, as defined in Section 21a-34 of the Connecticut General Statutes, a private residential dwelling in which food is prepared under Section 21a-62a of the Connecticut General Statutes or a food manufacturing establishment, as defined in Section 21a-151 of the Connecticut General Statutes.

FOOD INSPECTOR - The Director of Health, or his or her authorized agent, or a registered sanitarian who has been certified as a food inspector by the Commissioner ~~or his or her designee~~.

FOOD PROCESSING PLANT - A commercial operation that manufactures, packages, labels, or stores food for human consumption, and provides food for sale or distribution to other business entities such as food processing plants or food establishments. Food processing plant does not include a food establishment.

ITINERANT FOOD VENDING ESTABLISHMENT - A vehicle-mounted self-contained mobile food establishment. For the purposes of this Chapter, a pushcart shall be considered an itinerant food vending facility.

LICENSE - The written document issued by the Milford Health Department that authorizes a person to operate a food establishment.

LICENSE HOLDER - The person that is legally responsible for the operation of the food establishment, such as the owner, the owner's agent, or other person to whom a license to operate a food establishment is issued.

PACKAGED - Bottled, canned, cartoned, bagged, or securely wrapped, whether packaged in a food establishment or a food processing plant.

PERSON - Includes any individual, partnership, corporation, association, or other legal entity.

PERSON IN CHARGE - The individual present at a food establishment who is responsible for the operation at the time of inspection. ~~The individual present in a food establishment who is the apparent supervisor of the food establishment at the time of inspection. If no individual claims to be a supervisor, then any employee present is deemed to be the person in charge for the purpose of this chapter.~~

PRIORITY ITEM – Has the same meaning as provided in Section 1-201.10 of the Food Code.

PRIORITY FOUNDATION ITEM – Has the same meaning as provided in Section 1-201.10 of the Food Code.

PROCESSING - The conversion of raw food products into a state ready for human consumption, including, but not limited to, cutting, washing, heating, cooling and packaging.

PUSHCART - A non-self-propelled vehicle that only offers for retail sale food that is not time or temperature controlled for safety, or commissary-wrapped food maintained at proper temperatures, or limited to the preparation and serving of frankfurters, or limited to the manufacture and sale of frozen desserts.

RETAIL FOOD STORE - Any establishment or section of an establishment where food and food products are offered to the consumer and intended for off-premises consumption. The term includes delicatessens that offer prepared food in bulk quantities only. The term does not include roadside markets that offer only fresh fruits and fresh vegetables for sale.

SEASONAL FOOD ESTABLISHMENTS - A food establishment that operates at a fixed location for a period of time greater than 14 days, but not year-round.

TEMPORARY FOOD ESTABLISHMENT - A food establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.

TIME/TEMPERATURE CONTROL FOR SAFETY FOOD (TCS) - A food that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation. ~~Food that is required to be maintained at a certain temperature or maintained for a certain length of time, or both, to prevent microbial growth and toxin production.~~

VARIANCE - A written document issued by the Commissioner of Public Health that authorizes a modification or waiver of one or more requirements of the Food Code. ~~A written document issued~~

~~by the Commissioner that authorizes a modification or waiver of one or more requirements of Public Act No. 17-93, the Connecticut Public Health Code.~~

~~VENDING MACHINE – A self-service device that, upon insertion of a coin, paper currency, token, card, or key, or by electronic transaction or optional manual operation, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation. Any self-service device which, upon insertion of a coin, paper currency, token, card or key, dispenses unit servings of food, either in bulk or in packages, without the necessity of replenishing the device between each vending operation. It shall also include self-service food dispensers equipped for coin, paper currency, token, card or key operation and optional manual operation.~~

Sec. 8-34 Terms defined in other codes.

Where terms are not defined in this Chapter and are defined in either the Food Code and supplements, the Connecticut General Statutes, the Regulations of Connecticut State Agencies or the Building, Fire Safety or Public Health Codes, they shall have the same meanings ascribed to them as in the Connecticut General Statutes or as in these codes.

Sec. 8-45 Terms not defined.

Where terms are not defined under the provisions of either the Food Code and supplements, the Connecticut General Statutes, the Regulations of Connecticut State Agencies or the Building, or Fire Safety or Public Health Codes, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply.

Sec. 8-56 Interchangeability.

Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

Sec. 8-76 Severability.

If any provision or application of any provisions of this Chapter is held invalid, that invalidity shall not affect other provisions of this Chapter.

Sec. 8-78 Previously existing violations.

This Chapter shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof. Any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of the ordinances, codes or regulations in effect at the time the violation was committed.

Sec. 8-89 Conflict of regulations.

In any case where a provision of this Chapter is found to be in conflict with a regulation of the Connecticut State Department of Public Health and/or the Department of Consumer Protection existing on the effective date of this Chapter, the provision which establishes the higher standard for the promotion and protection of the health and safety of people shall prevail.

Sec. 8-9~~10~~ Food protection; emergency occurrences.

In the anticipation or the occurrences of a fire, flood, power outage or similar event that might result in the contamination of food, or that might prevent time/temperature control for safety food (TCS) from being held at required temperatures, the person in charge of a food establishment shall contact the Director of Health within two hours of first notice. If said notice is received at a time when the Health Department does not normally conduct regular business, the person in charge shall notify the police dispatcher, who shall continue to make all reasonable efforts to contact the Director of Health.

