

**Sanitary Code**  
**of the**  
**Westport Weston Health District**

**Amended to September 8, 2008**

**180 Bayberry Lane**  
**Westport, Connecticut 06880**

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**WESTPORT WESTON HEALTH DISTRICT**

**January 2, 2008**

**Board of Directors**

Ms. Nancy McCormick  
Chairman ..... (Weston)

Mr. Otis Crawford  
Vice Chairman .....(Westport)

Mr. Neil Coleman  
Member ..... (Weston)

Dr. David Rubin  
Member ..... (Westport)

Mr. Keith Stein  
Member ..... (Westport)

## **Preamble**

The purpose of this code is to protect and promote public health within the Westport Weston Health District. Adopted under the authority of the General Statutes of Connecticut, Public Act 508-1963, Section 19a-243, the code provides for rules and regulations within the areas of food, sewage disposal, water supplies, housing, nuisances, swimming pools, bathing places and public bathing establishments and action where imminent health hazards are present.

This code, adopted on November 2, 1987, supersedes previous codes adopted by the Westport Weston Health District Board of Directors, has an effective date of November 2, 1987 and is in force throughout the Westport Weston Health District.

**Chapter 3, *Sewage Disposal***, amended and adopted November 3, 1997.

**Chapter 8, *Barbershops, Hairdressing and Cosmetology Shops***, amended and adopted October 5, 1998.

**Chapter 2, *Food***, amended and adopted April 5, 1999

**Chapter 3, *Sewage Disposal***, amended and adopted April 5, 1999

**Chapter 8, *Barbershops, Hairdressing and Cosmetology Shops***, amended and adopted December 5, 2005

**Chapter 3, *Sewage Disposal***, amended and adopted November 5, 2007

**Chapter 3, *Sewage Disposal***, amended and adopted September 8, 2008

## CHAPTER 1 GENERAL PROVISIONS

### SECTION 1.1 DEFINITIONS

For the purpose of this code,

- (a) **"Authorized Agent"** means the person designated by the Director of Health to act for the Director of Health in the performance of any duties.
- (b) **"Board of Directors"** means the Board of Directors of the Westport Weston Health District.
- (c) **"Director of Health"** means the Director of Health of the Westport Weston Health District who is charged with the responsibility and authority for preserving and improving the public health and preventing the spread of diseases.
- (d) **"Commissioner"** means the Commissioner of Health Services.
- (e) **"Health District"** means the Westport Weston Health District established under Connecticut General Statutes Title 19a Chapter 368f.
- (f) **"Imminent Health Hazard"** means a condition which is likely to cause an immediate threat to life or a serious risk of damage to the health, safety, and welfare of the public if no immediate action is taken.
- (g) **"Permit"** means the written permission of the Director of Health to operate any facility or undertake any activity governed by this code.
- (h) **"Person"** means any individual, firm, corporation, association, partnership, institution, public or municipal body, or other legal entity and includes the plural, as well as the singular.
- (i) **"Person in Charge"** means the owner, designated employee or employee who is the apparent supervisor of the operation at the time of inspection. If no individual employee is the apparent supervisor, then any employee present at the time of inspection is in charge.
- (j) **"Public Place"** means any permanent or temporary place, premises, building or group of buildings which is freely accessible to persons other than employees, or any of the above which are open to the public for the purpose of conducting business or for public gatherings of any character.
- (k) **"State Public Health Code"** means the Public Health Code of the State of Connecticut established in accordance with Section 19a-36 of the General Statutes.

## **SECTION 1.2 EMERGENCY POWERS**

In the event of an imminent health hazard, the Director of Health may take whatever action is deemed necessary to protect public health.

## **SECTION 1.3 SEVERABILITY**

If any provision or application of this code is held invalid for any reason, that invalidity shall not affect other provisions or applications of the code.

## **SECTION 1.4 SUPPLEMENTARY PROVISIONS**

In the case of any items not specifically included in this code, the State Public Health Code or applicable Public Health Statutes shall apply.

## **SECTION 1.5 CONFLICT OF REGULATIONS**

In any case where a provision of this code is found to be in conflict with a regulation existing on the effective date of this code, then the provision which establishes the higher standard for the promotion and protection of the health and safety of people shall prevail.

## **SECTION 1.6 FINES AND PENALTIES**

Any person who violates, or a holder of a permit issued under the provisions of this code whose facility or activity violates a provision of this code, or any legal order of the Director of Health for which no other penalty is provided, shall be fined not more than one hundred dollars (\$100) or imprisoned not more than three months, or both.

## **SECTION 1.7 FEES**

The Westport Weston Health District Board of Directors may establish reasonable fees to defray the cost of the administration and issuance of permits, licenses and approvals. These fees may be changed and/or added to at any regular meeting of the Westport Weston Health District Board of Director.

## **SECTION 1.8 INJUNCTION**

The Director of Health may seek to enjoin violators of this code and the State Public Health Code.

## **SECTION 1.9 APPEAL**

Any person aggrieved by an order issued by the Director of Health may, within forty-eight hours after making of such order, appeal to the Commissioner who shall thereupon immediately notify the Director of Health and examine into the merits of such case, and may vacate, modify or affirm such order.

## CHAPTER 2 FOOD

### ARTICLE 1 GENERAL PROVISIONS

#### SECTION 2.1 DEFINITIONS

For the purpose of this chapter,

- (a) **"Approved Source"** means a source which complies with applicable federal, state or local regulations.
- (b) **"Catering Food Service"** means a food establishment which involves the sale or distribution of food and drink prepared in bulk at one geographic location for service in individual portions at another location, or which involves preparation and service of food on public or private premises not under ownership or control of the operator of such service.
- (c) **"Consumer Advisory"** means a brochure, label statement, deli case or menu advisory targeted at vulnerable consumers who, due to certain health conditions, may be at increased risk for foodborne illness when eating raw or undercooked potentially hazardous foods.
- (d) **"Food Establishment"** means any place, other than a private residence, where non-prepackaged food or drink, whether hot or cold, potentially or not-potentially hazardous, is prepared and/or served or dispensed in any portion size for individual consumption on or off the premises, including, but not limited to, restaurants, take-out restaurants, ice cream stores, delicatessens, grocery stores with on-site food preparation, cafeterias, institutions and bakeries.
- (e) **"Food Facility"** means any food establishment, temporary food establishment, catering food service, food store or itinerant food vending business.
- (f) **"Food Preparation"** means the conversion of any food product into a state ready for human consumption.
  - (1) **"Extensive Preparation"** means that the food may be subject to the processes defined limited preparation and also may be subjected to one or more additional process, including, but not limited to, cleaning, cutting (dicing, slicing, shredding), mixing or chopping.
  - (2) **"Limited Preparation"** means that the food processes are restricted to seasoning cooking, cooling and/or reheating
- (g) **"Food Store"** means any place which sells or dispenses for sale at wholesale or retail any groceries, prepackaged foods, whole or bulk bakery products, whole vegetables and fruits, raw meat or fish or packaged dairy products.

