

CHAPTER 10

**HEALTH AND SANITATION\***

- Art. I. In General, §§ 10-1-10-25**
- Art. II. Water Pollution Control, §§ 10-26-10-95**
  - Div. 1. Generally, 10-26-10-45
  - Div. 2. Town Septage Treatment Facility, §§ 10-46-10-70
  - Div. 3. Pumping, Handling and Disposal of Septage, §§ 10-71-10-85
  - Div. 4. Aquifer Protection, §§ 10-86-10-95
- Art. III. Underground Storage Tanks, §§ 10-96-10-110**
- Art. IV. Subsurface Sewage Disposal Systems, §§ 10-111-10-120**
- Art. V. Food Protection, §§ 10-121-10-145**
- Art. VI. Schedule Established**

**ARTICLE I. IN GENERAL**

**Sec. 10-1. Definitions.**

- a) "Seasonal use" means any dwelling structure occupied for less than nine (9) months of anyone (1) calendar year; or any dwelling structure which does not contain one (1) or more of the following: (1) a positive heating supply to the structure or converted area; or (2) energy conservation measures, such as insulation to protect from heat loss; or (3) a potable year-round water supply which is protected from freezing, or, if water service is public, has said service supplied on a year-round basis.
- b) "Winterization" means the act of converting a seasonal use dwelling structure into a year-round use dwelling structure by providing one (1) or more of the following: (1) a positive heating supply to the structure or converted area; or (2) energy conservation measures, such as insulation to protect from heat loss; or (3) a potable water supply which is protected from freezing or public water service supplied on a year-round basis.
- c) "Director of health" means the Madison director of health or his authorized agent or agents.
- d) "Person" means any person, firm, corporation, trustee, individual, co-owner or other entity owning real property or the lessee thereof.
- e) "Accessory structure" means a permanent non-habitable structure which is not served by a water supply and is used incidental to residential or non-residential buildings. Accessory structures include, but are not limited to, detached garages, open decks, tool and lawn equipment storage sheds, gazebos, and barns.
- f) "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.
- g) "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.
- h) "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 Regulations of Connecticut State Agencies, and the Technical Standards except for the one hundred percent reserve leaching area referred to in Section VIII A of the Technical Standards.
- i) "Design flow" means the anticipated daily discharge from a building as determined in accordance with Sections IV and VIII F of the Technical Standards.
- j) "Potential repair area" means an area on a property which could be utilized to repair or replace an existing or failed septic system and includes areas on the property where exceptions to Section 19-13-B103 of the Regulations of Connecticut State Agencies could be granted by the local director of health or the Commissioner of Public Health but does not include areas beyond those necessary for a system repair and areas of exposed ledge rock.
- k) "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-B103d(d) of the Regulations of Connecticut State Agencies.

**Sec. 10-2. Winterization of seasonal use structures, building conversion, change in use, permit and certification of occupancy**

- a) As of the effective date of this section, no person shall undertake to winterize, as defined under these regulations, or otherwise convert any seasonal-use dwelling structure presently unsuitable for year-round occupancy to year-round use without first obtaining a winterization permit from the director of health, except as provided in subsection(4) below.
- b) An applicant for a winterization permit shall provide a plan, prepared by a professional engineer licensed in the State of Connecticut, to the director of health, which demonstrates full and complete compliance with the subsurface sewage disposal regulations of the State of Connecticut (sections 19-13-B100a and 19-13-B103 of the Regulations of Connecticut State Agencies, as amended). The applicant shall also provide a completed "application for and permit to construct a subsurface sewage disposal system" to the director of health.
- c) Upon approval by the director of health of the plan in subsection (2), the director of health shall approve the applicant's "application for and permit to construct a subsurface sewage disposal system". The applicant shall be responsible for installation of the approved subsurface sewage disposal system, and the director of health may make any inspections he deems appropriate during and/or on completion of the installation to ensure the approved plan was followed.
- d) No winterization permit shall be issued until such approved subsurface sewage disposal system has been completed, inspected and approved for use by the director of health or the director's authorized agent. The director of health may authorize the initiation of construction of or modification to certain features of the dwelling to accommodate the conversion of the dwelling to year-round, prior to the installation of the subsurface sewage disposal system, to avoid damage to the approved subsurface sewage disposal system. This authorization may only be granted in instances where the director feels the timing of such building construction is necessary to minimize damage to the approved subsurface sewage disposal system that will be installed and facilitate dwelling construction. Installation of the approved subsurface sewage disposal system may proceed in conjunction with construction on the dwelling, but in no case may the dwelling be occupied on a year round basis, nor any certificate of occupancy be issued, until the approved subsurface sewage disposal system is installed to the director's satisfaction and a winterization permit is issued. Upon approval of the installed subsurface sewage disposal system, the director of health shall issue a winterization permit to the applicant.
- e) The winterization permit issued by the director of health shall expire and become void unless all improvements proposed by the applicant to convert the dwelling structure to year-round use commensurate with the approved subsurface sewage disposal system provided pursuant to subsections (b) and (c) above have been completed and a certificate of occupancy has been issued for the subject premises within twenty-

HEALTH AND SANITATION

- four (24) months of the issuance of the winterization permit. If said improvements have not been so completed and the winterization permit expires, said structure shall continue to be a seasonal use dwelling. (Ord. of 1-4-71; Ord. of 6-26-00)
- f) Whenever, pursuant to the provisions of the Connecticut Basic Building Code or Madison building ordinance, (1) a proposed construction, alteration, improvement, repair or rebuilding of any structure would require that application be made for a building permit because said proposed construction, alteration, improvement, repair or rebuilding involves or would involve a change in use or construction of an additional habitable space as defined in the then-current Connecticut Basic Building Code, no such construction, alteration, improvement, repair or rebuilding shall be undertaken unless the property is in full compliance with Section 19-13-B100a of the Connecticut Public Health Code or successor regulation. If such compliance requires construction, alteration, repair or rebuilding of sewage disposal system, then, after approval by the local Director of Health, all such work shall be completed to the satisfaction of the local Director of Health before any such change of use is permitted and before commencement of any such additional habitable space. A proposed increase in residential bedrooms or design flow of commercial property shall require an upgrade to a code-compliant septic system.
- g) No addition to any building shall be permitted unless the local director of health has determined that after the building addition a code-complying area exists on the lot for the installation of a subsurface sewage disposal system. Once a code-complying area is identified, portions of the property outside this designated area may be utilized for further development of the property. This determination by the local director of health shall be based upon analysis of existing soil data to determine if a code-complying area exists. If soil data is not available, the property owner shall perform soil testing. The property owner or the owner's authorized agent shall submit design plans or a sketch to demonstrate how the property contains a code-complying area.
- h) Attached or detached garages, accessory structures, below or above ground pools. If public sewers are not available, no attached garage, detached garage, accessory structure, below or above ground pool shall be permitted unless the local director of health has determined that after construction of the attached garage, detached garage, accessory structure, below or above ground pool, a code-complying area exists on the lot for installation of a subsurface sewage disposal system. This determination by the local director of health shall be based upon analysis of existing soil data. If soil data is not available, the property owner shall perform soil testing. The property owner or the owner's authorized agent shall submit design plans or a sketch to demonstrate how the property contains a code-complying area that can accommodate a sewage disposal system. If the applicant submits soil test data, design plans or a sketch and is unable to demonstrate a code-complying area, the attached or detached garage, below or above ground pool, or accessory structure shall be permitted, provided the structure does not reduce the potential repair area. The separation distance from the attached or detached garage, below or above ground pool, or accessory

structure to any part of the existing sewage disposal system shall comply with Table 1 in Section II of the Technical Standards.