Sec. 8-10~~11~~ Personnel; employee health. ~~Work by unhealthy personnel prohibited.~~

~~No license holder or person in charge shall permit any person, while infected with a disease in a communicable form that can be transmitted by foods or who is a carrier of organisms that cause such a disease or while afflicted with a boil, an infected wound, or an acute respiratory infection, to work in a food establishment unless specifically authorized by the Director of Health. If the owner, operator, or person in charge of a food establishment has reason to suspect that any employee has contracted any reportable diagnosis as specified in Section 2-201.11(A)(2) of the Food Code, or any other communicable disease included on the Commissioner's list of reportable diseases, emergency illnesses and health conditions adopted pursuant to Section 19a-2a of the Connecticut General Statutes and that the commissioner deems reportable in relation to a foodborne outbreak, such owner, operator, or person in charge shall immediately notify the local Director of Health. No license holder or person in charge shall permit any person, while infected with a disease in a communicable form that can be transmitted by foods or who is a carrier of organisms that cause such a disease or while afflicted with a boil, an infected wound, or an acute respiratory infection, to work in a food establishment unless specifically authorized by the Director of Health.~~

Sec. 8-11~~12~~ Temporary food establishments.

(a) Generally. A temporary food establishment shall comply with the requirements of this Chapter, Food Code and supplements, Connecticut General Statutes, and the Regulations of Connecticut State Agencies, ~~except as otherwise provided in this Chapter. Public Act No. 17-93, and the Public Health Code of the State of Connecticut, except as otherwise provided in this chapter.~~ The Director of Health or his or her authorized agent may impose additional requirements to protect against health hazards related to the conduct of the temporary food establishment; may prohibit the sale

of some or all time/temperature control for safety foods (TCS); and when no health hazard will result, may waive or modify requirements of this Chapter.

(b) Restricted operations.

- (1) These provisions are applicable whenever a temporary food establishment is permitted, under the provisions of Section ~~8-13~~12(a) of this article, to operate without complying with all the requirements of this Chapter.
- (2) Only those time/temperature control for safety foods (TCS) requiring limited preparation, such as hamburgers and frankfurters that only require seasoning and cooking, shall be prepared or served. The preparation or service of other TCS foods, including pastries filled with cream or synthetic cream, custards, and similar products, and salads or sandwiches containing meat, poultry, eggs, fish or shellfish, is prohibited. This prohibition does not apply if it can be shown to the full satisfaction of the Director of Health or his or her authorized agent that a TCS food can and will be prepared, packaged, stored, displayed or transported under conditions and in facilities meeting the requirements of this Chapter, the Food Code and supplements, Connecticut General Statutes, and the Regulations of Connecticut State Agencies, Public Act No. 17-93, and the Public Health Code of the State of Connecticut.

Sec. ~~8-12~~13 Cannabis prohibited.

(a) It shall be unlawful and a violation of this Chapter for any person to consume, use or smoke any cannabis type substances as defined in Connecticut General Statutes § 21a-240, in the outdoor section of any food establishment as defined in Section 8-2 above.

(b) Penalty. Any food establishment found to be in violation of this Section 8-12 shall be subject to a fine of not more than \$1,000 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Sec. 8-14. Through Sec. 8-20. (Reserved)

**ARTICLE II.
COMPLIANCE PROCEURES**

Sec. 8-21 Generally.

(a) No person shall operate a food establishment who does not have a valid license issued to him or her by the Director of Health.

(b) Only a person who complies with the requirements of this Chapter, the Food Code and supplements, the Connecticut General Statutes, and the Regulations of Connecticut State Agencies

~~Public Act No. 17-93, and the Public Health Code of the State of Connecticut~~ shall be entitled to receive and retain such a license. Licenses shall not be transferable from one person to another person, from one location to another location, or from one vehicle to another vehicle. All licenses shall expire on the last day of February of each year.

(c) The operator of every food establishment shall keep a valid license posted in a conspicuous place near the public entrance of the food establishment, and it shall be posted in such a manner so as to be visible to the patrons of the food establishment and protected against defacement or damage.

(d) Licenses for temporary food establishments shall be issued for a period of time not to exceed 14 consecutive days.

Sec. 8-22 Issuance of licenses.

(a) Any person who continues to operate, or who desires to operate, a food establishment shall make written application for a license on forms provided by the Director of Health. Such application shall include the full name, address and telephone number of both the owner and operator of the food establishment, the location and type of the food establishment, the signature of each owner and operator, a statement signed by the Tax Collector certifying that all taxes levied by the City of Milford against personal property used or to be used in said food establishment have been paid, and such other pertinent information as the Director of Health may require. If the application is for a temporary food establishment, it shall also include the dates of the operation.

(b) No permit to operate a food establishment shall be issued by the Director of Health unless the applicant has provided the Director of Health with proof of registration with the Connecticut Department of Public Health upon implementation of the registration system. This Section 8-22(b) shall not apply to temporary food establishments and certified farmers' markets, as defined in Section 22-6r of the Connecticut General Statutes.

(c) Prior to approval of an application for a license, the Director of Health shall inspect the food establishment to determine compliance with the requirements of this Chapter, the Food Code and supplements, the Connecticut General Statutes, and the Regulations of Connecticut State Agencies, ~~Public Act No. 17-93, and the Public Health Code of the State of Connecticut~~.

(d) The Director of Health will issue a license to the applicant if the inspection reveals that the food establishment complies with the requirements of this Chapter, the Food Code and supplements, the Connecticut General Statutes, and the Regulations of Connecticut State Agencies, ~~Public Act No. 17-93, and the Public Health Code of the State of Connecticut~~.

Sec. 8-23 Suspension of licenses.