- (h) **"Itinerant Food Vendor"** means any food establishment which serves food or drink from a conveyance without a fixed location and without connection to a water supply or sewage disposal system.
- (i) **"Potentially Hazardous Food"** means any food that consists in whole or part of milk products, eggs, meat, poultry, fish, shellfish, edible crustacea or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. This term includes raw or undercooked animal food. The term does not include clean, whole, uncracked, odor-free shell eggs or foods which have a pH level of 4.6 or below or a water activity (k) value of 0.85 or less.
- (j) **"Prepackaged"** means that the individual food portion is completely wrapped to preclude contamination. All prepackaged food shall be prepared and packaged in an approved food facility.
- (k) **"Sashimi"** means chunks of raw fish.
- (l) **"Sushi"** means pieces of raw fish with rice and other ingredients.
- (m) **"Temporary Food Establishment"** means any food establishment operating in conjunction with a fair, festival, concert, show, or any kind of event that is advertised and open to the general public, with or without admission fee and which operates for 14 days or less. The term does not include events which are not advertised nor open to the general public.

## Section 2.2 Permits

- (a) General
  - (1) No person shall operate a food facility who does not have a valid permit issued by the Westport Weston Health District. Only a person who complies with the requirements of this code shall be entitled to receive or retain such a permit.
  - (2) Permits shall be valid until the expiration date indicated on the permit unless suspended or revoked by the Director of Health, or until such time as the facility changes owners, closes, or goes out-of-business.
  - (3) Permits shall not be transferable from person to person, nor from location to location. The valid permit shall state whether it was issued to a food establishment, temporary food establishment, catering food service, food store, or itinerant food vending business and shall be posted in a location easily observed by consumers.

(b) Provisional Permits

A provisional permit shall be issued for a period not to exceed 90 days and shall be non-renewable. A provisional permit may be issued to any food facility, except a temporary food establishment, when:

- (1) the Director of Health determines that no health hazards are present; and
- (2) the new owner or operator of the food facility demonstrates proof of intention to correct within a specified period of time not to exceed 90 days, those items which do not comply with this code or the State Public Health Code.

(c) Issuance of Permits

- (1) Any person desiring to operate a food facility shall make written application for a permit on forms provided by the Westport Weston Health District.
- (2) Prior to approval of an application for a permit, the Westport Weston Health District shall inspect the food facility to determine compliance with all requirements.
- (3) The Director of Health shall issue a permit to the applicant if the inspection reveals that the food facility complies with the requirements of the code.

(d) Facilities Operating Without a Permit

When it comes to the attention of the Director of Health that a food facility is operating without a valid permit, the Director of Health shall order such food facility to close and to cease all food operations immediately.

(e) Permit Suspension

- (1) The Director of Health may suspend, without warning, prior notice or hearing, any permit to operate a food facility,
  - (aa) if the rating score on the State Food Service Establishments Inspection Form at the time of a reinspection is below 80;
  - (bb) if the operation constitutes an imminent hazard to public health;
  - (cc) if the owner, operator or person in charge has interfered with the performance of the Director of Health's duties.
- (2) An imminent health hazard shall include, but is not limited to, any one of the following:
  - (aa) a lack of equipment capable of maintaining the product temperature of all potentially hazardous foods 45°F or below and/or 140°F or above; or

- (bb) an outbreak of an infectious, pathogenic or toxic agent capable of being transmitted to consumers; or
  - (cc) the absence of potable water, supplied under pressure, in a quantity which, in the opinion of the Director of Health, is capable of meeting the needs of the facility; or
  - (dd) a backup of sewage into the facility or equipment containing food or utensils; or
  - (ee) an infestation of vermin to the extent that food and food contact surfaces cannot be protected from contamination; or
  - (ff) a lack of facilities to wash, rinse and sanitize food contact equipment and utensils.
- (3) Suspension shall be effective immediately upon delivery of written order to the permit holder or person in charge of the food facility by the Director of Health. When a permit is suspended, all food operations shall cease immediately and shall not resume until written approval to resume has been issued by the Director of Health. A suspended permit shall be removed from the premises by the Director of Health.
  - (4) When a permit is suspended, the holder of a permit or the person in charge shall be notified in writing of the suspension and that an opportunity for hearing will be provided if a written request for hearing is filed with the Director of Health by the holder of the permit within forty-eight (48) hours. The Director of Health may end the suspension at any time by giving written notice to the permit holder if reasons for suspension no longer exist.
  - (5) Upon receiving a request for hearing, the Director of Health shall immediately examine the merits of such suspension and may vacate, modify or affirm such suspension. The permit holder who is aggrieved by such action of the Director of Health may, within forty-eight (48) hours after the making of such decision, appeal to the Commissioner who shall thereupon immediately notify the authority from whose order the appeal was taken and examine the merits of such suspension and may vacate, modify or affirm such suspension.

(f) Permit Revocation/Nonrenewal

- (1) The Director of Health, after providing opportunity for hearing, may revoke or refuse to renew the permit of any person for serious or repeated violations of any of the provisions of this code or for interference with the Director of Health in the performance of official duties or for cases where the permit to operate has been obtained through nondisclosure, misrepresentation or intentional misstatement of a material fact.

(2) Prior to revocation or nonrenewal, the Director of Health shall notify the permit holder or person in charge at the facility of the specific reason(s) for such revocation or nonrenewal and that the permit shall be revoked or not renewed at the end of ten (10) calendar days following service of such notice unless a written request for hearing is filed with the Director of Health by the holder of the permit within forty-eight (48) hours of such notice. If no request for hearing is filed within forty-eight (48) hours of such notice, the revocation or nonrenewal becomes final. A revoked permit shall be removed from the premises by the Director of Health.

(g) Permit Reinstatement

(1) Suspension

Whenever a permit has been suspended, the holder of the suspended permit may make written request for permit reinstatement. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that, in his 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 code and the State Public Health Code. The permit shall be reinstated and returned to the permit holder.

(2) Revocation/Nonrenewal

After a period of sixty (60) days from the date of revocation or refusal to renew, a written application may be made for the issuance of a new permit.

### **SECTION 2.3 HEARINGS**

The hearings provided for in this chapter shall be conducted by the Director of Health at a time and place designated. The Director of Health shall summarize the proceedings of such hearings and provide sufficient copies. 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 permit holder by the Director of Health within ten (10) calendar days of the hearing date.

### **SECTION 2.4 SERVICE OF NOTICES OR ORDERS**

A notice or order provided for in this code is properly served when it is delivered to the permit holder or person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit. A completed inspection report shall constitute a written notice.

### **SECTION 2.5 EXISTING FOOD FACILITIES**

Any food establishment, catering food service, food store or itinerant food vending business in operation at the adoption of this code shall come into full compliance with all the requirements of this code within twelve (12) months of its effective date.

## **SECTION 2.6 PLAN REQUIREMENTS**

- (a) No food facility shall be constructed or undergo physical alterations, nor shall a structure be converted to a food facility except in accordance with plans and specifications approved by the Westport Weston Health District.
- (b) Properly prepared plans, drawn to a scale of not less than 1/4":1', and specifications for such construction, alteration or conversion shall be submitted to the Westport Weston Health District for review and approval before any construction, alteration or conversion is begun. The plans of the entire facility and specifications shall be submitted in duplicate and the proposed layout mechanical plans, listing of construction materials and finish of work areas, type and model of equipment and menu.

## **SECTION 2.7 FOOD EXAMINATION AND DESTRUCTION**

- (a) Food and beverage may be sampled and examined at any time by the Director of Health for the enforcement of this code.
- (b) Foods suspected of being from an unapproved source, mishandled, adulterated, contaminated, misbranded and/or spoiled, may be embargoed by written notice of the Director of Health until such time as the source and/or condition of the foods can be verified.
- (c) Such embargoed foods shall be held until written order of destruction or release is issued by the Director of Health.
- (d) Upon written order of the Director of Health, foods found to be unsafe for human consumption, either through contamination, adulteration, misbranding or mishandling, shall be placed into a garbage container and rendered unusable by pouring bleach or any other adulterating agent over the food. Condemned foods may be destroyed or disposed of in other methods approved by the Director of Health.

