



TOWN OF BROOKFIELD

BOARD OF SELECTMEN

PUBLIC HEARING

The legal voters and residents of the Town of Brookfield are hereby notified that the Board of Selectmen will conduct a Public Hearing in Meeting Room 133 at the Brookfield Town Hall, 100 Pocono Road, Brookfield, CT, on **Tuesday, September 26, 2017, at 6:00 p.m.**, for the purpose of receiving public comment and opinion on proposed changes to Town Code of Ordinance Chapter 134 Food Service Establishments.

Copies of said Ordinance is on file and available for public inspection in the office of the Town Clerk and the Town's website www.brookfieldct.gov.

Dated at Brookfield, CT, this 5th day of September, 2017.

Stephen C. Dunn
Sue Slater
Martin Flynn

Brookfield Board of Selectmen

Chapter 134. Food Service Establishments

§ 134-1. Title.

This chapter shall be known as the "Food Service Establishment Licensing Ordinance."

§ 134-2. License required.

No person(s), corporation(s), or other business entities shall operate or maintain within the Town of Brookfield any food service establishment, including temporary food service establishments, or food store/market unless licensed by the Director of Health or an agent so designated by the Town.

§ 134-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FARMERS' MARKET

A formally organized and regularly scheduled event for the sale of food produce and products under the general guidelines and auspices of the State Department of Agriculture, to permit and encourage farmers to sell produce and products at a designated location. Farmers' markets will not be required to obtain a license from the Brookfield Health Department, unless the market, individual persons or food establishments engage in temporary event food services or food preparation as defined in Section 19-13-B42(a)(5) of the Connecticut Public Health Code.

FOOD SERVICE ESTABLISHMENT

Any fixed or mobile restaurant, industrial feeding establishment, catering kitchen, cafeteria, commissary, or similar place where food or drink is prepared for sale or for service on the premises or elsewhere, not including private homes where food is prepared and served but not offered for sale.

FOOD STORE/MARKET

Any person, firm, or corporation who sells or keeps for sale any groceries, bakery products, confectioneries, meats, fish, vegetables, or fruits.

TEMPORARY FOOD EVENT

A temporary event at which Class I, II, III or IV food services are offered for a temporary period of time not to exceed two weeks. Such events may be held in conjunction with a carnival, circus, public exhibition, festival, celebration, farmers' market, or similar transitory gathering. See Section 19a-36 of the Connecticut General Statutes for specific exemptions to this definition.

§ 134-4. Application; fees.

- A. Application for a license to maintain or operate a food service establishment shall be made to the Director of Health, or his designated agent, on forms furnished by the Department of Health. The annual fee payable to the Town of Brookfield for each license shall be set, from time to time, by the Board of Selectmen. [Note: Fees for temporary food events may be waived, at the discretion of the Director of Health, for not-for-profit organizations holding a valid 501(c)(3) exemption.]

- B. All food service establishments, temporary food events and farmers' market vendors shall be classified per the guidelines of the State of Connecticut Public Health Code, Sections 19-13-B42(s)(3), 19-13-B48(1)W, and 19-13-B49(0(z). No food service provider may change classification without the permission of the Director of Health or his/her designated agent. Food service establishments will be checked and reclassified as necessary at the time of the licensing inspection. The fee and application form shall be collected at the time of the licensing inspection. All licenses, except for temporary events and farmers' markets, shall expire one year from date of issue and are nontransferable. The licensing fee shall be waived for charitable, religious and other nonprofit organizations.
- C. No license to maintain or operate a food service establishment, food store/market, farmers' market or temporary food event shall be issued by the Director of Health, or the Town's designated agent, unless such application is accompanied by a certification from the Tax Collector that all real property and personal property taxes are paid or are not delinquent more than one year.

§ 134-5. Incorporation of Public Health Code.

All relevant sections of the Public Health Code of the State of Connecticut, in their entirety, and as they may be amended from time to time, are hereby made a part of this chapter and shall apply in all cases except where the provisions of this chapter shall prescribe a more-stringent requirement.