(a) The Director of Health may suspend any license to operate a food establishment if:

- (1) The license holder, person in charge, or the operation of the establishment itself, does not comply with the requirements of this Chapter the Food Code and supplements, the Connecticut General Statutes, and the Regulations of Connecticut State Agencies. ~~Public Act No. 17-93, or the Public Health Code of the State of Connecticut;~~
 - (2) The operation of the establishment otherwise constitutes an immediate and substantial hazard to public health;
 - (3) The Director of Health is interfered with in the performance of his or her duties; or
 - (4) There is a failure to correct a violation which is continually found and reported on the inspection report form in a timely manner as defined in Section 8-405 of the Food Code.
- (b) If the Director of Health finds unsanitary or other conditions in the operation of a food establishment which, in his or her judgment, constitute an immediate and substantial hazard to public health, he or she will immediately issue a written notice of suspension to the license holder or person in charge citing the reasons for such action. Upon service of such notice, the license to operate a food establishment is suspended. When a license is suspended, all operations related to the processing, preparation, storage, transportation, sale, or service of food shall cease immediately.
- (c) Whenever a license is suspended, an opportunity for a hearing will be provided if a written request for a hearing is filed with the Director of Health by the license holder within 48 hours. If no written request for a hearing is filed within 48 hours, the suspension is sustained. The Director of Health may end the suspension at any time if reasons for suspension no longer exist.
- (d) Upon receiving a request for hearing, the Director of Health shall thereupon immediately examine into the merits of such suspension and may sustain, modify or rescind such suspension. The license holder of an establishment who is aggrieved by such action of the Director of Health may, within 48 hours after the making of such decision, appeal to the Commissioner who shall thereupon immediately notify the authority from whose decision the appeal was taken and examine into the merits of such case and may sustain, modify, or rescind such action.
- (e) During the process of appeal, the license shall remain suspended. However, the Director of Health may grant a stay upon a showing of good cause.

Sec. 8-24 Revocation of license.

- (a) The Director of Health may, after providing opportunity for a hearing, revoke a license for serious or repeated violations of any of the requirements of this Chapter, the Food Code and supplements, the Connecticut General Statutes, and the Regulations of Connecticut State Agencies, or for interference with the Director of Health in the performance of his or her duties, or for cases where the license to operate has been obtained through nondisclosure, misrepresentation, or intentional misstatement of a material fact, or for nonpayment of personal

property taxes in accordance with Section 12-146a of the Connecticut General Statutes, or for interference with the Director of Health in the performance of his or her duties, or for cases where the license to operate has been obtained through nondisclosure, misrepresentation, or intentional misstatement of a material fact, or for nonpayment of personal property taxes in accordance with Section 12-146a of the Connecticut General Statutes ~~or for lack of registering with the Connecticut Department of Public Health in accordance with Section 4(3) of Public Act No. 17-93.~~

(b) Prior to revocation, the Director of Health shall notify the license holder or the person in charge, in writing, of the reason(s) for which the license is subject to revocation, and that the license shall be revoked at the end of 10 days following service of such notice unless a written request for hearing is filed with the Director of Health by the license holder within 48 hours following service of such notice. If no request for hearing is filed within 48 hours following service of such notice, the revocation of the license becomes final.

(c) If a written request for hearing is filed with the Director of Health by the license holder or the person in charge within 48 hours following service of such notice, the Director of Health shall thereupon immediately examine into the merits of such revocation and may sustain or rescind such revocation. The license holder of an establishment who is aggrieved by such action of the Director of Health may, within 48 hours after the making of such decision, appeal to the Commissioner, who shall thereupon immediately notify the authority from whose decision the appeal was taken and examine into the merits of such case and may sustain, modify or rescind such action.

(d) During the process of appeal, the license shall remain revoked. However, the Director of Health may grant a stay upon a showing of good cause.

Sec. 8-25 Service of notice.

A notice provided for in this article is properly served when it is delivered to the license holder or the person in charge, or when it is sent by electronic, registered, or certified mail, return receipt requested, to the address of the license holder as reported on the license application. A copy of the notice shall be filed in the records of the Director of Health.

Sec. 8-26 Hearings.

The hearings provided for in this article shall be conducted by the Director of Health at a time and place designated by him or her. Any oral testimony given at a hearing shall be reported verbatim, and the presiding officer shall make provision for sufficient copies of the transcript. The Director of Health shall make a final finding based upon the complete hearing record and shall sustain, modify, or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the license holder by the Director of Health within 10 working days of the hearing date.

Sec. 8-27 Reinstatement of suspended and revoked licenses.

(a) Suspension. Whenever a license has been suspended, the holder of the suspended license may make a written request for license reinstatement. Within 10 days following receipt of a written request, including a statement signed by the applicant that, in his or her opinion, the conditions causing the suspension have been corrected, the Director of Health shall make a reinspection. If the Director of Health determines that the applicant has complied with the requirements of this Chapter, the Food Code and supplements, the Connecticut General Statutes, and the Regulations of Connecticut State Agencies, Public Act No. 17-93, and the Public Health Code of the State of Connecticut, the license shall be reinstated.

(b) Revocation. After a period of 60 days from the date of revocation, a written application may be made for the issuance of a new license, as provided for in Section 8-22 of this article, and payment of the annual fee.

Sec. 8-28 Fees.

(a) The Director of Health shall establish a schedule of ~~annual~~ fees based upon the food establishment type and classification. Establishments shall be classified in accordance with the definitions contained in Section 19a-36h-1 of the Regulations of Connecticut State Agencies ~~Section 2(3)(4)(5)(6) of Public Act No. 17-93.~~ The Director of Health shall post the fee schedule in the Health Department Office, in public view, and on the City's website.