## **SECTION 2.8 INFECTION CONTROL PROCEDURES**

- (a) When there is reasonable cause to suspect the possibility of disease transmission from any food facility employee, the Director of Health shall secure the morbidity history of the suspected employee(s) or make other investigation as may be indicated, and take appropriate action.
- (b) The Director of Health may require any or all of the following measures:
  - (1) the immediate exclusion of the employee from all food facilities;

- (2) the immediate closure of the food facility until, in the opinion of the Director of Health, no further danger of disease outbreak exists;
- (3) restriction of the employee's services to some area of the facility where there would be no danger of transmitting disease, and
- (4) adequate medical and laboratory examinations of the employee. or other employees.

## *ARTICLE 2 FOOD PROTECTION*

### **SECTION 2.9 EQUIPMENT DESIGN**

- (a) All equipment shall meet or exceed standards set by the National Sanitation Foundation (NSF).
- (b) Hard maple, or equivalent nonabsorbent wood, may be used for cutting blocks, cutting boards, salad bowls and baker's tables. Wood may be used for single-service articles, such as chop sticks, stirrers, or ice cream spoons. The use of wood as a food contact surface under other circumstances is prohibited.

### **SECTION 2.10 CLEANING AND SANITIZING**

- (a) Where there is manual cleaning and sanitizing of equipment and utensils in food facilities other than food stores, a sink with three compartments shall be provided and used in the manner prescribed in the State Public Health Code. Sink compartments shall be large enough to accommodate the immersion of equipment and utensils, and each compartment shall be supplied with hot and cold potable running water.
- (b) Drainboards, or easily movable utensil tables of adequate size, shall be provided at all dishwashing sinks for proper storage and handling of soiled utensils and equipment prior to washing and for cleaned utensils and equipment following sanitization and shall be located so as not to interfere with proper use of the dishwashing facilities.
- (c) Chemical sanitizers other than those listed in the State Public Health Code may be approved by the Director of Health upon review of product technical data.

### **SECTION 2.11 CLEANING FACILITIES**

In new or extensively remodeled food facilities at least one utility sink or curbed cleaning facility with a floor drain shall be provided and used for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water or similar liquid wastes. The sink or facility shall be equipped with hot and cold water. The use of handwashing, utensil washing or equipment washing, or food preparation sinks for this-purpose is prohibited.

## **SECTION 2.12 HANDWASHING FACILITIES**

Handwashing sinks with hot and cold running water, soap and sanitary towels shall be located in food preparation areas and utensil washing areas to permit convenient use by all employees.

## **SECTION 2.13 TOILET FACILITIES**

- (a) Toilet facilities shall be provided for the proprietor and employees of the food facility during working hours and for the patrons of food facilities that offer seating. Toilet facilities shall be installed in accordance with and in the number required by the local plumbing code.
- (b) Toilet rooms shall be constructed with easily washable floors and walls and self-closing doors, and shall be well illuminated and vented to the outside. Toilet rooms for patron use shall be located so as not to require the patron to pass through any food preparation area.
- (c) Durable and legible signs shall be posted conspicuously in each toilet room directing employees to wash their hands before returning to work.

## **SECTION 2.14 GREASE INTERCEPTORS**

The design, installation and maintenance of grease interceptors shall comply with the requirements of the Water Pollution Control Authority.

## **SECTION 2.15 FOOD DISPENSING AND PREPARATION UTENSILS**

To avoid unnecessary manual contact with food, suitable dispensing utensils shall be used by employees or provided to consumers who serve themselves. Between uses during service, dispensing utensils shall be:

- (a) stored in the food with the dispensing utensil handle extended out of the food; or
- (b) stored clean and dry; or
- (c) stored in cool running water;
- (d) dispensing utensils and malt collars used in preparing frozen desserts shall be stored either in a running water dipper well, or clean and dry.

## **SECTION 2.16 POTENTIALLY HAZARDOUS FOOD PREPARATION AND STORAGE**

(a) Refrigeration

- (1) Where potentially hazardous and/or perishable foods are displayed, transported or served, a refrigerated system capable of holding all such foods at 45°F or below shall be provided and used.
- (2) Refrigeration systems shall be kept clean and in good repair.
- (3) A thermometer shall be installed and maintained in each refrigerator.
- (4) To promote rapid cooling, readily perishable and potentially hazardous foods and food mixtures shall be stored in the refrigerator in shallow containers. Hot food and drink shall be rapidly cooled to 150°F by stirring in a cold water bath or transferring to smaller containers before being placed in a refrigerated unit or by such other means that will insure the cooling of the total mass to a temperature of 45°F or less within two (2) hours.
- (5) Foods shall be stored in the refrigerator so as to permit the free circulation of cold air and in a manner to prevent contamination.
- (6) Ice shall be from approved sources and handled in a sanitary manner.

(b) Hot Food Holding

- (1) Where potentially hazardous and/or perishable foods are displayed, transported or served, a heated, hot food holding unit capable of holding all such foods at 140°F or above, shall be provided and used.
- (2) Hot food holding units shall be kept clean and in good repair.
- (3) A thermometer shall be installed and maintained in each enclosed hot food holding unit.
- (4) Potentially hazardous foods that have been cooked and then refrigerated, shall be reheated rapidly to 165°F or higher throughout before being served or before being placed in a hot food holding unit. Steam tables, bain maries, warmers and similar hot food holding units are prohibited for the rapid reheating of potentially hazardous foods.

(c) Bare Hand Contact

- (1) Bare hand contact with ready-to-eat food is prohibited during preparation, storage and display.
- (2) Suitable utensils such as deli tissue, spatulas, tongs, and single-use gloves shall be used to avoid contacting ready-to-eat food with bare hands.

**SECTION 2.17 PRODUCT THERMOMETERS**

Metal stem-type numerically scaled indicating thermometers, accurate to within 2°F, shall be provided and used to assure the attainment and maintenance of proper internal cooking, holding, or refrigeration temperatures of all potentially hazardous foods.

#### **SECTION 2.18 FROZEN FOOD**

- (a) Frozen foods, intended for sale in the frozen state, that have been allowed to defrost or partially defrost shall not be sold, nor shall they be refrozen.
- (b) Frozen foods shall only be thawed by methods outlined in Section 19-13-B42 of the State Public Health Code and in a microwave oven, as part of a continuous cooking process, or when the food will be immediately transferred to conventional cooking facilities as part of a continuous cooking process.

#### **SECTION 2.19 MILK**

Milk and milk products shall be served in the original, individual container in which they are received from the distributor or from a mechanically refrigerated bulk milk dispenser. Where a bulk dispenser for milk is not available and portions of less than 1/2 pint are required for beverage, cereal, dessert or similar service, milk and milk products may be poured from a commercially filled container into a clean and sanitary service dispenser.

#### **SECTION 2.20 SHELLFISH**

All shellfish shall comply with Sections 19-13-B64 through 19-13-B77 of the State Public Health Code.