§ 134-6. Penalties for offenses.

If any licensed or unlicensed food service establishment is found to be operated, maintained, or equipped in violation of existing health codes and ordinances or is found to be operated, maintained, or equipped so as to jeopardize the public health, the Director of Health, or his designated agent, shall order the removal or abatement of the violation of the existing health codes and ordinances within such time as the Director or his/her agent prescribes. If such order is not complied with within the time prescribed, the Director or his/her agent may institute and maintain a civil action for injunctive relief pursuant to the provisions of Section 19a-206 of the Connecticut General Statutes; and any person who violates any such order shall be fined not more than \$100 or imprisoned not more than three months, or both; and the Director may suspend or revoke the license of such food service establishment until such time as the violation is removed or abated. Food service operations at the establishment will cease until such time that the violation is removed or abated and the Director reinstates said license and authorizes food service operations to resume.

§ 134-7. Approval of plans and specifications required.

Whenever a food service establishment is constructed or substantially remodeled, and whenever an existing structure is converted to use as a food service establishment, properly prepared plans and specifications for construction, remodeling, or alteration shall be submitted to the Director of Health, or his authorized agent in the Health Department, for review and approval before construction, remodeling or alterations are begun. The plans and specifications shall indicate the proposed layout, arrangement, and construction materials of work areas and the type and model of proposed fixed equipment and facilities. The Director of Health or his/her agent shall approve the plans and specifications if they meet the requirements of the Public Health Code of the State of Connecticut and this chapter. No food service establishment shall be constructed, remodeled, or altered except in accordance with plans and specifications approved by the Director of Health or his/her agent. Approval by the Director of Health or his agent shall be separate from and independent of any other review, permit, inspection or approval which may be required by the Town of Brookfield or State of Connecticut.

§ 134-8. Inspections.

Whenever plans and specifications are required by the provisions of this chapter to be submitted to the Director of Health, the Director of Health or his authorized agent shall inspect the food service establishment, farmers' market or temporary food event prior to its beginning operation to determine compliance with the approved plans and specifications, and with the requirements of this chapter and the Public Health Code of the State of Connecticut.

§ 134-9. Water analysis.

- A. All food service establishments supplied by on-site private wells (non-community water supplies) shall submit to the Director of Health an analysis of their water supply prior to the issuance of their yearly license to operate. The analysis must be performed by a water-testing laboratory licensed by the State of Connecticut. A total coliform test will be required on a yearly basis. Every year, a complete water analysis for physical, chemical and biological parameters will be required in addition to a test for coliform bacteria. These parameters will be in accordance with all applicable statutes for new drinking water wells for new construction, including testing for:

Parameter	Limit
Total coliform	0 organisms
Nitrate	10.0 mg/l
Nitrite	1.0 mg/l
Sodium	28.0 mg/l
Chloride	250.0 mg/l
Iron	0.3 mg/l
Manganese	0.05 mg/l
Hardness	none
Turbidity	5 NTU
pH	6.4 - 8.5
Sulfate	250.0 mg/l
Color	none
Odor	2

- B. If nitrate levels exceed the limit of 10.0 milligrams per liter, then the following pesticides must be tested for, and their levels must be within established limits:

Alachlor
Atrazine
Dicamba
Ethylene Dibromide (EDB)
Metolachlor
Simazine
2,4-D

- C. Failure to submit such water analyses shall subject the owner or operator of such establishment to a fine of \$100 and the suspension of the establishment's license to operate. Such food service establishment shall remain closed until submission of the water test results.

§ 134-10. Reinspections; fees.

All food service establishments which receive a failing inspection grade (a passing grade defined as a score of 80 or above with no four-point violation items) will require reinspection within a time prescribed in accordance with all applicable standards of the State of Connecticut Public Health Code. Inspection grades shall be formulated in accordance with the requirements and procedures set forth in the Public Health Code. The fee for reinspection will be \$50, payable to the Town of Brookfield at the time of reinspection.

§ 134-11. Appeals.