(b) At the time of filing an application for a food establishment license, the applicant shall pay all fees in accordance with the schedule of fees established by the Director of Health. Fees may be assessed for functions including, but not limited to, permits, plan reviews, inspections and reinspections and special events. The Director of Health shall post the fee schedule in the Health Department Office, in public view, and on the City's website.

Sec. 8-29 Inspection of food establishments.

Prior to the issuance of a license and periodically thereafter, the Director of Health shall visit every food establishment within the City of Milford to make as many inspections as are necessary for the enforcement of this article the Food Code and supplements, the Connecticut General Statutes, and the Regulations of Connecticut State Agencies, , Public Act No. 17-93, and the Public Health Code of the State of Connecticut. The Director of Health shall have access to all parts of the food establishment to determine compliance with the requirements of this article, the Food Code and supplements, the Connecticut General Statutes, and the Regulations of Connecticut State Agencies, Public Act No. 17-93, and the Public Health Code of the State of Connecticut, and shall be permitted to examine all records of foods purchased or received. Such inspections shall be performed during business hours, whenever possible, or at any reasonable time upon the request of the Director of Health.

Sec. 8-30 Report of inspection.

(a) Whenever an inspection of a food establishment is made, the food inspector shall complete all sections of the Commissioner's prescribed inspection report form, as amended from time to time, to document inspection observations and other findings, and correction of violations or corrective actions implemented, if any.

(b) The food inspector shall provide the owner or operator or person in charge of the food establishment with a copy of the inspection report form not later than forty-eight (48) hours after the inspection.

(c) The food inspector shall sign the inspection report form, which shall serve as the legal notice of violation, where found, and order to correct violations within the time period specified by the Food Code. ~~Whenever an inspection of a food establishment is made, the findings shall be recorded on the inspection report form as provided for in Public Act No. 17-93 and the Public Health Code of the State of Connecticut. Inspectional remarks shall be written to reference by item number, and shall state the nature of each violation.~~

Sec. 8-31 Correction of violations.

(a) The completed inspection report form shall specify a reasonable period of time for the correction of the violations found, and correction of the violations shall be accomplished as required by the Food Code and supplements, the Connecticut General Statutes, and the Regulations of Connecticut State Agencies; ~~Public Act No. 17-93 and the Public Health Code of the State of Connecticut,~~ except that:

- (1) If an imminent health hazard exists, as determined through inspection, or examination of employees, food, records, or other means as specified in the Food Code and supplements, the Connecticut General Statutes, and the Regulations of Connecticut State Agencies, ~~Public Act No. 17-93 and the Public Health Code,~~ the food establishment shall immediately cease all operations related to the processing, preparation, storage, sale or service of food. Operations shall not be resumed until authorized by the Director of Health.
- (2) In the case of temporary food establishments, all violations shall be corrected within 24 hours. If violations are not, or cannot be, reasonably corrected within 24 hours, the food establishment shall immediately cease food service operations until authorized to resume by the Director of Health.

(b) Failure to comply with any time limits for correction will result in cessation of all operations related to the processing, preparation, storage, sale or service of food. An opportunity for hearings on the inspection findings or the time limitations or both will be provided if a written request is filed with the Director of Health within 48 hours following cessation of operations. If a request for hearing is received, the Director of Health shall conduct a hearing in accordance with the provisions of Section 8-23(c) and (d) of this article.

(c) Whenever a food establishment is required under the provisions of this Section to cease operations, it shall not resume operations until it is shown on reinspection that the conditions responsible for the order to cease operations no longer exist. The Director of Health shall make a reinspection within 10 days following receipt of a request including a signed statement by the license holder or person in charge that the violations have been corrected.

Sec. 8-32 Examination, ~~hold order or destruction of food, embargo and condemnation of food.~~

(a) Examination. Food may be examined or sampled by the Director of Health as often as necessary for enforcement of this article, the Food Code and supplements, the Connecticut General Statutes, and the Regulations of Connecticut State Agencies. Public Act No. 17-93, or the Public Health Code of the State of Connecticut.

(b) ~~Embargo~~ Hold order. The Director of Health may, upon written notice to the license holder or person in charge specifying with particularity the reason(s) therefor, place a hold order on any food or beverage which he or she believes is adulterated or otherwise unfit for human consumption. The Director of Health shall tag, label, or otherwise identify any food subject to the hold order. No food subject to a hold order shall be used, served, or moved from the food establishment. The Director of Health shall direct storage of the food under conditions specified in the hold order without risk to the public health. The hold order shall state that a request for hearing may be filed with the Director of Health within 48 hours, and that if no hearing is requested, the food shall be destroyed. Within 48 hours following receipt of a request for a hearing, the Director of Health shall hold a hearing. On the basis of evidence produced at that hearing, the hold order may be rescinded or the license holder 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 Chapter, the Food Code and supplements, the Connecticut General Statutes, and the Regulations of Connecticut State Agencies. Public Act No. 17-93, or the Public Health Code of the State of Connecticut.

(c) ~~Condemnation~~ Destruction. Food shall be subject to immediate condemnation by the Director of Health when it is found to be unfit for human consumption by reason of the appearance or odor of decomposition, adulteration, or by having been contaminated by exposure to water, smoke, fire, heat, lack of refrigeration or animal and insect contact. Exposure to non-food chemicals in solid, liquid, or gaseous forms shall also be grounds for condemnation. Said action of condemnation shall only be used when, in the opinion of the Director of Health, there is substantial risk that the suspected food would otherwise be used for human consumption, or if the license holder agrees in writing as to the grounds for condemnation.