#### **SECTION 2.21 SASHIMI/SUSHI**

- (a) Pre-freezing

Other than for the following species of tuna: *Thunnus alalunga*, *Thunnus albacares* (Yellowfin tuna), *Thunnus atlanticus*, *Thunnus maccoyii* (Bluefin tuna, Southern), *Thunnus obesus* (Bigeye tuna), or *Thunnus thynnus* (Bluefin tuna, Northern), all fish intended for use as sushi shall be received in a pre-frozen state or be pre-frozen on-site, prior to preparation.

- (1) If an establishment has the capacity to freeze on-site, fish must be stored at 14°F or below for 168 hours (7 days) or frozen for 15 hours in a blast chiller at -4°F.
- (2) If an establishment does not have the capacity to freeze on-site, fish must be received from the supplier at -4°F or below and documentation from the supplier provided to the establishment that fish has been frozen for 15 hours in a blast chiller at a temperature of -31°F, or for 168 hours (7 days) at -4°F.

- (3) Documentation from the supplier, if fish is frozen off-site, or the food service establishment, if fish is frozen on-site, regarding the pre-freezing, must be retained for 90 days beyond the time of service or sale of the fish.

(b) Time as a Public Health Control

If time only, rather than time in conjunction with temperature, is used as the public health control for a working supply of rice in the preparation of sushi:

- (1) The rice shall be marked or otherwise identified to indicate the time that it is removed from temperature control;
- (2) The rice not used in the preparation of sushi shall be discarded within 4 hours from the time it is removed from the temperature control.
- (3) Sushi shall be served immediately or stored or displayed at 45°F or lower.
- (4) Written procedures shall be maintained in the food establishment and made available to the Westport Weston Health District upon request that ensure that the provisions of this subsection are being met.

(c) Use of Vinegar

Vinegar may be used as a condiment for rice used in the preparation of sushi, but will be considered to be a flavor-enhancer only.

(d) Consumer Advisory

- (1) Consumers shall be notified by deli case, menu advisory, or other appropriate written communication, that the eating of sashimi and/or sushi, raw or undercooked animal food, represents an increased risk of food-borne illness to vulnerable populations.
- (2) The consumer advisory shall state: "Sushi is a raw or undercooked fish product and is a potentially hazardous food. Individuals with certain health conditions may be at higher risk for illness. This product should be refrigerated until serving time."

(e) Required Approvals for Sashimi/Sushi

- (1) Any establishment serving sashimi/sushi must have the facilities to maintain a separate pre-freezing, storage, and preparation area, for the fish.
- (2) A written procedure for the handling of fish and rice must be submitted to the Director of Health for approval.
- (3) The approved procedure cannot be changed without prior written approval from the Director of Health.

- (4) All other provisions of Sections 2.1-2.27 of this code shall apply.

**SECTION 2.22 STORAGE**

No food, food containers, materials or utensils used in the preparation or dispensing of food shall be stored in a room housing a water closet.

**SECTION 2.23 PESTICIDES**

Poisonous pesticides used in food facilities, shall be colored other than white and shall be used in closed bait boxes.

**SECTION 2.24 LINENS**

Table cloths, napkins and other table linens shall be laundered and cleaned for each sitting.

**SECTION 2.25 SEWAGE SYSTEMS**

- (a) Non-water carried sewage systems shall only be permitted in temporary food establishments and itinerant vending businesses where such systems pose no threat to public health and are separate from the establishment.
- (b) Where no public sewage system is available, a private sewage system that meets all requirements of this code and has been approved by the Director of Health may be used.

***ARTICLE 3 FOOD ESTABLISHMENTS***

**SECTION 2.26 REQUIREMENTS**

Food establishments shall comply with the requirements of this code and Section 19-13-B42 of the State Public Health Code and as otherwise provided in this Chapter.

**SECTION 2.27 MECHANICAL CLEANING AND SANITIZING**

A commercial, automatic sequence dish machine capable of washing, rinsing and sanitizing the utensils shall be provided in food establishments where multi-use eating and drinking utensils are employed for customer use.

***ARTICLE 4 TEMPORARY FOOD ESTABLISHMENTS***

## **SECTION 2.28 REQUIREMENTS**

Temporary food establishments shall comply with the requirements of this code and Section 19-13-B42 of the State Public Health Code and as otherwise provided in this chapter:

## **SECTION 2.29 GENERAL**

A temporary food establishment shall be located in clean surroundings and be kept in a clean and sanitary condition. All food intended for use or sale must come from an approved food facility.

## **SECTION 2.30 POTENTIALLY HAZARDOUS FOOD**

Only those potentially hazardous foods requiring limited preparation such as hamburgers and hot dogs, shall be prepared or served. The preparation of other potentially hazardous foods including cream-filled pastries, eclairs, custards, custard pies and similar products, meat, poultry, fish or salads containing any meat, poultry or fish is prohibited. This prohibition does not apply if it can be shown to the satisfaction of the Director of Health that the potentially hazardous food will be prepared, packaged, stored, displayed and transported under conditions meeting the provisions of this code and Section 19-13-B42 of the State Public Health Code.

## **SECTION 2.31 FOOD PROTECTION**

- (a) Storage of packaged food in contact with water or undrained ice is prohibited.
- (b) The storage, display, preparation and transportation of all foods must be in a manner which minimizes contamination from dust, dirt or other contaminants.

## **SECTION 2.32 ICE**

All ice shall be obtained from an approved source. Storage and dispensing of ice shall be in a manner which protects it from contamination.

## **SECTION 2.33 WASTE**

All waste, including sewage, liquid and solid waste, shall be disposed of in a manner that does not create a public nuisance or a threat to public health.

## **SECTION 2.34 TOILETS AND HANDWASHING**

- (a) Convenient and adequate toilet facilities shall be provided for all food handlers. In areas where toilets cannot be provided, facilities located in adjacent buildings may be acceptable for use by food handlers provided that written permission for use of the facilities is obtained and submitted with the permit application.
- (b) Handwashing facilities are required and must be provided with warm running water, soap and paper towels.

## ***ARTICLE 5 CATERING FOOD SERVICE***

### **SECTION 2.35 REQUIREMENTS**

All catering food service operations shall comply with the requirements of this code and Sections 19-13-B42 and 19-13-B49 of the State Public Health Code and as otherwise provided in this chapter.

## ***ARTICLE 6 FOOD STORES***

### **SECTION 2.36 REQUIREMENTS**

Food stores shall comply with the requirements of this code and Section 19-13-B40 of the State Public Health Code and as otherwise provided in this chapter.

### **SECTION 2.37 CLEANING AND SANITIZING**

- (a) All food contact surfaces, equipment and utensils shall be thoroughly cleaned and sanitized after each use.
- (b) Where there is manual cleaning and sanitizing of equipment and utensils in food stores, a sink with two compartments shall be provided. The compartments shall be large enough to accommodate the immersion of equipment and utensils, and each compartment shall be supplied with hot and cold potable running water.
- (c) Methods for sanitization described in "Approved Sanitizing Process" of Section 19-13-B42 of the State Public Health Code shall be employed.

### **SECTION 2.38 FROZEN FOOD**

- (a) Frozen foods that have been allowed to defrost or partially defrost shall not be refrozen and shall not be sold unless advertised as a previously frozen product.
- (b) Frozen foods, intended for sale in the frozen state, that have been allowed to defrost or partially defrost shall not be sold, nor shall they be refrozen.