- i) Any person who fails to comply with the provisions of this section shall be guilty of an infraction and upon conviction be punished in accordance with section 1-11. (Ord. of 4-13-65(2), § 2)

**ARTICLE II. WATER POLLUTION CONTROL\***

**Sec. 10-26. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- a) "Authority" means the town water pollution control authority.
- b) "Cleaner/hauler" means any individual, partnership, association, firm, corporation or authorized officer or representative of such entity engaged in septage, sewage or grease disposal and licensed by the state department of health services.
- c) "Grease" means oil (including any derivatives of animal or vegetable origin), grease, fat and attendant wastewater from kitchen sinks and drains that flow into food service facility grease traps or septic tanks.
- d) "Grease trap" means a tank, series of tanks or other device designed to separate oil, grease and fat from wastewater at food service facilities.
- e) "Pollution" means manmade or man-induced alteration of the chemical, physical, biological or radiological integrity of any part of the environment.
- f) "Prohibited waste" means one (1) or more of the following: (1) Substances posing a fire hazard during routine management; (2) Substances requiring special containers because of their ability to corrode standard materials, or require segregation from other wastes because of their ability to dissolve contaminants; (3) Substances which during routine management tend to react spontaneously, react vigorously with air or water, be unstable to shock or heat, to generate toxic gases or to explode; (4) Substances which when improperly managed may release toxicants in sufficient quantities to pose substantial hazard to human health or the environment; (5) Any hazardous, toxic or restricted material, substance or waste as defined by the Code of Federal Regulations, Chapter 40, the state department of environmental protection, the state department of health services or the United States Environmental Protection Agency; (6) Petroleum oil or petroleum derivatives, or mineral oil or products of mineral oil; (7) Any water or waste containing odor producing substances exceeding limits as established by the water pollution control authority; (8) Substances that may interfere with or adversely affect the biological treatment of septage wastes.
- g) "Registration" means having approval of the water pollution control authority to use the town septage treatment facility after completing all necessary applications.
- h) "Regulations" mean the instruments adopted by the water pollution control authority for the purposes of carrying out this article.
- i) "Repair" means any work performed on an existing on-site sewage disposal system after installation thereof, regardless of the purpose for such work.

- j) "Septage" means biodegradable waste that is removed from septic tanks, cesspools, dry wells or privy vaults, as residuals, that are part of the on-site disposal systems used by residences, commercial establishments or industries.
- k) "Septic tank" means a watertight receptacle used for the treatment of domestic sewage and designed and constructed to permit the settling of solids, the digestion of organic matter by microorganisms, detention and the discharge of the liquid portion (effluent) to a leaching system. Cesspools shall be included in this definition if they are not preceded by a septic tank.
- l) "Sewage" means water consisting of human wastes or other waterborne wastes incidental to the occupancy and use of a building as may be detrimental to the public health or the environment, but not including manufacturing process wastewater, cooling water, wastewater from water softening equipment, blow-down from heating or cooling equipment, water from cellar or floor drains, surface waters from roofs, paved surfaces or yard drains, wastewater from marine toilets or other such chemical toilets or holding tanks, or hazardous or toxic wastes.
- m) "Subsurface sewage disposal system" means a system consisting of a building sewer (pipe), a septic tank followed by a leaching system, any necessary pumps and siphons, and any groundwater control system on which the operation of the leaching system is dependent.
- n) "Town septage treatment facility" means the septage treatment facility operated by the town water pollution control authority. (Ord. of 5-1-89, § 2)

**Cross reference-Definitions and rules of construction** generally, § 1-2.

**Sec. 10-27. Water pollution control authority: creation, powers.**

The town water pollution control authority, as provided in section 7-245 et seq. of the General Statutes, and the town meeting of March 14, 1979, creating the water pollution control authority, has the powers and responsibilities conferred by such statutes. The authority is directly responsible for the planning, design, construction, operation, maintenance and monitoring of all water pollution control facilities in the town in accordance with federal, state and local regulations. (Ord. of 5-1-89, § 1.1)

**Cross reference-**Water pollution control authority to act as aquifer protection agency, § 10-87.

**Sec. 10-28. Purpose.**

- a) The purpose of this article is to protect the public health and welfare of the town through the prevention of public health nuisances and hazards and environmental degradation that may have a detrimental impact on the quality of the town's surface and subsurface water resources.
- b) Because the town is entirely dependent upon soil renovation for treatment of its domestic sewage, and draws a large portion of its potable water from substantially the same land area, it is important that standards are established and continually reviewed in order to ensure the continued viability of the town's septage treatment facility and sewer avoidance program. (Ord. of 5-1-89, § 1.2)

**Sec. 10-29. Adoption, amendment of regulations.**

Regulations may be adopted and/or amended from time to time by the authority. (Ord. of 5-1-89, § 6.2)

**Secs. 10-30-10-45. Reserved.**

DIVISION 2. TOWN SEPTAGE  
TREATMENT FACILITY

**Sec. 10-46. Disposal of sewage, septage, grease.**

All sewage, septage and grease generated in the town shall be disposed of at the town septage treatment facility unless otherwise approved by the authority or its agent in writing. (Ord. of 5-1-89, § 3.1{b})

**Sec. 10-47. Acceptable materials.**

Only sewage, septage and grease shall be disposed of in the town septage treatment facility. (Ord. of 5-1-89, § 3.1{c})

**Sec. 10-48. Disposal of sewage.**

Sewage may be disposed of in the town septage treatment facility only at the discretion of the authority and only during the time of planning and affecting repairs to a failing subsurface sewage disposal system. (Ord. of 5-1-89, § 3.1{d})

**Sec. 10-49. Prohibited waste.**

No prohibited waste, or industrial waste containing such material, shall be disposed of at the town septage treatment facility. (Ord. of 5-1-89, § 3.1(e))

**Sec. 10-50. Discharges by cleaners/haulers.**

No cleaner/hauler may discharge into the town septage treatment facility unless they are registered with the authority, as outlined in section 10-54, and possess an approved septage pumping permit. (Ord. of 5-1-89, § 3.1)

**Sec. 10-51. Operating hours; posting.**

Operating hours of the town septage treatment facility, as established by the authority, shall be posted in the office of the authority and at the town septage treatment facility. (Ord. of 5-1-89, § 3.1{g})

**Sec. 10-52. Discharges at times other than posted hours.**

Arrangements for emergency discharge, during holidays, or at times other than posted hours, may be established by the authority and shall be in accordance with these regulations and the authority's posted fee schedule. Such procedure shall be posted in the office of the authority and at the town septage treatment facility. (Ord. of 5-1-89, § 3.1{h})

**Sec. 10-53. Fee schedule; establishment, posting.**

A schedule of fees shall be established by the authority, and amended from time to time, to help defray the costs of operating and maintaining the town septage treatment facility. Such fee schedule shall be posted in the office of the authority and at the town septage treatment facility. (Ord. of 5-1-89, § 3.1{i})

**Sec. 10-54. Registration requirements.**

- a) Any cleaner/hauler may apply for registration with the authority to use the town septage treatment facility provided that:
  - (1) The applicant attests that the cleaner/hauler engaged in the work of cleaning septic tanks or grease traps is certified by the state to perform such work
  - (2) The applicant completes a septage treatment facility registration form as appended to these regulations and files it with the authority

(3) The applicant agrees to abide by the provisions of this article and applicable regulations in their entirety

(4) The applicant has not been permanently barred previously by the authority from using the town septage treatment facility for violation of these regulations.

- b) Within thirty-five (35) days of receiving a septage treatment facility registration form at its office, the authority shall vote upon issuance or denial of a registration.
- c) Annually, the registrant shall file a copy of his notice of license renewal from the state department of health services, with the authority, which shall be deemed a request for reissuance of his town septage treatment facility registration for the succeeding year.