Any person aggrieved by an order issued by the Director of Health or his/her agent may, within 48 hours after the issuance of such order, appeal to the Commissioner of Public Health of the State of Connecticut, pursuant to the provisions of Section 19a-229 of the Connecticut General Statutes. Said appeal shall not stay said order unless a stay is requested of and issued by the Commissioner of Public Health.

Chapter 134. Food Service Establishments

§ 134-1. Title.

This chapter shall be known as the "Food-Service Establishment Licensing Ordinance."

§ 134-2. License required.

No person(s), corporation(s), or other business entities shall operate or maintain within the Town of Brookfield any food service-establishment, including temporary food-service establishments, or food store/market unless licensed by the Director of Health or an agent so designated by the Town.

§ 134-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FDA Food Code

"FDA Food Code" means the Food Code of the U.S. Food and Drug Administration, as amended from time to time and as adopted by the State of Connecticut.

FARMERS' MARKET

A formally organized and regularly scheduled event for the sale of food produce and products under the general guidelines and auspices of the State Department of Agriculture, to permit and encourage farmers to sell produce and products at a designated location. Farmers' markets will not be required to obtain a license from the Brookfield Health Department, unless the market, individual persons or food establishments engage in temporary event food services or food preparation as defined in Section 19-13-B42(a)(5) Chapter 1, section 1-201.10 of the Connecticut Public Health FDA Food Code.

FOOD SERVICE-ESTABLISHMENT

Any fixed or mobile restaurant, industrial feeding establishment, catering kitchen, cafeteria, commissary, or similar place where food or drink is prepared for sale or for service on the premises or elsewhere, not including private homes where food is prepared and served but not offered for sale.

"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 of the general statutes, a private residential dwelling in which food is prepared under section 21a-62a of the general statutes or a food manufacturing establishment, as defined in section 21a-151 of the general statutes;

FOOD STORE/MARKET

Any person, firm, or corporation who sells or keeps for sale any groceries, bakery products, confectioneries, meats, fish, vegetables, or fruits.

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Itinerant Food Vending Establishment

A vehicle-mounted, self-contained, mobile food establishment

TEMPORARY FOOD EVENT ESTABLISHMENT

A temporary event at which Class I, II, III or IV food services are offered for a temporary period of time not to exceed two weeks. Such events may be held in conjunction with a carnival, circus, public exhibition, festival, celebration, farmers' market, or similar transitory gathering. See Section 19a-36 of the Connecticut General Statutes for specific exemptions to this definition.

A FOOD ESTABLISHMENT that operates for a period of no more than fourteen (14) consecutive days in conjunction with a single event or celebration.

§ 134-4. Application; fees.

- A. Application for a license to maintain or operate a food-service establishment shall be made to the Director of Health, or his designated agent, on forms furnished by the Department of Health. No permit to operate a food establishment shall be issued by a director of health unless the applicant has provided the director of health with proof of registration with the Department of Public health and a written application for a permit in a form and manner prescribed by the department. Temporary food establishments and certified farmers' markets, as defined in section 22-6r of the general statutes, as amended by this act, shall be exempt from registering with the Department of Public Health. The annual fee payable to the Town of Brookfield for each license shall be set, from time to time, by the Board of Selectmen. [Note: Fees for temporary food events may be waived, at the discretion of the Director of Health, for not-for-profit organizations holding a valid 501(c)(3) exemption.]
- B. All food-service establishments, temporary food events and farmers' market vendors shall be classified per the guidelines of the FDA Food Code as elucidated in the State of Connecticut Public Health Code, Sections 19-13-B42(s)(3), 19-13-B48(1)W, and 19-13-B49(0)(z)Act 17-93 (2017). No food service provider may change classification without the permission of the Director of Health or his/her designated agent. Food service establishments will be checked and reclassified as necessary at the time of the licensing inspection. The fee and application form shall be collected at the time of the licensing inspection. All licenses, except for temporary events and farmers' markets, shall expire one year from date of issue and are nontransferable. The licensing fee shall be waived for bona-fide charitable, religious and other nonprofit organizations.
- C. No license to maintain or operate a food service establishment, food store/market, farmers' market or temporary food event shall be issued by the Director of Health, or the Town's designated agent, unless such application is accompanied by a certification from the Tax Collector that all real property and personal property taxes due and owing to the Town are paid or are not delinquent more than one year pursuant to Connecticut General Statutes Section 12-146a.