Sec. 8-33 Review of plans.

(a) Submission of plans. Whenever a food establishment is constructed or remodeled and whenever an existing structure is converted to use as a food establishment, application for a food establishment plan review shall be made to the Director of Health. This application shall include properly prepared architectural plans and specifications for such construction, remodeling, or conversion. These plans and specifications shall indicate the proposed layout, arrangement,

mechanical plans, and construction materials of work areas, and the types and models of all proposed equipment and facilities. The Director of Health shall review and approve these plans and specifications prior to the start of any construction, remodeling or conversion. The Director of Health shall approve plans and specifications if they meet the requirements of this Chapter, the Food Code and supplements, the Connecticut General Statutes, and the Regulations of Connecticut State Agencies. ~~Public Act No. 17-93 and the Public Health Code of the State of Connecticut.~~ No food establishment shall be constructed, remodeled, or converted except in accordance with plans and specifications approved by the Director of Health. No building permit shall be issued until such time as the Director of Health has submitted to the Building Official a written statement indicating his or her approval of plans and specifications.

(b) Preoperational inspection. Whenever plans and specifications are required by Section 8-33(a) of this article to be submitted to the Director of Health, the Director of Health shall inspect the food establishment as many times as he or she shall deem necessary prior to the start of operations to determine compliance with the approved plans and specifications and with the requirements of this Chapter, the Food Code and supplements, the Connecticut General Statutes, and the Regulations of Connecticut State Agencies. ~~Public Act No. 17-93, and the Public Health Code of the State of Connecticut.~~ No certificate of occupancy shall be issued until such time as the Director of Health has submitted to the Building Official a written statement indicating his or her approval of the food establishment.

Sec. 8-34 Procedure when infection is suspected.

(a) When the Director of Health has reasonable cause to suspect possible disease transmission by an employee of a food establishment, he or she may secure a medical history of the suspected employee or make any other investigation as needed and shall take appropriate action in accordance with the Food Code and supplements, the Connecticut General Statutes, and the Regulations of Connecticut State Agencies. ~~Section 6 of Public Act No. 17-93 and the provisions of the Public Health Code of the State of Connecticut.~~ The Director of Health may require any or all of the following measures:

- (1) The immediate exclusion of the employee from employment in food establishments;
- (2) The immediate closing of the food establishment concerned until, in his or her judgment, no further danger of disease outbreak exists;
- (3) Restriction of the employee's services to some area of the food establishment where there would be no danger of transmitting disease; and/or
- (4) Adequate medical and laboratory examination of the employee and of other employees and of his or her and their body discharges.

Sec. 8-35 Equipment to conform to design and fabrication standards.

All new and replacement equipment used in the storage, processing, holding and transportation of food shall conform to the design and fabrication standards of the National Sanitation Foundation, or equal, provided that these standards do not conflict with the requirements of this Chapter, the Food Code and supplements, the Connecticut General Statutes, and the Regulations of Connecticut State Agencies. ~~Public Act No. 17-93, or the Public Health Code of the State of Connecticut.~~

Sec. 8-36 Food establishments outside jurisdiction of City corporate limits.

Food from food establishments outside the jurisdiction of the Director of Health of the City of Milford may be sold within the City of Milford if such food establishments conform to the provisions of this Chapter or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the Director of Health may accept reports from responsible authorities in other jurisdictions where such food establishments are located.

Sec. 8-37 Penalties other than suspension and revocation of license.

Any person who shall violate any of the provisions of this article, the Food Code and supplements, the Connecticut General Statutes, and the Regulations of Connecticut State Agencies. ~~Public Act No. 17-93 and/or the Public Health Code of the State of Connecticut~~ shall be guilty of a misdemeanor. Upon conviction thereof, such persons shall be subject to a fine of not more than \$100 for each day that an offense continues between the date of notice of violations and the date of correction as known by reinspection, or the date of disposition by a court of competent jurisdiction. Absent proof of a claim that said violation(s) has (have) been corrected as herein provided for, said violation(s) shall be deemed to have continued consecutively each day during the period of time prior to said disposition. In addition thereto, such persons may be enjoined from continuing such violation(s).

**ARTICLE XXIII
ITINERANT FOOD VENDING FACILITIES**

Sec. 8-51-38 Itinerant food vending establishments.

(a) Generally. Itinerant food vending establishments shall comply with the requirements of this article, the Food Code and supplements, the Connecticut General Statutes, and the Regulations of Connecticut State Agencies. ~~Public Act No. 17-93 and the Public Health Code of the State of Connecticut~~, except as otherwise provided for in this article. The Director of Health may impose additional requirements to protect against health hazards related to the conduct of the food establishment as a mobile ~~operation, and operation and~~ operation and may prohibit the sale of some or all time/temperature control for safety foods (TCS).

(b) Classification of itinerant food vending establishments shall be in accordance with Section 19a-36g of the Connecticut General Statutes.

Sec. 8-52-39 Special requirements.

(a) The following special requirements shall apply only to Class 2 and Class 3 itinerant food vending establishments, except as otherwise provided for in this Section.

(1) Class 2 and Class 3 itinerant food vending establishments shall be required to have a potable water system under pressure. This system shall be of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing, and handwashing in accordance with the requirements of this article, the Food Code and supplements, the Connecticut General Statutes, and the Regulations of Connecticut State Agencies, Public Act No. 17-93, and the Public Health Code of the State of Connecticut. The water inlet shall be located so that it will not be contaminated by waste drainage, road dust, oil or grease, and it shall be kept capped unless being filled. The water inlet shall be provided with a transition connection of a size or type that will prevent its use for any other service. All water distribution pipes or tubing shall be constructed and installed in accordance with the requirements of this article the Food Code and supplements, the Connecticut General Statutes, and the Regulations of Connecticut State Agencies, Public Act No. 17-93, the Public Health Code of the State of Connecticut and the State Building Code.