**Secs. 10-55-10-70. Reserved.**

**DIVISION 3. PUMPING, HANDLING AND DISPOSAL OF SEPTAGE**

**Sec. 10-71. Disposal authorization required.**

No sewage, septage or grease shall be disposed of in the town unless specifically authorized by the authority in writing. (Ord. of 5-1-89, § 3.1(a))

**Sec. 10-72. Pump out and inspection procedures.**

- (a) All subsurface sewage disposal systems in town shall be inspected and/or pumped at least once every five (5) years by a state licensed cleaner/hauler. A tank pumped more often than once a year, except grease traps, shall be referred to the town health department for inspection as to the adequacy of the building's subsurface sewage disposal system. Properties with septic tanks

pumped less frequently than once every five (5) years shall be subject to inspection by the town health department. Grease traps shall be pumped no more often than as scheduled by the town health department or the adequacy of the system shall be investigated.

- (b) Substantially all liquid, scum and sludge shall be removed from the septic tank, leaving it as nearly empty as possible but with sufficient residue to maintain effective treatment. Pipes, inlets, outlets, baffles and septic tank integrity shall be inspected for damage or deficiency. The ground surface in the general vicinity of the subsurface sewage disposal system shall be checked for signs of surcharging. Any septic tank damage or defect, or any observed characteristic of failure of the subsurface sewage disposal. System shall be recorded by the cleaner/hauler on the septage pumping permit, and shall be provided to the authority, along with the volume of septage, sewage or grease pumped, the address at which it was pumped, the date, and such other data as may be required by the town health department. The septage pumping permit shall be filled out completely. Returning an incomplete septage pumping permit may be considered an infraction of this article by the authority.
- (c) Cleaners/haulers shall use special caution to prevent damage to the subsurface sewage disposal systems they service with vehicles or equipment. Accidental spillages of septage, grease or sewage shall be immediately removed so as to prevent a public health hazard. (Ord. of 5-1-89, § 3.3)

**Sec. 10-73. Handling and spillage requirements.**

(a) All material removed from any septic tank, privy, sewer, subsurface sewage disposal system, and sewage holding tank, toilet, sewer plumbing system or grease trap shall be transported in watertight vehicles or containers in such manner that no malodors, nuisance or public health hazard is created. All vehicles used for the transportation of sewage, septage or grease shall be registered as such with the authority and shall be subject to inspection by the authority or the director of health or their authorized agents at any reasonable time. Such vehicles shall bear the name of the cleaner/hauler and shall be equipped with a sight gauge or other measuring device approved by the authority and fully operational, which will reasonably indicate the volume of its contents. All vehicles, containers and equipment used for pumping and hauling sewage, septage or grease shall be maintained in a clean exterior condition at all times, whether in use or being stored. No defective or leaking vehicle shall be used at any time. No such vehicle, used to transport sewage, septage or grease shall be used to collect or transport prohibited waste at any time.

(b) Water used for rinsing vehicles, containers or equipment used in pumping or transporting sewage, septage or grease shall be considered sewage and shall be disposed of in a sanitary manner approved by the town health department.

(c) All cleaners/haulers shall be responsible for the immediate cleanup of any spills which occur during collection, transportation and/or discharge operations. All spillages that occur during transportation shall be immediately reported to the town health department.

(Ord. of 5-1-89, § 3.4)

**Sec. 10-74. Disposal of pumpage.**

a) All cleaners/haulers shall follow the discharge procedures established for the

town septage treatment facility by the authority.

- b) A septage pumping permit, as appended to these regulations, shall be completed for each septic tank or grease trap pumped, cleaned and inspected, as outlined in section 10-72.
- c) A completed septage pumping permit for each septic tank or grease trap pumped shall be submitted to the authority representative at the town septage treatment facility prior to discharge of a load. An incomplete septage pumping permit shall be grounds for denial of permission to discharge the load until the form is properly completed.
- d) It is the responsibility of the cleaner/hauler to determine and provide the volume of each load at the time of discharge.
- e) Any cleaner/hauler authorized by the authority in writing to dispose of sewage, septage or grease that is generated in town, outside of the town, will not be subject to a discharge fee, but shall be required to submit a completed septage pumping permit in accordance with section 10-72. The location of septage, sewage or grease disposal shall be provided on the septage pumping permit.
- f) The authority shall have the right to collect samples from vehicles owned or operated by a cleaner/hauler for analysis, inspect all septage pumping permits to determine the origin of the sewage, septage or grease, and to make reasonable inquiry of cleaners/haulers regarding the same. Refusal to allow the authority to collect a sample shall be grounds for denial of permission to discharge the load. If the investigation determines that the probable source of any sewage, septage or grease delivered to the town septage treatment facility was not generated within the territorial

HEALTH AND SANITATION

boundaries of town, or the characteristics of the sewage, septage or grease violates section 10-47, the authority shall have and reserve to itself the right to suspend the right of such cleaner/ hauler from the use of the town septage treatment facility in accordance with the procedure detailed in section 10-76.

- g) All measurements, tests and analyses of the characteristics of sewage, septage or grease to which reference is made in this article shall be performed in accordance with the latest edition of the Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, et al., or a representative method approved by the authority.
- h) No person shall maliciously, willfully or negligently break damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the town septage treatment facility. Any person violating this provision shall be subject to immediate arrest under the charge of disorderly conduct.
- i) The cleaner/hauler, while performing any work in town, shall observe all safety rules applicable to the town septage treatment facility established by the authority. The authority shall be held harmless for injury or death to any employee or employer of a cleaner/hauler. Further, the town shall be indemnified against any loss or damage to property, and against liability claims and demands for personal injury or property damage asserted against the town or the authority, while the cleaner/hauler is on the town septage treatment facility site.  
(Ord. of 5-1-89, § 3.5)

**Sec. 10-75. Fee schedule.**

- a) The fee schedule for discharges into the town septage facility shall be as follows:

Septage disposal:

Single-family residential house

Multifamily residences, apartments, condominiums, commercial (per septic tank/subsurface sewage disposal system): \$20.00

Food service establishment septic tanks (per tank): \$20.00

Food service establishment grease traps (per tank): \$20.00

Emergency discharge (outside of regular hours and holidays as set by the authority)

Per truck load (includes discharge fee): \$ 70.00

- b) Fees are subject to change by vote of the authority, such change to take effect thirty (30) days after the vote. Registered cleaners/haulers will be notified of such change by mail within five (5) business days following the vote.  
(Ord. of 5-1-89, § 4)

**Sec. 10-769. Denial, suspension of registration for noncompliance.**

- a) The authority shall deny a town septage treatment facility registration to any applicant who refuses to supply the information requested on the septage treatment facility registration form, or refuses to signify by his signature on such form a willingness to comply with all provisions of this article or applicable regulations.
- b) All cleaners/haulers are hereby warned that the town considers any action on the part of any party to deliver or dispose of septage, grease or sewage generated

outside the territorial boundaries of the town to be a violation of the criminal statutes of section 53a-119 of the General Statutes.

- c) The authority shall suspend a cleaner/hauler's registration should it find that the provisions of this article or applicable regulations have been violated, or if it finds that a cleaner/hauler has disposed of prohibited waste at the town septage treatment facility and/or any other location in town. Suspension of the cleaner/hauler's registration shall be in accordance with the following procedures:
  - (1) Upon a first offense of any provision of this article or applicable regulations, the responsible cleaner/hauler shall be notified of such violation by certified mail, return receipt requested, to its place of business with a specific direction to cease and desist all such future activities.
  - (2) Upon second offense, the responsible cleaner/hauler shall be notified of such violation by certified mail, return receipt requested, to its place of business with a specific direction to cease and desist all such future activities. In addition, the cleaner/hauler's right to use the town septage treatment facility shall be suspended for a period of time not to exceed two (2) weeks.
  - (3) Upon third offense, the responsible cleaner/hauler shall be notified of such violation by certified mail, return receipt requested, to its place of business with a specific direction to cease and desist all such future activities. In addition, the cleaner/hauler's right to use the town septage treatment facility shall be suspended permanently. The authority shall not revoke any

suspension issued under the provisions of this subsection within a period of one (1) year following the suspension, and shall do so only for good cause shown by petition of the suspended cleaner/hauler, filed with the authority following the one-year period.