### **SECTION 2.39 INSPECTION**

- (a) At least once every twelve (12) months, the Director of Health, or a registered sanitarian, who has been certified by the Commissioner, shall inspect each food store and shall make additional inspections and reinspections as are necessary for the enforcement of this code.

- (b) The Director of Health, or registered sanitarian, after proper identification, shall be permitted to enter, at any reasonable time, any food store for the purpose of making inspections to determine compliance. The Director of Health shall be permitted to examine the records of the store to obtain information pertaining to food and supplies purchased, received or used, and persons employed but not including financial records.
- (c) Whenever an inspection of a food store is made, the findings shall be recorded on the inspection report form set out in Section 19-12-B40 of the State Public Health Code. A copy of such inspection report form shall be furnished to the permit holder or person in charge.

## ***ARTICLE 7 ITINERANT FOOD VENDING BUSINESS***

### **SECTION 2.40 REQUIREMENTS**

Itinerant food vending businesses shall comply with the requirements of this code and Section 19-13-B48 of the State Public Health Code and as otherwise provided in this chapter.

### **SECTION 2.41 FOOD**

All foods, whether potentially or nonpotentially hazardous, shall be prewrapped or prepackaged by a commercial processor or at an approved food facility. The applicant shall furnish a copy of the food facility's current permit to the Director of Health.

### **SECTION 2.42 RESTRICTIONS**

No processing, preparation, or portion change shall be allowed in the vending vehicle or during the process of dispensing food items.

## CHAPTER 3 SEWAGE DISPOSAL

### SECTION 3.1 DEFINITIONS

For the purpose of this chapter,

- (a) **"Fill and drain bathtub"** means any basin intended for bathing or recreational purposes which does not have a controlled water supply providing recirculation or filtration and disinfection and may have a hydro-jet system.
- (b) **"Spa"** means any pool, whirlpool, or hot tub which has a controlled water supply providing recirculation or filtration and disinfection and may have a hydro-jet system.
- (c) **"Structure"** means anything constructed or erected which requires location on the ground or attachment to something having a location on the ground, including, but not limited to, buildings, swimming pools, tennis courts, towers, paddle or platform tennis courts, docks, balconies, open entries, porches, decks, handicapped ramps, signs, permanent awnings, ground mounted antennas, ground mounted solar panels, satellite dishes and walls or fences eight feet or greater in height.
- (d) **"Building conversion"** means the act of winterizing a seasonal use building into year round use by providing one or more of the following: (A) a positive heating supply to the converted area; or, (B) a potable water supply which is protected from freezing; or, (C) energy conservation in the form of insulation to protect from heat loss.
- (e) **"Change in use"** means any structural, mechanical or physical change to a building which allows the occupancy to increase; or the activities within the building to expand or alter such that, when the building is fully utilized, the design flow or required effective leaching area will increase.
- (f) **"Code-complying area"** means an area on a property where a subsurface sewage disposal system can be installed which meets all requirements of Section 19-13-B103 of the State Public Health Code, and the Technical Standards except for the one hundred percent reserve leaching area referred to in Section VIII A of the Technical Standards.
- (g) **"Technical Standards"** means those standards established by the Commissioner of Public Health in the most recent revision of the publication entitled "Technical Standards for Subsurface Sewage Disposal Systems" prepared pursuant to Section 19-13-B 103d(d) of the State Public Health Code.

### SECTION 3.2 NEW CONSTRUCTION, ENLARGEMENT OR CHANGE OF USE

- (a) No person shall construct, alter, repair or enlarge a subsurface sewage disposal system that serves any existing building or structure without first having obtained the written approval from the Director of Health.
- (b) No person shall enlarge, remodel or change the present use of any existing building or structure served by a separate subsurface sewage disposal system without first having obtained the written approval from the Director of Health.
- (c) No person shall construct or install any new building or structure on any lot or site which requires a separate subsurface sewage disposal system without first having obtained the written approval of the Director of Health.
- (d) When approval is required in accordance with Chapter 3, Section 3.2 (b) of the WestportWeston Sanitary Code, and a public sanitary sewer is available as defined by the Water Pollution Control Authority, the Director of Health shall require connection to the public sanitary sewer, or shall require the subsurface sewage disposal system to comply with all standards of the State Public Health Code and the Technical Standards.
- (e) No building addition/renovation or the addition of living space will be approved unless a Licensed Septic Installer or a Professional Engineer inspects the existing septic system. The existing septic system must be functioning normally in order to gain approval from the Health District. New septic systems that were installed less than five (5) years from the date of application are exempt from the required inspection.
- (f) Dwellings that are demolished and rebuilt new shall not be approved until the applicant has met the same requirements as new construction except for the 100% reserve area. Dwellings that keep three (3) existing walls intact shall be exempt from this requirement.
- (g) Enlargement or remodeling, which requires a building permit, change of present use of any existing building or structure, building conversion, or construction of a structure on the same property (lot) as the building served will not be approved by the Director of Health if the building or structure is served by a cesspool.
- (h) No inground pool, tennis court or sport court shall be approved until a Licensed Septic Installer or a Professional Engineer inspects the septic system serving the dwelling. The existing septic system must be functioning normally in order for the Health District to approve the project submitted for approval.
- (i) The Westport Weston Health District will not issue an approval for any project without documentation that the septic tank(s) on the property have been pumped out within the last five (5) years.

- (j) If public sewers are not available, no permit to construct shall be issued for a building conversion, change in use, building addition, garage (attached or detached), accessory structure, below or above ground swimming pool, tennis court, or approval for a lot line relocation, unless it has been determined by the Director of Health that a code complying area exists on the lot for the installation of a subsurface sewage disposal system. In no case shall a relocated lot line violate Subsection 19-13-B103(d) of the State Public Health Code which requires that each subsurface sewage disposal system be located on the same lot as the building served.
- (k) The Director of Health shall require expansion of the existing sewage disposal system or installation of a new sewage disposal system at the time of a building conversion, change of use, or building addition, whenever the proposed building conversion, change of use, or building addition results more than a 50% increase in the design flow.

### **SECTION 3.3 SUBMISSION OF PLAN AND APPLICATION; APPROVAL TO CONSTRUCT**

- (a) All applications to construct a subsurface sewage disposal system shall be signed by the property owner or duly authorized agent of the property owner.
- (b) No person shall construct or install, alter or repair any new or existing subsurface sewage disposal system without first submitting a written proposal or plan by a licensed installer or registered professional engineer for review by the Director of Health for compliance with the State Public Health Code and the Westport Weston Sanitary Code.
- (c) A Professional Engineer licensed in Connecticut shall submit the design plan for a septic system for new construction.
- (d) Engineer site plans for a subsurface sewage disposal system in an area designated as “An Area of Special Concern” shall have two (2) benchmarks established on the plan.
- (e) A completed application to construct a new system or to alter or repair an existing system must be submitted and accompanied by a written proposal or plan in order for the Westport Weston Health District to review the plan.
- (f) No person shall construct or install, alter or repair any new or existing subsurface sewage disposal system without first obtaining an approval to construct. The approval to construct must be signed by the licensed installer. The licensed installer must submit a copy of his valid subsurface sewage disposal system installer's license, issued pursuant to Section 20-341 of the General Statutes of the State of Connecticut, to the Director of Health.
- (g) The Westport Weston Health District shall not process any applications to construct or install any new subsurface sewage disposal system nor process applications to alter or repair an existing subsurface sewage disposal system

where knowledge of soil conditions is not available from soil testing and evaluations of the site or from the records pertaining to adjacent properties or subdivisions. Soil data must be acceptable to the Director of Health.