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§ 134-5. Incorporation of Public Health the FDA Food Code.

All relevant sections of the Public Health FDA Food Code of the State of Connecticut, in their entirety, and as they may be amended from time to time, are hereby made a part of this chapter and shall apply in all cases except where the provisions of this chapter shall prescribe a more-stringent requirement.

§ 134-6. Penalties for offenses.

If any licensed or unlicensed food service establishment is found to be operated, maintained, or equipped in violation of existing health codes and ordinances or is found to be operated, maintained, or equipped so as to jeopardize the public health, the Director of Health, or his designated agent, shall order the removal or abatement of the violation of the existing health codes and ordinances within such time as the Director or his/her agent prescribes. If such order is not complied with within the time prescribed, the Director or his/her agent may institute

and maintain a civil action for injunctive relief pursuant to the provisions of Section 19a-206 of the Connecticut General Statutes; and any person who violates any such order shall be fined not more than \$100 or imprisoned not more than three months, or both; and the Director may suspend or revoke the license of such food service establishment until such time as the violation is removed or abated. Food service operations at the establishment will cease until such time that the violation is removed or abated and the Director reinstates said license and authorizes food service operations to resume.

§ 134-7. Approval of plans and specifications required.

Whenever a food service establishment is constructed or substantially remodeled, and whenever an existing structure is converted to use as a food service establishment, properly prepared plans and specifications for construction, remodeling, or alteration shall be submitted to the Director of Health, or his authorized agent in the Health Department, for review and approval before construction, remodeling or alterations are begun. The plans and specifications shall indicate the proposed layout, arrangement, and construction materials of work areas and the type and model of proposed fixed equipment and facilities. The Director of Health or his/her agent shall approve the plans and specifications if they meet the requirements of the ~~Public Health~~FDA Food Code of the State of Connecticut and this chapter. No food service establishment shall be constructed, remodeled, or altered except in accordance with plans and specifications approved by the Director of Health or his/her agent. Approval by the Director of Health or his agent shall be separate from and independent of any other review, permit, inspection or approval which may be required by the Town of Brookfield or State of Connecticut.

§ 134-8. Inspections.

Whenever plans and specifications are required by the provisions of this chapter to be submitted to the Director of Health, the Director of Health or his authorized agent shall inspect the food service establishment, farmers' market or temporary food event prior to its beginning operation to determine compliance with the approved plans and specifications, and with the requirements of this chapter and the ~~Public Health Code of the State of Connecticut~~FDA Food Code.

§ 134-9. Water analysis.

A. All food service establishments supplied by on-site private wells (non-community water supplies) shall submit to the Director of Health an analysis of their water supply prior to the issuance of their yearly license to operate. The analysis must be performed by a water-testing laboratory licensed by the State of Connecticut. A total coliform test will be required on a yearly basis. Every year, a complete water analysis for physical, chemical and biological parameters will be required in addition to a test for coliform bacteria. These parameters will be in accordance with all applicable statutes for new drinking water wells for new construction, including testing for:

Parameter	Limit
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Hardness	none
Turbidity	5 NTU
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Sulfate	250.0 mg/l
Color	none
Odor	2

- B. If nitrate levels exceed the limit of 10.0 milligrams per liter, then the following pesticides must be tested for, and their levels must be within established limits:

Alachlor
Atrazine
Dicamba
Ethylene Dibromide (EDB)
Metolachlor
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- C. Failure to submit such water analyses shall subject the owner or operator of such establishment to a fine of \$100 and the suspension of the establishment's license to operate. Such food service establishment shall remain closed until submission of the water test results.

§ 134-10. Reinspections; fees.