- (4) Any responsible cleaner/hauler receiving any of the notices and penalties hereinbefore set forth may, within seven (7) days after receiving such notice, request a hearing before the authority. The hearing shall be scheduled by the authority within ten (10) days next following receipt of written request by the responsible cleaner/hauler for the hearing. At the hearing, the responsible cleaner/hauler shall have the right to present any relevant evidence on its behalf regarding the notice. Following the hearing, the authority shall have the right, in the exercise of reasonable discretion, to revoke, modify or affirm its original action taken with respect to such responsible cleaner/hauler. The authority shall give written notice of such decision, with its reasons therefor, to the responsible cleaner/hauler by certified mail, return receipt requested, mailed to its place of business within seven (7) days next following the date of the hearing. If any such notice of violation to a responsible cleaner/hauler shall include a suspension of the right of that party to use the town septage treatment facility, if the responsible cleaner/hauler requests a hearing before the authority as set forth in this subsection, such suspension shall be delayed and not imposed

during the time of the hearing procedure.

- (5) The procedures for suspension, hearing, etc., hereinbefore set forth shall be in addition to and not in lieu of any complaint or criminal proceeding which the authority may wish to initiate against any responsible cleaner/hauler. The right to file and process a criminal complaint shall in no way be dependent upon, delay or otherwise be affected by the warning and suspension procedures.
- (6) The cleaner/hauler may appeal such denial or suspension in writing to the authority, and shall be granted a hearing by the authority within ten (10) days of the receipt of such appeal in the authority's office. At such hearing, the authority may uphold, modify or revoke such denial or suspension, based upon information presented at the hearing and on the information which caused the denial or suspension to be issued originally. (Ord. of 5-1-89, § 5.1)

**Sec. 10-77. Fines for recovery of costs.**

- a) The authority shall fine any cleaner/hauler an amount equal to the cost of cleaning up spillages of sewage, septage or grease, or cost to recover any disruptions to the operation of the town septage treatment facility caused by the cleaner/hauler, cost to recover replacement of any physical damage to the town septage treatment facility caused by the cleaner/hauler or cost to clean up any discharge of prohibited waste which can be proven to have been done by such cleaner/hauler. Such fine shall also include the cost of investigation to determine responsibility for such violation of these regulations,

plus any legal or court costs incurred through enforcement of these regulations. (Ord. of 5-1-89, § 5.2)

**Sec. 10-78. Appeals.**

Any cleaner/hauler aggrieved by denial of a registration or a septage pumping permit, or by suspension of a registration or by the imposition of a fine may appeal the decision of the authority to a court of competent jurisdiction. (Ord. of 5-1-89, § 5.3)

**Secs. 10-79-10-85. Reserved.**

**DIVISION 4. AQUIFER PROTECTION\***

**Sec. 10-86. Purpose and scope.**

Public Act 89-305 is a comprehensive act requiring a cooperative approach to the protection of stratified drift aquifers serving public water wells. This act requires the establishment of a local aquifer protection agency to implement the Act's purpose. This division is intended to empower the town water pollution control authority to act as the local aquifer protection agency and to allow this authority to develop and amend regulations to enforce Public Act 89-305 in Madison.

(Ord. of 5-7-90, § 1; Ord. of 10-1-90, § 1; Ord. of 2-3-92, § 1)

**Sec. 10-87. Establishment of aquifer protection agency.**

- a) The town water pollution control authority, as established by section 7-246 of the General Statutes and by town Charter, is hereby designated as the town aquifer protection agency, as mandated by Public Act 89-305. This authority shall have all powers granted to it by this Public Act and any such amendments, as

well as those powers historically granted to it under applicable portions of titles 7 and 22a of the General Statutes. The authority shall continue to be constituted and administered in conformance with the town Charter. (Ord. of 5-7-90, § 2; Ord. of 10-1-90, § 2; Ord. of 2-3-92, § 2)

**Sec. 10-88. Authority of water pollution control authority.**

a) The Water Pollution Control Authority may adopt and amend regulations to implement the requirements and purpose of Public Act 89-305. The authority shall solicit the comments of the planning and zoning commission, health department, inland wetlands agency, and other applicable local commissions in the formulation of these regulations. These regulations shall be adopted and amended in accordance with Public Act 89-305. (Ord. of 5-7-90, § 3; Ord. of 10-1-90, § 3; Ord. of 2-3-92, § 3)

**Sec. 10-89. Term of division.**

The provisions of this division shall expire on October 1, 1996. (Ord. of 5-7-90, § 3; Ord. of 10-1-90, § 3; Ord. of 2-3-92, § 3)

**Secs. 10-90-10-95. Reserved.**

**ARTICLE IV. UNDERGROUND STORAGE TANKS**

**Sec. 10-96. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- a) "Fuel oil" means oil or petroleum-based liquids used for heating purposes. Hazardous materials means any material defined by 40 CFR Part 261, Subpart C, generally, having the characteristics of one (1) or more of the following: ignitability, corrosivity, reactivity or toxicity, but not including a hazardous waste currently regulated by the state department of environmental protection.
- b) "Listed" means approved by the commissioner of environmental protection in accordance with section 22a-449(d)-1 of the Regulations of Connecticut State Agencies.
- c) "Nonresidential fuel oil storage" means underground storage of less than twenty-one hundred (2100) gallons of fuel oil at nonresidential locations.
- d) "Piping" means any pipe intended to regularly hold or convey fuel oil or hazardous materials.
- e) "Residential fuel oil storage" means underground storage of fuel oil at any residential building, regardless of volume stored.
- f) "Underground" means any facility or component of a facility that has ten (10) percent or more of its capacity below the surface of the ground and not readily visible for inspection.
- g) "Underground tanks" means all underground containers used for residential fuel oil storage and nonresidential fuel oil storage as well as those for storing hazardous materials. (Ord. of 1-4-88(2), § 2.0)

**Sec. 10-97. Scope.**

The purpose of this article is to regulate all underground storage tanks that hold fuel oil and chemicals, and which are currently excluded from regulations of the state department of environmental protection. (Ord. of 1-4-88(2), § 1.0)

**Sec. 10-98. Registration of existing tanks.**

- a) Owners of all existing underground tanks shall register the tanks with the town sanitarian on forms provided by the sanitarian. Information to be provided shall include but not be limited to:
- (1) Address of tank location;
  - (2) Approximate location of tank in relation to nearby building(s);
  - (3) Approximate date of installation;
  - (4) Type of material tank consists of and approximate volume;
  - (5) Diameter and length of all buried piping;
  - (6) Copy of manufacturer's warranty, if available;
  - (7) Type of material tank contains; and
  - (8) Such other information as may be required.
  - (9) This registration shall be completed by October 4, 1988.  
(Ord. of 1-4-88(2), § 3.0)

**Sec. 10-99. New installations.**

- a) No underground tank shall be installed at any facility, such as a home or business, unless the installation complies with the requirements in this article. (Ord. of 1-4-88(2), § 4.0)

**Sec. 10-100. Permits.**

- a) A permit to install an underground tank must be completed by the applicant and approved by the town sanitarian prior to the initiation of any work. The permit shall contain the tank's street address, location on the property and the type of tank, as well as other information deemed appropriate by the town sanitarian. (Ord. of 1-4-88(2), § 4.1)

**Sec. 10-101. Tank types.**

- a) All new underground tanks must be a listed, double-walled steel or single-walled fiber glass reinforced plastic tank. Steel tanks must be cathodically protected for a minimum of thirty (30) years, and equipped with permanent cathodic protection monitoring devices and be externally coated with a factory-applied coating designed to retard corrosion in underground locations. Fiberglass-reinforced plastic tanks must be chemically compatible with the material to be contained, as determined by the tank manufacturer. (Ord. of 1-4-88(2), § 4.2)