- (h) The Director of Health may refuse to issue an approval to construct a new or alter an existing subsurface sewage disposal system where connection to the public sewer is available.
- (i) The Director of Health may refuse to issue an approval to repair an existing subsurface sewage disposal system where connection to the public sewer is available. Such connection shall then be ordered by the Director of Health.

### **SECTION 3.4 WAIVER**

- (a) In the case of a repair to an existing system, the Director of Health shall consider written requests for waivers of the current State Public Health Code requirements pertaining to separating distances of the subsurface sewage disposal system.
- (b) Such waivers shall be granted only when the repair cannot be effected in compliance with the State Public Health Code, and that such waiver is unlikely to cause a nuisance or health hazard.
- (c) No approval shall be granted for a building enlargement, expansion or renovation with an increase in number of bedrooms, if the septic tank is less than 1,000 gallons. An upgrade of the septic tank to current State Public Health Code requirements for size will be required.
- (d) Waivers shall not be granted by the Director of Health for separating distances of the subsurface disposal system to wells for new building construction, repairs, building conversions, building additions, changes in use, or the construction of attached or detached garages, accessory structures, or below and above ground pools. The separating distance from a building addition, an attached or detached garage, an accessory structure or a below or above ground pool shall comply with Table I in Section II of the Technical Standards.

### **SECTION 3.5 LIMITATIONS**

- (a) No new subsurface sewage disposal system shall be placed in operation nor shall the building it serves be occupied until a permit to discharge has been issued by the Director of Health.
- (b) The issuance of any approval to construct or permit to discharge pursuant to the provisions of this code shall not be construed as a guarantee by the Director of Health or the Westport Weston Health District or any employee or agent that the system has been properly constructed or will function satisfactorily, nor shall it in any way restrict the actions or powers of the Director of Health in the enforcement of any law or regulation.

- (c) Garbage grinders are prohibited in all dwellings served by subsurface sewage disposal systems.

### **SECTION 3.6 REQUIREMENTS**

The design and construction of subsurface sewage disposal systems shall comply with Sections 19-13-B100a, 19-13-B103 and 19-13-B104 of the State Public Health Code and the Technical Standards, pursuant to Section 19-13-B103 and as otherwise provided in this Chapter.

### **SECTION 3.7 PROPER DISCHARGING OF WASTES FROM FILL AND DRAIN BATHTUBS OR SPAS/HOT TUBS**

- (a) The drainage of wastewater from a fill and drain bathtub or spa/hot tub can be discharged directly onto the ground as long as it has no chlorine or bromine residue (less than one part per million). Residue can be minimized by not disinfecting for several days prior to draining and by keeping the tub open to the sun. The wastewater discharge shall:
  - (1) seep directly into the ground and shall not be allowed to run off into any surface water body, storm drain, or onto any neighboring property, and
  - (2) be 25 feet away from any water supply well, subsurface sewage disposal system, surface water body, or wetland.
- (b) Pool wastewater from fill and drain bathtubs or spas/hot tubs is allowed to discharge to storm drains, ponds, lakes, streams, rivers and wetlands only if compliance with items (a)(1) and (a)(2), above, is not possible. If discharge is to a storm drain, pond, lake, stream, river, or wetland, then the discharge shall not cause foaming or discoloration of the receiving waters and the chlorine and bromine level must be less than one part per million.
- (c) Filtration backwash wastewater from fill and drain bathtubs or spas/hot tubs can only be discharged to a subsurface leaching system. No discharge will be allowed to the ground, or a storm drain, pond, lake, river or wetland.

### **SECTION 3.8 SOIL EVALUATION AND TESTING**

- (a) The results from soil evaluation and testing conducted between June 1 and December 1 may be accepted at the discretion of the Director of Health. The Director of Health has the right to require monitoring for ground water levels during periods of seasonal high groundwater.
- (b) For new lots, where percolation tests and deep observation pits are required, a minimum of two pits shall be provided at the proposed primary site and two other pits or holes shall be located at the designated reserve area. At a minimum, two percolation tests shall be required, one in the proposed primary site and one in the designated reserve area.

- (c) For a repair or alteration, where percolation tests and deep observation pits are required, two deep observation pits or holes and one percolation test shall be required, at a minimum.
- (d) Field stakes or markers shall be provided by the applicant at all proposed test pits and at septic tanks where location is being verified for a proposed building alteration.
- (e) No soil evaluation shall be conducted by the Westport Weston Health District unless an application for observation pits or holes and percolation tests is filed.
- (f) It is the responsibility of the applicant to properly identify and locate all deep observation pits or holes and to log the percolation tests to the satisfaction of the Director of Health.

### **SECTION 3.9 ABANDONMENT OF SEPTIC TANKS, CESSPOOLS AND LEACHING PITS**

The owner of any septic tank, cesspool and/or any hollow leaching structure or pit which is no longer used or which has been abandoned shall have the unit pumped empty, crushed and the structure filled to prevent harm and contamination.

## CHAPTER 4 WATER SUPPLY

### SECTION 4.1 DEFINITIONS

For the purpose of this chapter,

- (a) **"Private Water Supply"** means any source of water supply serving a single residence and used for drinking or other domestic use.
- (b) **"Public Water Supply"** means a water supply with at least two service connections, (consumers).
  - (1) **"Community Water Supply"** means any source of water supply which serves at least 15 service connections or serving 25 or more year round residents.
  - (2) **"Non-Community Water Supply"** means any source of water supply with less than 15 service connections and serving less than 25 persons.
  - (3) **"Non-Transient Non-Community Water Supply"** means a public water supply that is not a community water supply and that regularly serves at least 25 of the same persons over 6 months per year.
- (c) **"Structure"** means anything constructed or erected which requires location on the ground or attachment to something having a location on the ground. including but not limited to, buildings, swimming pools, tennis courts, towers, paddle or platform tennis courts, docks, balconies, open entries, porches, decks, handicapped ramps, signs, permanent awnings, ground mounted antennas, ground mounted solar panels, satellite dishes and walls or fences eight feet or greater in height.
- (d) **"Water Supply"** means the water source and any water collection, treatment, storage, distribution facilities.

### SECTION 4.2 REQUIREMENT

Water supply wells shall comply with Sections 19-13-B51a through 19-13-B51m of the State Public Health Code and Sections 25-128-1 to 25-128-64 of the Well Drilling Code Regulations and as otherwise noted in this chapter.

### SECTION 4.3 CROSS CONNECTIONS

No physical connection between a private water supply and any unprotected, questionable, or non-potable water source, nor any source of pollution through which the potable water supply might become contaminated, shall be permitted unless the interconnection is acceptable to the Director of Health.

**SECTION 4.4 INSTALLATION OF SUBSURFACE SEWAGE DISPOSAL SYSTEM, BUILDINGS OR STRUCTURES NEAR PRIVATE WELLS**

- (a) The installation of any subsurface sewage disposal system where there is an existing private well shall be in compliance with Section 19-13-B103 of the State Public Health Code and IIA of the Technical Standards for the Design and Construction of Subsurface Sewage Disposal Systems.
- (b) No person shall construct or install any new building or structure on any lot or site which contains a private water supply well without first having obtained the written approval of the Director of Health.