(2) Liquid waste resulting from the operation of Class 2 and Class 3 itinerant food vending establishments shall be stored in a permanently installed retention tank that is of at least 15% larger capacity than the water supply tank. Liquid waste shall not be discharged from the retention tank when the itinerant food vending establishment is in motion. All connections on the itinerant food vending establishment which are intended for servicing the liquid waste retention tanks shall be of different size or type than those used for supplying potable water to the facility. The waste connection shall be located lower than the water inlet connection to preclude contamination of the potable water system.

(b) Pushcarts shall not be required to comply with the requirements of this Section pertaining to the necessity of potable water and liquid waste retention systems.

(c) Nothing in this Section shall prevent the manufacture and sale of frozen desserts in itinerant food vending establishments operating under licenses issued by the Commissioner of Consumer Protection.

Sec. 8-53-40 Commissary.

(a) Base of operations. All itinerant food vending establishments shall operate from a licensed commissary or other licensed, fixed food establishment. All Class 1, Class 2 and Class 3 itinerant food vending establishments shall report at least daily to such location for all supplies and for all cleaning and servicing operations. All licensed commissaries or other licensed, fixed food establishments used as a base of operations for itinerant food vending establishments shall be constructed and operated in compliance with the requirements of this article, the Food Code and

supplements, the Connecticut General Statutes, and the Regulations of Connecticut State Agencies ~~Public Act No. 17-93, and the Public Health Code of the State of Connecticut~~, except as otherwise provided for in this Section.

(b) Servicing area.

- (1) All licensed commissaries, or other licensed, fixed food establishments used as a base of operations for Class 1, Class 2 and/or Class 3 itinerant food vending establishments shall provide an area where these facilities can be serviced. This service area shall include at least overhead protection for any supplying, cleaning, or servicing operation. Within this service area, there shall be a location provided for the flushing and drainage of liquid wastes separate from the location provided for water servicing, and for the loading and unloading of food and related supplies. Licensed commissaries or other licensed, fixed food establishments only supplying prepackaged food to pushcarts and/or Class 2 itinerant food vending establishments shall not be required to provide a service area with water service and liquid waste flushing and drainage facilities.
- (2) The surface of the service area shall be constructed of a smooth, nonabsorbent material, such as concrete or machine-laid asphalt and shall be maintained in good repair, kept clean, and be graded to drain.

(c) Servicing operations.

- (1) Potable water servicing equipment shall be installed according to law and shall be stored and handled in a way that protects the water and equipment from contamination.
- (2) The liquid waste retention tank(s) of each itinerant food vending establishment shall be thoroughly flushed and drained during the servicing operation. All liquid waste shall be discharged to an approved sewage disposal system.

Sec. ~~8-54-41~~ Single-service articles.

Itinerant food vending establishments shall provide only single-service articles for use by the consumer.

Sec. ~~8-55-42~~ Handwashing facilities.

- (a) Itinerant food vending establishments shall be equipped with an approved handwashing facility, except as otherwise provided in this Section.
- (b) Class 1 itinerant food vending establishments and pushcarts shall not be required to comply with the requirements of this Section pertaining to the necessity of an approved handwashing

facility; but must provide some alternative means for accomplishing handwashing that is acceptable to the Director of Health.

Sec. 8-56-43 Toilet facilities.

(a) Itinerant food vending establishments shall be equipped with approved toilet facilities as part of the operation, except as otherwise provided for in this Section.

(b) Class 1 itinerant food vending establishments and pushcarts shall not be required to comply with the requirements of this Section pertaining to the necessity of approved toilet facilities, but the person operating such a facility must demonstrate to the full satisfaction of the Director of Health that he or she has access to public facilities or some other suitable arrangement.

**AN ORDINANCE ADOPTING CHAPTER 11, HOUSING, ARTICLE IV,
FAIR RENT COMMISSION OF THE CODE OF
ORDINANCES OF THE CITY OF MILFORD**

Sec. 11-150. Creation of Fair Rent Commission.

- (a) Pursuant to and in conformity with C.G.S. §§7-148b through 7-148f, 47a-20 and 47a-23c, there is hereby created a Fair Rent Commission (“Commission”) for the purpose of controlling and eliminating excessive rental charges for housing accommodations within the City of Milford, and to carry out the purposes, duties, responsibilities and all provisions of the above described sections and any other sections of the statutes, as they may be amended from time to time, pertaining to fair rent commissions.
- (b) The Commission shall consist of five (5) members and three (3) alternates, all of whom shall be residents or taxpayers of the City of Milford. Of the five (5) regular members, two (2) shall be landlords, two (2) shall be tenants and one (1) shall be neither. Among the alternate members, one (1) shall be a landlord, one (1) shall be a tenant and one (1) shall be neither.

The members and alternates shall be appointed by the Mayor, with approval of the Board of Aldermen. A quorum shall consist of three (3) members or seated alternates. Members of the Commission shall serve without compensation.

- (c) Members of the Commission shall be appointed for staggered terms of three (3) years, except that the terms of the initially appointed Commission members shall be as follows:
- (1) Two (2) Commission members, one (1) of whom shall be a landlord member, with an initial term to expire December 31, 2023;
 - (2) Two (2) Commission members, one (1) of whom shall be a tenant member, with an initial term to expire December 31, 2024; and
 - (3) One (1) Commission member with an initial term to expire December 31, 2025.