**Sec. 10-102. Installation.**

- a) Installation of underground tanks and all related components shall conform to NFPA 30, as amended, and the manufacturer's installation specifications; whichever imposes the most stringent requirements. Within thirty (30) days after completion of installation, but prior to use of the tank, the owner of the tank must submit a statement to the town sanitarian, signed by the tank installer, certifying that the installation has been carried out in accordance with the provisions of this section. (Ord. of 1-4-88(2), § 4.3)

**Sec. 10-103. Piping.**

- a) All piping must be installed by a plumber licensed in the state and shall be sleeved in at least a four-inch-diameter schedule 40 plastic conduit meeting the requirements of ASTM D-1785, or equivalent, with appropriate tight joints. This sleeving shall be provided at all points where the supply or return piping is underground, as well as through the foundation wall and if this piping is to be

buried in or below a concrete floor. All piping and the tank shall hold an air pressure of five (5) pounds per square inch gauge (psig) for at least ten (10) minutes after backfilling, but prior to use. A statement certifying the successful completion of this air test must be signed by the plumber and submitted to the town sanitarian within thirty (30) days of the test, but prior to use of the piping. (Ord. of 1-4-88(2), § 4.4)

#### **Sec. 10-104. Inspection.**

- a) As further assurance that installations are performed in accordance with applicable requirements, as detailed above, an inspection of all installations must be made by the town sanitarian. Such official must be notified at least twenty-four (24) hours prior to an installation. (Ord. of 1-4-88(2), § 4.5)

#### **Sec. 10-105. Life expectancy.**

- a) The life expectancy or' all fiberglass reinforced plastic underground tanks installed after October 4, 1988, shall be that indicated in the manufacturer's corrosion warranty. The life expectancy for all cathodically protected underground tanks installed after October 4, 1988 shall be that indicated in the tank manufacturer's corrosion warranty.
- b) This life expectancy can be extended for up to five (5) additional years beyond this life expectancy if no leaks have been detected previously and no leaks are detected in this extended life expectancy, as detailed in section 10-105. (Ord. of 1-4-SS(2), § 5.1)

#### **Sec. 10-106. Leaks.**

- a) If the underground tank or piping is determined to have a leak at any time, use of the tank shall be immediately discontinued, the tank shall be emptied and the town sanitarian notified within two (2) business days. The town sanitarian, in consultation with the department of environmental protection, shall have the right to require that reasonable efforts be taken to recover lost products and remove and properly dispose of contaminated materials, such as soil. If only the piping is leaking, it may be replaced or repaired, as necessary, in general conformance with the requirements for piping in the new installations section. If the underground tank leaks before the life expectancy has been reached, or in the extended life expectancy, it shall be substantially emptied and removed or abandoned in accordance with NFPA-30. This removal or abandonment must be done within ninety (90) days of the detection of a leak. (Ord. of 1-4-SS(2), § 5.2)

#### **Sec. 10-107. Abandonment/removal.**

- a) After the life expectancy, or the extended life expectancy, has been reached, the tank shall be substantially emptied and removed or abandoned in accordance with NFPA-30. This removal or abandonment must be achieved within six (6) months after reaching the life expectancy, or extended life expectancy, whichever is applicable (Ord. of 1-4-SS(2), § 5.3)

#### **Sec. 10-108. Leak detection.**

- a) All underground tanks shall be monitored by the tank owner for excessive, unanticipated product loss on a regular basis. This monitoring shall consist of the following minimum

procedures, or an equivalent method approved by the town sanitarian. Records shall be kept of average product use per degree-day for each heating fuel tank. If this ratio shows an increase or decrease of greater than ten (10) percent in any single monitoring period, further investigation shall be initiated to determine the cause. Such further investigation may include but not be limited to review of product use at location of underground tank, visual inspection of tank components or the use of more sophisticated leak detection methods.

- b) If this further investigation fails to identify the cause of the product loss, the town sanitarian shall be notified within two (2) business days. The town sanitarian shall exercise general oversight in the determination and investigation of any apparent leaks at this stage. The sanitarian shall have the right to require precision hydrostatic testing and/or partial or entire excavation of the tank and related components, if necessary.
- c) These monitoring records and any supporting documentation of product use shall be submitted to the town sanitarian upon request. (Ord. of 1-4-SS(2), §§ 6.0-6.2)

**Sec. 10-109. Appeals.**

Any person aggrieved by a decision of the town sanitarian in relation to the provisions of this article may appeal to the water pollution control authority. The authority shall schedule a public hearing, after proper notice, to investigate into the facts and may vacate, modify or affirm the decision of the town sanitarian. Any such action by the water pollution control authority shall be recorded on the permit and/or registration

form for such underground tank. (Ord. of 1-4-S88 (2), § 7.0)

**Sec. 10-110. Penalties.**

Any person who violates any provision of this article shall be subject to a fine of not more than one hundred dollars (\$100.00) per day or portion thereof during which a violation is maintained. (Ord. of 1-4-88(2), § 8.0)

**ARTICLE IV: SUBSURFACE SEWAGE DISPOSAL SYSTEMS**

**Sec. 10-111. Purpose**

In order to protect more adequately the environment and the public health of the community and to prevent future nuisance conditions, the following this article specifies the requirements for subsurface sewage disposal systems in the Town of Madison and is supplemental to the Regulations and Technical Standards for Subsurface Sewage Disposal System, Sections 19-13-B100a, 19-13-B103, and 19-13-B104.

**Sec. 10-112. Definitions.**

- a) “As-built” means a tie or scale record plan indicating the location of the SSDS as well as any SSDS components, including the building sewer exit location at building, sewage system access points (tank cleanouts, distribution boxes, etc.), leaching system ends and residential or nonresidential building for which the SSDS serves.
- b) “Health Department” means Health Director or Department staff member holding a currently valid registered sanitarian license and Phase II septic certification.

- c) “Installer” means any person holding a valid Connecticut Department of Public Health subsurface sewage installers license.
- d) “Property” means any land mass with a residential or nonresidential building on it or proposed to be on it.
- e) “Maintenance” the regular cleaning of the septic tank, cesspool, building sewer, distribution line, or any other component of an on-site sewage disposal system for the purpose of removing any accumulated liquids, scum or sludge. The term "maintenance" shall also mean any regularly required servicing or replacement of related mechanical, electrical or other equipment.
- f) “Malfunctioning system or malfunction” means any on-site sewage disposal system that exhibits a condition or conditions which, if not timely corrected, will, in the judgment of the Director of Health, result in a failed system. For example: substantial backflow from the leaching system into the septic tank during a septic tank pump-out is an indication of a malfunctioning system.
- g) “Permit to Discharge” means the approval of the Director of Health issued in accordance with § 445-20 of this article upon determination that the septic system has been installed in compliance with the requirements of Section 19-13-B103e of the Technical Standards, and the approved plans if applicable, and found to be in compliance with the Technical Standards. Upon sale or transfer of a property with a valid existing permit, the succeeding property owner will retain that permit, but only for the time remaining. Succeeding property owners are then responsible for ensuring that the system remains in substantial compliance. Such compliance

may be determined by a licensed septic pumper.

- h) “Subsurface sewage disposal system” means a system consisting of a house sewer; a septic tank followed by a leaching system, any necessary pumps and siphons, and any groundwater control on which the operation of the leaching system is dependent

**Sec. 10-113. Permit Required.**

- a) No sewage disposal system shall be constructed, altered, repaired or rebuilt within the Town of Madison without prior issuance of a sanitary permit by the Health Director.
- b) No building shall be constructed, nor building permits issued for same, in those areas of the Town of Madison requiring a septic system unless soil tests are conducted or witnessed and approved by the Health Department in the area of the proposed primary and reserve septic areas.
- c) Application for and issuance of a permit must be secured prior to the commencement of work thereon. When any proposed construction site involves or requires the construction, alteration, repair or rebuilding thereon of a sewage disposal system or portion thereof, the Town Building Official shall not issue a building permit without the prior written approval of said system by the Health Director

**Sec. 10-114. Soil Testing.**

- a) Soil testing shall consist of a minimum of two deep test pits and one perc test in the primary area and one deep test pit and one perc in the reserve area. Additional deep pits and/or perc tests may be required depending on site conditions.