**SECTION 4.5 PROTECTION AND ABANDONMENT OF WELLS**

- (a) Wells shall be protected from contamination and from presenting harm to humans and/or livestock.
- (b) The owner of any well which is no longer used or which has been abandoned shall have the well sealed in a manner approved by the Director of Health and in accordance with the Well Drilling Code Regulations. The owner shall notify the Director of Health of any such abandonment.

**SECTION 4.6 APPROVAL OF WATER SUPPLY**

- (a) No person shall use or allow to be used a non-community or private water supply until final approval has been issued by the Director of Health.
- (b) After receipt of a well completion report from the well installer, the Director of Health shall collect a sample of raw water from the supply for bacteriological, chemical and physical analysis by an approved laboratory. Parameters for the analysis shall be set by the Director of Health.
- (c) Final approval of the raw water supply shall be based upon the Director of Health's review of the laboratory analysis report and Sections 19-13-B101 and 19-13-B102 of the State Public Health Code.

**Section 4.7 Monitoring of Non-Community Water Supplies**

Samples from non-community water supplies shall be collected by the Health District at least once annually for bacteriological chemical and physical analysis report by an approved laboratory.

## CHAPTER 5 HOUSING

### SECTION 5.1 DEFINITIONS

For the purpose of this chapter.

- (a) **"Basement"** means a portion of a building located partly underground but having less than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- (b) **"Cellar"** means a portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- (c) **"Dwelling Unit"** means any house or building, or portion thereof, which is rented, leased or hired out to be occupied, or is occupied as a home or residence of one or more persons.
- (d) **"Lodging, Rooming or Boarding House"** means any house or building or portion thereof, in which not fewer than 5 persons are harbored, received or lodged for hire, or any building or part thereof, which is used as a sleeping place or lodging for not fewer than 5 persons not members of the family residing therein.
- (e) **"Rental Dwelling"** means any house or building, or portion thereof, which is rented, leased or hired out to be occupied, as the home or residence of one or two families but shall not include a tenement house.
- (f) **"Tenement House"** means any house or building, or portion thereof, which is rented, leased or hired out to be occupied, as the home or residence of three or more families, living independently of each other, and doing their cooking upon the premises, and having a common right in the halls, stairways or yards and may be designated as an apartment building, or multiple family dwelling or by any other name.

### SECTION 5.2 PROHIBITED OCCUPANCIES

No cellar, hallway, closet, bathroom or any room where there is a water closet or any place dangerous or prejudicial to life or health shall be used for a place of sleeping or residence.

### SECTION 5.3 SEWAGE AND WATER

No person shall rent, lease or permit the use of a dwelling unit in a house or building unless the sewage disposal system and water supply are adequately sized, installed and approved for such use.

#### **SECTION 5.4 TENEMENT, LODGING OR BOARDING HOUSES**

All tenement, lodging or boarding houses shall comply with Sections 47a-50 through 47a-55 of the Connecticut General Statutes.

#### **SECTION 5.5 RENTAL DWELLING OTHER THAN TENEMENT OR LODGING HOUSES**

All rental dwellings other than tenement or lodging houses shall comply with Section 47a-52 of the Connecticut General Statutes.

#### **SECTION 5.6 SUSPENSION OR TERMINATION OF ESSENTIAL SERVICES**

All suspensions or terminations of essential services shall comply with Sections 19a-109 and 19a-214 of the Connecticut General Statutes.

#### **SECTION 5.7 LEAD POISONING**

All investigations of and related follow-up measures for lead poisoning shall comply with Section 19a-111 of the Connecticut General Statutes.

#### **SECTION 5.8 NUISANCES**

Any tenement, lodging or boarding house or rental dwelling not in compliance with the Connecticut General Statutes and the State Public Health Code, or found to be in any unsanitary or unsafe condition, shall be deemed by the Director of Health a nuisance as described in Section 19a-206 of the Connecticut General Statutes Sections 19-13-B1, 19-13-B21 and 19-13-B25 of the State Public Health Code.

#### **SECTION 5.9 EMERGENCY ACTION**

Whenever an emergency exists which requires immediate action to protect the public health, welfare and safety, the Director of Health may, without notice or hearing, issue an order stating that the emergency exists and require that immediate action be taken to meet the emergency. The person to whom the order is issued shall comply immediately but may request and be granted a hearing on the matter before the Commissioner as set forth in Section 19a-229 of the Connecticut General Statutes.

#### **SECTION 5.10 CONDEMNATION AND ORDERS TO VACATE**

The designation of any tenement, lodging or boarding house or rental dwelling as unfit for human habitation. and the procedure for condemnation and placarding of such unfit tenement, lodging or boarding house, rental dwelling or dwelling and orders to vacate, shall be carried out in compliance with the following requirements:

- (a) Any tenement, lodging or boarding house, rental dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation, and shall be so designated and placarded by the Director of Health:

- (1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.
  - (2) One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
  - (3) One which because of its general condition is unsanitary, or otherwise dangerous to the health or safety of the occupants or of the public.
- (b) Any tenement, lodging or boarding house, rental dwelling or dwelling unit condemned under this chapter and so designated and placarded by the Director of Health shall be vacated within not less than twenty-four hours or more than ten days as ordered by the Director of Health.
  - (c) No tenement, lodging or boarding house, rental dwelling or dwelling unit which has been condemned and placarded as unfit under this chapter shall not again be used for human habitation until written approval is secured from and such placard is removed by the Director of Health. The Director of Health shall remove such placard whenever the defect or defects, upon which the condemnation and placarding action was based, have been eliminated.
  - (d) No person shall deface the placard from any tenement, lodging or boarding house, rental dwelling or dwelling unit, which has been condemned as unfit for human habitation and placarded as such, except as provided above. Whoever violates this provision shall, upon conviction, be subject to the fines and penalties set forth in Section 1.6 of this code.
  - (e) Any person affected by any notice or order relating to the condemning and placarding of a tenement, lodging or boarding house, rental dwelling or dwelling unit under this chapter may request and shall be granted a hearing on the matter before the Commissioner as set forth in Section 19a-230 of the Connecticut General Statutes.
  - (f) Nothing in this chapter shall be interpreted as precluding any private right of action of any person against an owner, occupant or person in charge of the placarded structure.

## CHAPTER 6 NUISANCES

### SECTION 6.1 DEFINITIONS

For the purpose of this chapter,

- (a) **"Offensive Material"** means any sewage, fecal material, manure, garbage, refuse, dead animals or any putrescible organic matter.
- (b) **"Public Nuisance"** means any condition, situation, thing or things which, for reasons of being insanitary, unclean or filthy, obnoxious, foul or unhealthy, presents a threat to public health and comfort and are not limited to those defined in Section 19-13-B1 of the State Public Health Code.

### SECTION 6.2 DECLARATION OF NUISANCES

Whenever any condition, situation, thing or things which, for reasons of being insanitary, unclean or filthy, obnoxious, foul or unhealthy, presents a threat to public health and comfort, the Director of Health shall declare such condition, situation, thing or things a nuisance.

### SECTION 6.3 GENERAL REQUIREMENTS

The storage of garbage, refuse, manure, manufacturing wastes, and the keeping of animals and vacant buildings, toilets in public places and swampy lands shall comply with the requirements of this code and Sections 19-13-B21 through 19-13-B25 and 19-13-B105 through 19-13-B113 of the State Public Health Code and Sections 19a-211 and 19a-212 of the Connecticut General Statutes and as otherwise provided in this chapter.