Vacancies on the Commission shall be filled, within a reasonable time, in the manner of original appointment for the unexpired portion of the term. Any member of the Commission may be reappointed in the manner of original appointment.

Sec. 11-151. Powers of the Commission.

- (a) The Commission’s powers shall include the power to:
- (1) Receive complaints, inquiries, and other communications concerning alleged excessive rental charges and alleged violations, including retaliation, of C.G.S. §§7-148b to 7-148f, inclusive, C.G.S. §§47a-20, 21-80 and 47a-23c in housing accommodations, except those accommodations rented on a seasonal basis, within its jurisdiction, which jurisdiction shall include mobile manufactured homes and mobile manufactured home park lots. “Seasonal basis” means housing

accommodations rented for a period or periods aggregating not more than one hundred and twenty (120) days in any one (1) calendar year. "Rental charge" includes any fee or charge in addition to rent that is imposed or sought to be imposed upon a tenant by a landlord, and includes any charge that is already in effect;

- (2) Make such studies and investigations regarding rental housing within the City of Milford as are appropriate to carry out the duties and responsibilities delegated hereunder, and subject to the terms, limitations and conditions set forth herein;
- (3) Conduct hearings on complaints or requests for investigation submitted to it by any person, subject to the terms, limitations and conditions as set forth herein;
- (4) Compel the attendance of persons at hearings, issue subpoenas and administer oaths, issue orders and continue, review, amend, terminate or suspend any of its orders and decisions;
- (5) Determine, after a hearing as set forth herein, whether or not the rent for any housing accommodation is so excessive as to be harsh and unconscionable;
- (6) Determine, after a hearing as set forth herein, whether the housing accommodation in question fails to comply with any municipal ordinance or state statute or regulation relating to health and safety;
- (7) Determine, after a hearing as set forth herein, whether a landlord has engaged in retaliation in violation of §11-155 below and make such orders as are authorized herein;
- (8) Order a reduction of any excessive rent to an amount which is fair and equitable, and make such other orders as are authorized herein;
- (9) Order the suspension or reduction of further payment of rent by the tenant until such time as the landlord makes the necessary changes, repairs or installations so as to bring such housing accommodation into compliance with any municipal ordinance or state statute or regulation relating to health and safety;
- (10) Establish an escrow account with a local bank or financial institution into which it shall deposit all rent charges or other funds paid to it pursuant to Section 5 herein; and
- (11) Carry out all other provisions of C.G.S. §§7-148b to 7-148f, inclusive, C.G.S. §§47a-20, 21- 80a and 47a-23c as now existing and as hereinafter amended, as they apply to fair rent commissions.

Sec 11-152. Determination of Excessive Rent.

- (a) In determining whether a rental charge or a proposed increase in a rental charge is so excessive, with due regard to all the circumstances, as to be harsh and unconscionable, the Commission shall consider such of the following circumstances as are applicable to the type of accommodation:
- (1) The rents charged for the same number of rooms in other housing accommodations in the same and in other areas of the municipality;
 - (2) The sanitary conditions existing in the housing accommodations in question;
 - (3) The number of bathtubs or showers, toilets, kitchen sinks and lavatory basins available to the occupants thereof;
 - (4) Services, furniture, furnishings and equipment supplied therein;
 - (5) The size and number of bedrooms contained therein;
 - (6) Repairs necessary to make such accommodations reasonably livable for the occupants accommodated therein;
 - (7) The amount of taxes and overhead expenses thereof;
 - (8) Whether the accommodations are in compliance with the ordinances of the City of Milford and the General Statutes of the State of Connecticut relating to health and safety;
 - (9) The income of the petitioner and the availability of accommodations;
 - (10) The availability of utilities;
 - (11) Damages done to the premises by the tenant, caused by other than ordinary wear and tear;
 - (12) The amount and frequency of increases in rental charges; and
 - (13) Whether, and the extent to which, the income from an increase in rental charges has been or will be reinvested in improvements to the accommodations. Nothing in this Section shall preclude the Commission from considering other relevant circumstances.
- (b) The rent of a tenant protected by C.G.S. §47a-23c who files a complaint with the Commission pursuant to C.G.S. §47a-23c(c)(2) may be increased only to the extent that such increase is fair and equitable, based on the criteria set forth in C.G.S. §7-148c.

Sec. 11-153. Procedures and Hearing on Complaints.

- (a) Upon the filing of a complaint, the Commission shall promptly notify all parties in writing of the receipt of the complaint. Such notice shall also inform the parties that the landlord is prohibited from retaliating against the tenant due to the filing of the

complaint. It shall also inform the parties that, until a decision on the complaint is made by the Commission, the tenant's liability shall be for the amount of the last rent prior to the increase complained of or, if there is no such increase, the last agreed-upon rent, and that an eviction based upon non-payment of rent cannot be initiated against a tenant who continues to pay the last agreed-upon rent during the pendency of the fair rent commission proceeding.