- b) Additional soil testing may be required at the discretion of the Health Department if a septic design plan is not submitted and approved within a five-year period from the date of original soil testing and for compliance with 19-13-B100a.
- c) Soil testing of new undeveloped properties, individual lots or subdivisions shall be conducted September 15 through June 30. Soil testing may be conducted July 1 through September 14 at the discretion and approval of the Health Department, contingent on current environmental conditions. The Health Department may require the soil testing to be conducted by a certified soil scientist in conjunction with the Health Department.
- d) The Health Department may require additional soil testing and/or groundwater monitoring conducted during the wet season, February 1 through May 31, per Section 19-13-b103d(e)(2) and 19-13-B103e(d)(6). The Health Department must be notified prior to the start of groundwater monitoring, and all groundwater monitoring must be conducted by a licensed professional engineer with periodic monitoring by the Health Department.
- e) Requests for soil testing, groundwater monitoring and site evaluation must be scheduled with the Health Department prior to the proposed scheduled date.
- f) Engineered design plans submitted for review will be reviewed and comments (if any) forwarded within 20 working days of receipt of complete plans.

**Sec. 10-115. Design Requirements.**

- a) All properties requiring a subsurface sewage disposal system must have a plot plan or engineered subsurface sewage design plan reviewed and approved by

the Health Department prior to the issuance of a septic permit or any building permit. The inspection of the installation shall be conducted by the Health Department prior to backfill or cover of the system

- b) Prior to the issuance of any building permit for any new structure requiring a subsurface sewage disposal system where preliminary soil tests indicate that groundwater may reasonably be expected to be within three feet from the surface during periods of maximum groundwater elevation, or that bedrock is within five feet from the surface, or that the percolation rate is over 30 minutes per inch or less than one minute per inch or where the surface slope exceeds 25%, the Town Health Director shall require the design of a sewage disposal system prepared in accordance with the Public Health Code by a qualified registered professional engineer.
- c) All plans for engineered sewage disposal systems may be required to be further reviewed by the State Department of Public Health and/or the Connecticut State Department of Environmental Protection.
- d) Engineered design plans submitted for review will be reviewed and comments (if any) forwarded within 20 working days of receipt of complete plans.

**Sec. 10-116. Repair Permit Required; Approval.**

- a) No existing septic system shall be repaired, including the installation of a septic tank, without a permit from the Health Department. Repair applications shall include soil testing to determine a suitable area for the repair and a plot plan or engineered design plan submitted for review and approval based on site conditions. Soil testing fees are waived

for repair applications. The Health Department will issue a permit to discharge upon completion and review and approval of the repair and receipt of the as-built.

- b) The approval of plans and/or the issuance of a septic permit or the issuance of a permit to discharge shall not be construed as a guarantee by the Health Department pertaining to the construction or the continued satisfactory functioning, nor shall it in any way restrict the actions or powers of the Director of Health in the enforcement of any relevant law or regulation.

**Sec. 10-117. Final As-built Drawings.**

- a) Before approval is given for any sewage disposal system built or rebuilt in the Town of Madison, and before a certificate of occupancy is granted, an as-built drawing of the subsurface sewage disposal system shall be furnished to the Town Health Director for his or her approval. This as-built drawing shall be prepared by the licensed contractor who installed the system or, when required by the Town Health Director, by a licensed engineer.
- b) The as-built drawing shall show the exact location of all facilities installed, including at least, but not limited to, the following information:
  - (1) Exterior pipes.
  - (2) Septic tank(s).
  - (3) Distribution boxes.
  - (4) Leaching systems.
  - (5) Curtain drain.
  - (6) Location of wells, water lines and surface drains also should be indicated. Location shall be indicated with reference to at least two corners of the house or two other suitable permanent landmarks.

**Sec. 10-118. Permit To Discharge.**

- a) No building or structure requiring a subsurface sewage disposal system constructed after the effective date of this article shall be occupied until a permit to discharge is issued by the Health Department and forwarded to the Building Department.
- b) The permit to discharge is issued after approval of the installed subsurface sewage disposal system and an as-built submitted by a licensed installer and design engineer, if required as part of the plan approval, is reviewed and approved. The Building Department will issue the certificate of occupancy upon receipt and satisfaction of building requirements.

**Sec. 10-119. Authority to make regulations; construal of provisions.**

- a) The Director of Health of the Town of Madison is authorized to make regulations for the installation or repair of subsurface sewage disposal systems in those areas of the Town of Madison requiring on-site sewage disposal systems as considered reasonably necessary to carry into effect the provisions of this article, provision for the issuance of a permit for such installation or repair upon application by the property owner on forms to be supplied by the Health Department. Such regulations shall be printed in suitable form for distribution to all interested persons.
- b) Nothing in this article, including the issuance of permits provided herein, shall be construed as limiting the power granted to the Director of Health under provisions of general laws of this state to abate any sewage nuisance, including but not limited to the requirement to connect to public sanitary sewers.

**Sec. 10-120. Appeal procedure.**

Appeal procedure is pursuant under the Regulations of Connecticut State Agencies and the General Statutes of the State of Connecticut, as amended.

**ARTICLE V. FOOD PROTECTION**

**Sec. 10-121. Purpose**

- a) The purpose of this ordinance is to protect and promote public health throughout the town of Madison. This code supersedes the previous codes adopted by the Madison Health Department as it pertains to the sanitation and safety practices of preparation of food products and operation of all food service establishments, as defined herein, as well as license requirements, fees, and penalties for violations.

**Sec. 10-122. Scope and General Requirements**

- a) This regulation is intended as an aid to the enforcement of Sections 19-13-B40; 19-13-B42, 19-13-B48, and 19-13-B49 of the State of Connecticut Public Health Code and of any amendments and/or additions thereof hereafter adopted which deal with the sanitation of food service establishments as defined herein.

**Sec. 10-123. Provisions of Public Health Code Adopted by Reference**

- a) The regulations adopted and promulgated by the Commissioner of Public Health, State of Connecticut, relative to the inspections of restaurants (b) Sanitation of Places Dispensing Foods and Beverages (19-13-B42); (c) Catering Food Service (19-13-B49); and (d) Itinerant Food Vending (19-13-B48); (e) Sanitation of food Stuffs (19-13-B40); and (f) Chapter 417 of the State of

Connecticut Health Statutes, Consumer Protection, (Section 21a-62) analysis of food, and the regulations adopted and promulgated by the Commissioner of Public Health relative to the inspection of grocery stores, food stores, bakeries, meat, fish, vegetable markets, and farmer's markets, forming part of the Public Health Code of Connecticut, by reference, are hereby adopted and made part of this regulation.

**Sec. 10-124. Definitions.**

- a) "Food service establishment" (PHC Sec. 19-13-B42) means (1) any place where food is prepared and intended for individual portion service and includes the site at which individual portions are provided; (2) any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food; (3) The term does not include a kitchen in a private home where food is prepared or served and not offered for sale. The term does not include a Bed-and-breakfast operation that prepares and offers food to the guests if such operation is owner occupied and has a total building occupant load of not more than 16 persons including the owner and occupants, and has no provisions for cooking or warming food in the guest rooms, and breakfast is the only meal offered, and placards are posted at the registration area which read "this establishment is exempt from section 19-13-B42 of the regulations of the public health code."
- b) "Food Employee" means an individual working with unpackaged food, food equipment utensils, or food-contact surfaces.
- c) "Food Store" means (1) 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 and where food preparation may or may not occur.