All food service establishments which receive a failing inspection grade (a passing grade defined as a score of 80 or above with no four-point violation items) will require reinspection within a time prescribed in accordance with all applicable standards of the State of Connecticut Public Health Code. Inspection grades shall be formulated in accordance with the requirements and procedures set forth in by the Food Protection program of the Connecticut Department of Public Health-CODE. The fee for reinspection will be \$50, payable to the Town of Brookfield at the time of reinspection.

§ 134-11. Late Fees.

A late fee of one half (1/2) the annual fee shall be assessed if the annual fee is not paid within thirty (30) days of the date due.

§ 134-12. Appeals.

Any person aggrieved by an order issued by the Director of Health or his/her agent may, within 48 hours after the issuance of such order, appeal to the Commissioner of Public Health of the State of Connecticut, pursuant to the provisions of Section 19a-229 of the Connecticut General Statutes. Said appeal shall not stay said order unless a stay is requested of and issued by the Commissioner of Public Health.

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Chapter 134: Food Establishments

§ 134-1 Title.

This chapter shall be known as the "Food Establishment Licensing Ordinance."

§ 134-2 License required.

No person(s), corporation(s), or other business entities shall operate or maintain within the Town of Brookfield any food establishment, including temporary food establishments, or food store/market unless licensed by the Director of Health or an agent so designated by the Town.

§134-3 Definitions

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Farmers' Market

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Food Establishment

"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 of the general statutes, a private residential dwelling in which food is prepared under section 21a-62a of the general statutes or a food manufacturing establishment, as defined in section 21a-151 of the general statutes;

Food Store/Market

Any person, firm or corporation who sells or keeps for sale any groceries, bakery products, confectioneries, meats, fish, vegetables, or fruit.

Itinerant Food vending Establishment

A vehicle-mounted, self-contained, mobile food establishment

Temporary Food Establishment

A FOOD ESTABLISHMENT that operates for a period of no more than fourteen (14) consecutive days in conjunction with a single event or celebration.

§ 134-4 Application; fees.

A.

Application for a license to maintain or operate a food establishment shall be made to the Director of Health, or his designated agent, on forms furnished by the Department of Health. No permit to operate a food establishment shall be issued by a director of health unless the applicant has provided the director of health with proof of registration with the Department of Public Health and a written application for a permit in a form and manner prescribed by the department. Temporary food establishments and certified farmers' markets, as defined in section 22-6r of the general statutes, as amended by this act, shall be exempt from registering with the Department of Public Health. The annual fee payable to the Town of Brookfield for each license shall be set, from time to time, by the Board of Selectmen. (Note: Fees for temporary food events may be waived, at the discretion of the Director of Health, for not-for-profit organizations holding a valid 501(c)3 exemption.)

B.

All food establishments, temporary food events and farmers' market vendors shall be classified per the guidelines of the FDA Food Code as elucidated in the State of Connecticut Public Act 17-93 (2017). No food service provider may change classification without the permission of the Director of Health or his/her designated agent. Food service establishments will be checked and reclassified as necessary at the time of the licensing inspection. The fee and application form shall be collected at the time of the licensing inspection. All licenses, except for temporary events and farmers' markets, shall expire one year from date of issue and are nontransferable. The licensing fee shall be waived for bona-fide charitable, religious and other nonprofit organizations.

C.

No license to maintain or operate a food service establishment, food store/market, farmers' market or temporary food event shall be issued by the Director of Health, or the Town's designated agent, unless such application is accompanied by a certification from the Tax Collector that all real

property and personal property taxes due and owing to the Town are paid or not delinquent more than one year. See CT General Statutes §12-146a.

§ 134-5_Incorporation of the FDA Food Code

All relevant sections of the FDA Food Code in their entirety, and as they may be amended from time to time, are hereby made a part of this chapter and shall apply in all cases except where the provisions of this chapter shall prescribe a more-stringent requirement.

§ 134-6_Penalties for offenses.