- (b) If a complaint alleges housing conditions that violate a housing, health, building or other code or statute, the Commission shall notify the appropriate municipal office or agency, which may then concurrently exercise its own powers. In addition, the Commission may request that the appropriate municipal official or agency promptly investigate and provide a report to the Commission.
- (c) If two (2) or more complaints are filed against the same landlord by tenants occupying different rental units in the same building, complex, or mobile home park that appear to raise the same or similar issues, the Commission may consolidate such claims for hearing.
- (d) The Commission may, to the extent practicable, encourage the parties to the complaint to reach a mutually satisfactory resolution through informal conciliation. The Commission may serve as an informal conciliator. Any agreement to resolve the complaint shall be in writing and signed by the parties.
- (e) A hearing on the complaint shall be scheduled no later than thirty (30) days after the filing of the complaint, unless impracticable. Written notice of the date, time, and place of the hearing shall be given to the parties to the complaint at least ten (10) days prior to the hearing by first class and certified mail and, if practicable, by electronic mail.
- (f) All parties to a hearing shall have the right to be represented, to cross-examine witnesses, to examine documents introduced into evidence, and to call witnesses and introduce evidence. The testimony taken at a hearing shall be made under oath. Hearings shall be recorded.
- (g) In the event that there is insufficient time to complete a hearing or for other cause, the Commission shall have the power to adjourn the hearing to another time and date.
- (h) No sale, assignment, transfer of the housing accommodation in question or attempt to evict the tenant shall be cause for discontinuing any pending proceeding nor shall it affect the rights, duties and obligations of the Commission or the parties.

Sec. 11-154. Rent Reduction Order and Repairs

- (a) The Commission shall render its decision within thirty (30) days upon completion of the hearing, unless impracticable. In accordance with the state Freedom of Information Act, both the hearing itself and the deliberation by the Commission shall be open to observation by the public. Until a decision on the complaint is made by the Commission,

the tenant's liability shall be for the amount of the last rent prior to the increase complained of or, if there is no such increase, the last agreed-upon rent.

- (b) If the Commission determines after a hearing that the rental charge or proposed increase in the rental charge for any housing accommodation is so excessive, based on the standards and criteria set forth in §11-152, as to be harsh and unconscionable, it may order that the rent be limited to such an amount as it determines to be fair and equitable, effective the month in which the tenant filed the complaint. A Commission's orders may include, but are not limited to, a reduction in a rental charge or proposed rent increase; a delay in an increased rental charge until specified conditions, such as compliance with municipal code enforcement orders, have been satisfied; or a phase-in of an increase in a rental charge, not to exceed a fair and equitable rent, in stages over a period of time. Commission orders shall be effective for at least one (1) year from the date of issuance, unless the Commission otherwise orders.
- (c) If the Commission determines after a hearing that a housing accommodation fails to comply with any City of Milford ordinance or state statute or regulation relating to health and safety, the Commission may order the suspension or reduction of further payment of rent by the tenant until such time as the landlord makes the necessary changes, repairs or installations so as to bring the housing accommodation into compliance with such laws, statutes, or regulations. If the Commission's order constitutes a complete suspension of all rent, the rent during such period shall be paid to the Commission to be held in escrow subject to such ordinances or provisions as may be adopted by the City. Upon the landlord's full compliance with such ordinance, statute or regulation for which payments were made into such escrow, the Commission shall determine after hearing such distribution of the escrowed funds as it deems appropriate.

Sec. 11-155. Retaliation

- (a) No landlord shall engage in retaliatory actions. Retaliatory actions by a landlord include but are not limited to the following:
 - (1) Engaging in any action prohibited by C.G.S. §§47a-20 or 21-80a within six (6) months after any event listed in such statutes, including but not limited to within six (6) months after the tenant has filed a complaint with the Commission;
 - (2) Refusing to renew the lease or other rental agreement of any tenant; bringing or maintaining an action or proceeding against the tenant to recover possession of the dwelling unit; demanding an increase in rent from the tenant; decreasing the services to which the tenant has previously been entitled; or verbally, physically or sexually harassing a tenant because a tenant has filed a complaint with the fair rent commission;
 - (3) Engaging in any other action determined by the Commission, after a hearing, to constitute landlord retaliation as set forth in C.G.S. §7-148d(b).

- (b) In the initial notice scheduling a hearing or conciliation on a complaint, and in its notice of decision, the Commission shall include notice, in plain language, to landlords and tenants that retaliatory actions against tenants are prohibited.
- (c) Any tenant who claims that the action of his or her landlord constitutes retaliatory action may file a notice of such claim with the Commission. If the Commission determines, after a hearing, which hearing shall be expedited, that a landlord has retaliated in any manner against a tenant because the tenant has complained to the Commission, the Commission may order the landlord to cease and desist from such conduct and order the landlord to withdraw or remediate such conduct as has already occurred.

Sec. 11-156. Appeals

Any person aggrieved by any order or decision of the Commission may appeal to the Superior Court within thirty (30) days of the issuance of the written notice of the decision to the parties. Such notice shall include notice of the right to appeal, the court to which an appeal may be taken, and the time in which an appeal must be filed. Unless otherwise directed by the Commission or the court, the filing of an appeal shall not stay any order issued by the Commission.

Sec. 11-157. Failure to Comply with Commission Orders

- (a) Any person who violates any order of rent reduction or rent suspension by demanding, accepting or receiving an amount in excess thereof while such order remains in effect, and no appeal pursuant to § 7-148e is pending, or who violates any other provision of this Article or C.G.S. §§47a-20 or 21-80a or who refuses to obey any subpoena, order or decision of the Commission pursuant thereto shall be fined not less than \$25 nor more than \$100 for each offense. If such offense continues for more than five (5) days, it shall constitute a new offense for each day it continues to exist thereafter.
- (b) The Commission, in its own name or through the municipality, may bring a civil action to any court of competent jurisdiction or take any other action in such a court to enforce any order of the Commission made pursuant to this Article, or to enjoin a violation or threatened violation of any order of the Commission.