- d) “Full-time”
- e) “Catering Food Service” means (1) a food establishment which involves the sale or distribution of food and drink prepared in bulk at open geographic location for service in individual portions at another location; (2) any place which involves preparation and service of food on public or private premises not under ownership or control of the operator of such service.
- f) “Itinerant Food Vendor” means (1) 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.
- g) “Temporary Food Establishment” means (1) any food establishment providing class I, II, III, or IV food services that may operate at a fixed location for a temporary period of time, not to exceed fourteen (14) days, in conjunction with a carnival, circus, public exhibition, festival, celebration, farmer’s market, or similar transitory gathering.
- h) “Farmer’s Market” means (1) a formally organized and regularly scheduled event for sale of food produce and products under the general guidelines and auspices of the State Agriculture Department to permit and encourage farmers to sell produce and products at a designated location. Farmer’s markets will not be required to obtain a license from Madison Health Department unless the market, individual persons or food establishments engage in temporary event food services or food preparation as defined in 19-13-B42(a)(5) of the Connecticut Public Health Code.
- i) “Qualified Food Operator” means (1) a food operator of a Class III or IV food

service or restaurant establishment employed in a full time position who has demonstrated knowledge of safe food handling techniques and holds a current certificate of training by a testing organization approved by the State of Connecticut Department of Public Health. The QFO certificate shall be valid after the date of expiration.

- j) “Public” means (1) any unrelated persons.

### **Sec. 10-125. Classification of Food Establishments.**

- a) The director of health, registered sanitarian, or authorized agent shall classify each food service establishment by using the criteria outlined in this subdivision. Establishments shall be classified at the time of licensure, where licensure is required by local ordinance or otherwise at the time of registration with the local director of health. The classification shall be reviewed by the director of health, registered sanitarian, or authorized agent during each inspection and in no case less than annually. The food service establishment shall be placed into the highest classification that describes any of the food operations conducted. When it comes to the attention of the local director of health, registered sanitarian, or authorized agent that the food service establishment has changed to a different class the director of health, registered sanitarian, or authorized agent shall reclassify that food service establishment. No food service establishment shall change operations to a different classification without prior written approval by the director of health, registered sanitarian, or authorized agent. Written documentation will be required to change classification.

The classes of food service establishments are as follows:

- (1) **Class I** is a food service establishment with commercially prepackaged foods and/or hot or cold beverages only. No preparation, cooking or hot holding of potentially hazardous foods is included except that commercially packaged pre-cooked foods may be heated and served in the original package within four (4) hours.
- (2) **Class II** is a food service establishment using cold or ready-to-eat commercially processed food requiring no further heat treatment and/or hot or cold beverages. No cooking, heating or hot holding of potentially hazardous foods is included, except that commercially packaged pre-cooked foods may be heated and served in the original package within four (4) hours, and commercially precooked hot dogs, kielbasa and soup may be heated if transferred directly out of the original package and served within four (4) hours.
- (3) **Class III** is a food service establishment having on the premises exposed potentially hazardous foods that are prepared by hot processes and consumed by the public within four (4) hours of preparation.
- (4) **Class IV** is a food service establishment having on the premises exposed potentially hazardous foods that are prepared by hot processes and held for more than four (4) hours prior to consumption by the public.

**Sec. 10-126. License Required.**

- a) No person shall operate a food service establishment within the jurisdiction of the Madison Health Department who does not possess a valid license issued to

him by the Director of Health. Only a person who complies with the requirements of this regulation and the Public Health Code of the State of Connecticut shall be entitled to receive and retain such a license.

- b) Licenses shall not be transferable from one person to another person or place. A valid license shall be prominently displayed in every food service establishment. Licenses for temporary food service establishments shall be issued for a period of time not to exceed fourteen (14) days. A temporary license may be renewed one (1) time.
- c) All Class III and IV food service or restaurant establishments as a prerequisite to obtaining a license must have a designated Qualified Food Operator as defined above and must be in compliance with all of the requirements of a Qualified Food Operator as set forth in Section 5.
- d) When there is a change in ownership of a food service establishment the facility shall cease operating food services unless credentialing, license fees, and code compliance has been ascertained previously by the Madison Health Department. A new application shall be filed whenever there is a change in ownership of a licensed food service establishment. Prior to issuance of a new license, a pre-operational plan review, when applicable, and pre-opening inspection will be conducted in order to assure compliance with the Connecticut Public Health Code and this regulation. A plan review fee, as indicated by the Madison Health Department fee schedule, shall be assessed. The food service license shall not be issued until all applicable fees are paid.

**Sec. 10-127. Temporary Food License.**

- a) All temporary food service shall be in compliance with the regulations set forth in this document and Section 19-13-B42 of the Connecticut Public Health Code.
- b) Preparation and sale of potentially hazardous foods is permitted only 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 Connecticut Public Health Code.
- c) Toilets and Hand washing: Food service workers must be provided with adequate toilet facilities with accompanying properly equipped hand washing facilities, preferably permanently established, which are conveniently located to the food preparation areas (within 5 feet of the food preparation areas) and warm running water, soap and paper towels are provided.
- d) The local Director of Health may augment the PHC to require that all PHF's, which have been cooked and/ or held hot at the event and not served during the event, shall be discarded daily or at the end of the event, whichever comes first.

**Sec. 10-128. Itinerant Food Vending License.**

- a) Itinerant food vending businesses shall comply with the requirements of this code and Section 19-13-B48 of the State of Connecticut Public Health Code and as otherwise provided in these regulations. All foods, whether potentially hazardous or non-potentially hazardous, shall be pre-wrapped or pre-packaged by a commercial processor or at an approved food facility.

**Sec. 10-129. Catering License.**

- a) "Catering food service establishment" means a business involved in the sale or distribution of food and drink prepared in bulk in one (1) geographic location for service in individual portions at another or which involves preparation and service of food on public or private premises not under the ownership or control of the operator of such service.
- b) In addition to the aforementioned definition, an establishment must demonstrate the following criteria to qualify as a catering food service establishment and receive a yearly catering permit:
  - (1) The persons owning or operating the catering service must have established a stationary base of operation subject to inspection by the Director of Health or his/her appointed agent.
  - (2) Proper transportation to ensure food safety must be provided and is also subject to inspection by the Director of Health or his/her appointed agent.
  - (3) Establishments must have adequate resources and equipment for hot/cold holding during transport and service, as well as resources for reheating or refrigeration where applicable.
  - (4) No establishment will be granted a yearly catering license unless the above requirements are met and they are in compliance with the State of Connecticut Public Health Code. Applicants for a catering license are subject to the fees set forth in the current fee schedule for the Madison Health Department. However, those approved and granted a yearly catering license shall not be subject to fees for temporary food service events in which they participate, but

must still submit an application and may be subject to inspection by the Director of Health or his/her agent while at any temporary food service event under the jurisdiction of the Madison Health Department.

- (5) Any existing food service establishment that provides catering services must meet the conditions stated herein in order to qualify and be granted a yearly catering license. Food service establishments applying for a catering license are subject to all applicable fees as set forth in the current fee schedule of the Madison Health Department.

**Sec. 10-130. Food Store License.**

- a) 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 these regulations.
- i. 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 Connecticut Public Health Code. A copy of such inspection report form shall be given to the permit holder or person in charge.