### SECTION 6.4 OFFENSIVE MATERIAL

- (a) No person shall permit, deposit, store or hold any offensive material on any premises or place, in any building or structure, unless such material is so treated, screened, covered or placed as not to create a nuisance. All cans and containers for the storage of offensive material shall completely confine the material; shall be animal, rodent and insect proof, and shall be kept in an inoffensive and sanitary condition at all times.
- (b) No person shall remove or transport, or permit the removal or transportation of any offensive material except in such a manner and in such conveyances as will prevent the creation of a nuisance or the loss or discharge of such material. All vehicles and implements used in connection therewith shall be kept as not to create a nuisance.
- (c) No person shall burn any offensive material unless written approval has been issued by the Director of Health for such burning in an apparatus approved by the Director of Health.

## **SECTION 6.5 RODENT HARBORAGES**

No person shall maintain a property or condition on a property which provides harborage and/or breeding sites for rodents.

## **SECTION 6.6 INVESTIGATION AND ABATEMENT OF NUISANCES**

- (a) The Director of Health shall investigate any known or suspected nuisances in the Health District.
- (b) Upon finding that a nuisance exists, the Director of Health shall issue a written order to the owner or person in charge of such nuisance. The order shall:
  - (1) describe the nuisance;
  - (2) order that corrective action be taken within a specified time, and
  - (3) state that if the nuisance is not abated within the specified time, the facts shall be submitted to the prosecuting authority.

**CHAPTER 7 PUBLIC POOLS, BATHING PLACES  
AND PUBLIC BATHING ESTABLISHMENTS**

***ARTICLE 1 GENERAL PROVISIONS***

**SECTION 7.1 DEFINITIONS**

For the purpose of this chapter,

- (a) **"Bathing Place"** means an artificial bathing place as defined 'in Section 19-13-B34 of the State Public Health Code.
- (b) **"Pool or Bathing Place Operator"** means the person in charge at a public pool or bathing place.
- (c) **"Public Pool"** means any artificial basin as defined in Section 19-13-B33b of the State Public Health Code.

**SECTION 7.2 PERMITS**

- (a) General

No person shall operate or maintain or permit the use of any pool or bathing place who does not have a valid permit issued by the Westport Weston Health District. Only a person who complies with the requirements of this code shall be entitled to receive or retain such a permit.

- (1) Permits shall be valid until April 30th of the following year in which they were issued unless revoked by the Director of Health, or until such time as the pool or bathing place changes ownership, closes, or goes out-of-business.
- (2) Permits shall not be transferable from person to person, nor from location to location. The valid permit shall be posted in a location easily observed by patrons.

- (b) Issuance of Permits

- (1) Any person desiring to operate a pool or bathing place shall make written application for a permit at least thirty days prior to opening on forms provided by the Westport Weston Health District.
- (2) Prior to approval of an application for a permit, the Westport Weston Health District shall inspect the pool or bathing place to determine compliance with the requirements of the code.

- (3) The Director of Health shall issue a permit to the applicant if its inspection reveals that the pool or bathing place complies with the requirements of the code.

(c) Permit Revocation/Nonrenewal

The Director of Health may revoke or refuse to renew the permit of any person for failure to comply with the provisions of this code. Written notice of such failure to comply, setting forth the violations and revocation (or nonrenewal) notice shall be delivered to the permit holder or person in charge forty-eight (48) hours prior to such revocation or nonrenewal. A revoked permit shall be removed from the premises by the Director of Health.

(d) Permit Reinstatement

After a period of sixty days from the date of revocation or refusal to renew, a written application may be made for the issuance of a new permit.

### **SECTION 7.3 CLOSURE**

(a) Pools

The Director of Health may order a pool to cease operation when it is found that any one or several of the following conditions exist:

- (1) the chemical parameters of the pool water do not comply with the provisions of Section 19-13B33(b) of the State Public Health Code or the Sanitary Code of the Westport Weston Health District;
- (2) the temperature of the pool water exceeds 104°F;
- (3) the drain covers or grates are not secure;
- (4) the clarity of the water does not comply with the provisions of Section 19-13B333(b) of the State Public Health Code;
- (5) there is a malfunction or nonfunction of the recirculating system or severe structural deficiencies that create a hazard to patrons;
- (6) the safety equipment required by Section 19-13B33(b) of the State Public Health Code is not provided;
- (7) such public pool is operating without a valid permit issued by the Westport Weston Health District.

(b) Bathing Places

The Director of Health may order a bathing place to cease operation when it is found that any one or several of the following conditions exist:

- (1) the microbiological quality of the bathing place water is below standards set by the commissioner;
- (2) the safety equipment required by Section 19-13-B34 of the State Public Health Code is not provided;
- (3) such bathing place is operating without a valid permit issued by the Westport Weston Health District.

(c) Procedure For Closure

- (1) Closure under this section shall be effective immediately upon the delivery of written notice to the person in charge at the pool or bathing place by the Director of Health.
- (2) Pools and bathing places closed under this section shall remain closed until written approval to reopen has been issued by the Director of Health.

***ARTICLE 2 POOLS***

**SECTION 7.4 REQUIREMENTS**

Pools shall comply with Section 19-13-B33(b) of the State Public Health Code and as otherwise provided in this chapter.

**SECTION 7.5 POOL WATER TESTING**

- (a) Chemical tests for disinfectant residual and pH shall be performed at least three times a day during the operating season. Testing for alkalinity shall be performed weekly and within three hours of the addition of make-up water to the pool. Records of chemical test results shall be maintained at the pool site.
- (b) Testing equipment for measuring total alkalinity shall be available at each pool.

**SECTION 7.6 SAFETY AND INSPECTION CONTROL**

- (a) Where there is a change in the slope of the pool bottom, a safety line shall be provided across the pool at the change in slope. This line shall be attached to the pool wall by recessed anchors and equipped with floats not more than five feet apart. This safety line shall be kept in place at all times and in all areas of the pool except during competitive swimming events and in areas lane float lines are used.

- (b) No glass containers or glass objects, other than pool test equipment and eyeglasses, pets, or foods shall be permitted in the pool or on the pool deck.
- (c) No person having a skin eruption, open wound, sore, lesion or eye, ear or throat infection shall be permitted to use the pool.
- (d) Where gaseous chlorine is used for pool water treatment, an ammonia fume dispenser shall be provided to check for chlorine leaks
- (e) There shall be a pool operator present at the pool site at all times that the pool is open for patrons. The pool operator shall be capable of performing safety inspections of the pool site and chemical tests of the pool water and is responsible for performing and recording the results of such inspections and tests.

### ***ARTICLE 3 BATHING PLACES AND PUBLIC BATHING ESTABLISHMENTS***

#### **SECTION 7.7 REQUIREMENTS**

Bathing places shall comply with Section 19-13-B34 of the Public Health Code of the State of Connecticut and as otherwise provided in this chapter.

#### **SECTION 7.8 BATHING PLACE OPERATOR**

At all times, the bathing place must be under the close supervision of a bathing place operator. A bathing place operator shall be at least 18 years of age and shall be present in the bathing area at all times when the bathing place is open to patrons. The bathing place operator shall be capable of performing safety inspections of the bathing place and is responsible for performing and recording the results of such inspections.

#### **SECTION 7.9 PUBLIC BATHING ESTABLISHMENTS**

Public bathing establishments associated with bathing places shall comply with Section 19-13-B36 of the State Public Health Code.