If any licensed or unlicensed food service establishment is found to be operated, maintained, or equipped in violation of existing health codes and ordinances or is found to be operated, maintained, or equipped so as to jeopardize the public health, the Director of Health, or his designated agent, shall order the removal or abatement of the violation of the existing health codes and ordinances within such time as the Director or agent may institute and maintain a civil action for injunctive relief pursuant to the provisions of Section 19a-206 of the Connecticut General Statutes; and any person who violates any such order shall be fined not more than \$100 or imprisoned not more than three months, or both; and the Director may suspend or revoke the license of such food service establishment until such time as the violation is removed or abated. Food service operations at the establishment will cease until such time that the violation is removed or abated and the Director reinstates said license and authorizes food service operations to resume.

§ 134-7_Approval of plans and specifications required.

Whenever a food service establishment is constructed or substantially remodeled, and whenever an existing structure is converted to use as a food service establishment, properly prepared plans and specifications for construction, remodeling, or alteration shall be submitted to the Director of Health, or his authorized agent in the Health Department, for review and approval before construction, remodeling or alterations are begun. The plans and specifications shall indicate the proposed layout, arrangement, and construction materials of work areas and the type and model of proposed fixed equipment and facilities. The Director of Health or his/her agent shall approve the plans and specifications if they meet the requirements of the FDA Food Code and this chapter. No food service establishment shall be constructed, remodeled, or altered except in accordance with plans and specifications approved by the Director of Health or his/her agent. Approval by the Director of Health or his agent shall be separate from and independent of any other review, permit, inspection or approval which may be required by the Town of Brookfield or State of Connecticut.

§ 134-8_Inspections.

Whenever plans and specifications are required by the provisions of this chapter to be submitted to the Director of Health, the Director of Health or his authorized agent shall inspect the food service establishment, farmers' market or temporary food event prior to its beginning operation to determine compliance with the approved plans and specifications, and with the requirements of this chapter and the FDA Food Code.

§ 134-9 **Water analysis.**

A.

All food service establishments supplied by on-site private wells (non-community water supplies) shall submit to the Director of Health an analysis of their water supply prior to the issuance of their yearly license to operate. The analysis must be performed by a water-testing laboratory licensed by the State of Connecticut. A total coliform test will be required on a yearly basis. Every year, a complete water analysis for physical, chemical and biological parameters will be required in addition to a test for coliform bacteria. These parameters will be in accordance with all applicable statutes for new drinking water wells for new construction, including testing for:

Parameter	Limit
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Nitrite	1.0 mg/l
Sodium	28.0 mg/l
Chloride	250.0 mg/l
Iron	0.3 mg/l
Manganese	0.05 mg/l
Hardness	none
Turbidity	5 NTU
pH	6.4 - 8.5
Sulfate	250.0 mg/l
Color	none
Odor	2

B.

If nitrate levels exceed the limit of 10.0 milligrams per liter, then the following pesticides must be tested for, and their levels must be within established limits:

- Alachlor
- Atrazine
- Dicamba
- Ethylene Dibromide (EDB)
- Metolachlor
- Simazine
- 2,4-D

C.

Failure to submit such water analyses shall subject the owner or operator of such establishment to a fine of \$100 and the suspension of the establishment's license to operate. Such food service establishment shall remain closed until submission of the water test results.

§ 134-10 Reinspections; fees.

All food service establishments which receive a failing inspection grade (a passing grade defined as a score of 80 or above with no four-point violation items) will require re-inspection within a time prescribed in accordance with all applicable standards of the (State of Connecticut Public Health Code.) Inspection grades shall be formulated in accordance with the requirements and procedures set forth by the Food Protection program of the Connecticut Department of Public Health. The fee for re-inspection will be \$50, payable to the Town of Brookfield at the time of re-inspection.

§ 134-11 Late Fees

A late fee of one half (1/2) the annual fee shall be assessed if the annual fee is not paid within thirty (30) days of the date due.

§ 134-12 Appeals.

Any person aggrieved by an order issued by the Director of Health or his/her agent may, within 48 hours after the issuance of such order, appeal to the Commissioner of Public Health of the State of Connecticut, pursuant to the provisions of Section 19a-229 of the Connecticut General Statutes. Said appeal shall not stay said order unless a stay is requested of and issued by the Commissioner of Public Health.