**Sec. 10-131. Food License Issuance.**

- a) An inspection must be made by Madison Health Department following completion of construction and prior to opening. At that time the facility will be inspected for compliance with the original plan submission. All equipment and plumbing must be operational and the establishment cleaned and ready for business. If the inspection is satisfactory, the food license will be issued

**Sec. 10-132. Qualified Food Operator Requirements.**

- a) Each person owning, operating or managing any food service establishment designated either as class III or class IV shall be a qualified food operator or shall employ on-site at least one (1) qualified food operator who is in a supervisory position at said establishment. Qualified Food Operator is a food operator employed in a full-time position who has demonstrated knowledge of safe food handling techniques. The qualified food operator is responsible for ensuring training of food preparation personnel. All such personnel shall receive training that shall include but not necessarily be limited to: instruction in proper food temperature control; food protection; personal health and cleanliness; and sanitation of the facility, equipment, supplies and utensils. The qualified food operator shall maintain written documentation of a training program and training records of individual employees, and shall make these records available to the local health department upon request.
- b) Replacement of qualified food operator: Whenever the qualified food operator terminates employment, is terminated or is transferred, the person owning, operating or managing the food service establishment shall notify the local health department in writing. A replacement qualified food operator shall be employed within sixty (60) days from the date of termination or transfer of the qualified food operator. The local health department may grant an extension not to exceed an additional sixty (60) days to comply with this subdivision if deemed necessary.

- c) Qualified Food Operator Not Present:  
The owner/operator of the food service establishment shall designate an alternate person who has complied with Section 19-13-B42(s)(6) to be in charge at all times when the QFO cannot be present. This alternate person in charge shall be responsible for: ensuring that all employees comply with the requirements of this section, and that foods are safely prepared; handling emergencies; admitting the inspector; and receiving and signing their inspection report.
- d) Closure of a Food Establishment for Failure to Employ on-site a Qualified Food Operator: If a qualified food operator is not employed onsite, except as provided by the qualified food operator replacement provision in Section 19-13-B42(s)(7), the food service establishment has thirty (30) days to comply. If correction has not been made after (30) days, the Director of Health shall take immediate steps to close the food service establishment.
- e) Exemptions: Any volunteer who serves meals for a nonprofit organization shall be exempt from the examination requirement for qualified food operators. Exempt from the requirements of this subdivision are: temporary food service establishments and special events sponsored by non-profit civic organizations such as, but not limited to, school sporting events, little league food booths, church suppers, and fairs. Soup kitchens that rely exclusively on services provided by volunteers are also exempt from the requirements of this subdivision.

**Sec. 10-133. 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 Madison Health Department.
- b) When any food store, food service or restaurant establishment is hereafter constructed, or remodeled, properly prepared floor plans and specifications for such construction or remodeling showing layout arrangements and construction materials of all areas and the location, size and type of fixed equipment and facilities shall be submitted to the Director of Health for approval before such work is begun. A fee set forth by the Madison Health Department shall be charged for the review of said plans.
- c) The water supply shall be adequate, of a safe, sanitary quality, be in conformance with section 19-13-B102 of the Regulations of Connecticut State Agencies and be from an approved source which is in conformance with sections 19-13-B51A through 19-13-B51M of the Regulations of Connecticut State Agencies. Hot and cold running water under pressure shall be provided in all areas where food or drink is prepared or equipment, multi-use utensils or containers are washed. Hot water supplied in all areas where food or drink is prepared and where multi-use utensils and equipment are washed.
- d) Each food service establishment serving food or drink shall be provided with handwashing facilities located to allow for convenient use by employees in food preparation, food dispensing, and ware-washing areas, and within or immediately adjacent to all toilet rooms. The handwashing facilities shall be equipped with hot and cold or tempered running water,

hand cleansing soap or detergent dispensed in a sanitary manner, individual disposable towels or other hand drying device acceptable to the director of health.

- a) Each food service establishment serving food or drink shall be provided with adequate, conveniently located toilet facilities for its employees. Toilet fixtures shall be sanitary and readily cleanable. Toilet facilities, including rooms and fixtures, shall be kept in a clean condition and in good repair.
- b) All equipment and multi-use utensils, and all show and display cases or window counters, shelves, tables, chairs, and refrigerating equipment shall be so designed and of such material and workmanship as to be smooth, easily cleanable and durable and shall be in good repair. The food contact surfaces of such equipment and utensils shall, in addition, be easily accessible for cleaning, nontoxic, corrosion-resistant and relatively nonabsorbent.
- c) All parts of the establishment and its premises shall be kept neat, clean and free of litter and rubbish. Cleaning operations shall be conducted in such a manner as to minimize contamination of food and food contact surfaces. None of the operations connected with a food service establishment shall be conducted in any room used as living or sleeping quarters.

**Sec. 10-134. Sewage System Requirements.**

- a) All sewage including liquid and kitchen wastes shall be disposed of by a public sewer system or by an on-site sewage disposal system

constructed and operated according to law. The adequacy of any non-pubic sewage disposal (septic) system must be evaluated as part of the food service plan review.

- b) Existing Food Establishments on Septic: If the property (food establishment) is served by an existing on-site subsurface sewage disposal system, a complete description and location of the existing septic system, including size of the septic tank(s), grease tank(s), and leaching fields, need to be provided on a plan. (2) If the food establishment is a Class I or Class II and served by an existing on-site subsurface sewage disposal system, it is not mandatory to service every year. Service should be every 2 to 3 years or as needed if within that timeframe.
- c) Change of Use: Change of Use means any structural, mechanical, or physical change to a building which allows the occupancy to increase (increasing seats in a restaurant); 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. If the change of use is significant, an upgrade of the on-site subsurface sewage disposal system may be required. All change of uses will need to be evaluated by the Health Department and must be in compliance with Section 19-13-B100a of Connecticut Public Health Code Regulations.
- d) New Food Establishment on Septic: If the building housing the food establishment is newly constructed, then a code complying sewage disposal system must be documented to the Health Department.

**Sec. 10-135. Food Establishments on Private Wells.**

(a) All food service establishments that are not connected to public water are considered Transient Non-Community Water System (NTNCWS) and as such are regulated by the State Department of Health. Sampling requirements and construction standards for these wells must be met before a Food Service License can be obtained from Madison Health Department.

**Sec. 10-136. Expiration Date of License.**

All annual licenses shall expire at the end of the calendar year in which they were issued. Seasonal and temporary licenses shall expire on the date specified by the license.

**Sec. 10-137. Periodic Inspection after Issuance.**

The Director of Health or his/her agent shall periodically inspect the premises, equipment, and operation of all licensed establishments. If such agent finds that any licensee is operating in violation of the Public Health Code of the State of Connecticut, or other applicable statutes, ordinances, or rules and regulations the Director shall issue an order to the licensee forthwith to take such measures as are necessary for full compliance with the said Code. All licenses issued under the terms of this regulation may be suspended or revoked by the Director for a violation, by the licensee, of any of the terms of said Code, this regulation and/or other applicable statutes.

a) Re-inspections

(1) If the rating score is eighty (80) or below or if there are any three (4) point demerit items in violation, the director of health, registered

sanitarian or authorized agent shall order correction of any violations and specify time for correction. If a qualified food operator is not employed on-site, except as provided by the qualified food operator replacement provision in section 19-13-B42(s)(7), the food service establishment has thirty (30) days to comply. If correction has not been made after thirty (30) days, the director of health shall take immediate steps to close the food service establishment. The food service establishment shall also be re-inspected as frequently as necessary in the determination of the local director of health to ensure compliance with this section.

(2) The owner or operator of any food service establishment may at any time request an inspection for the purpose of improving the rating score of the food service establishment. Within ten (10) days following receipt of a request including a signed statement that the violations have, in the applicant's opinion, been corrected, the director of health, registered sanitarian or authorized agent shall make an inspection and thereafter as many additional inspections as he may deem necessary to assure himself that the applicant is complying with the requirements of this section.

**Sec. 10-138. Director of Health Right of Entry.**

a) The Director of Health or his/her agent shall be permitted to enter, at any reasonable time, any licensed food service or restaurant establishment in the jurisdiction of the Department for the purpose of making inspections to

determine compliance with this regulation

suspended for cause pending its revocation or a hearing relative thereto.

**Sec. 10-139. Suspension and Revocation of License.**

- a) Licenses may be suspended by the Director of Health for failure of the Licensee to comply with the requirements of this regulation and or the Public Health Code of the State of Connecticut. Suspension shall be effective immediately upon delivery of written notice to the license holder or person in charge of the facility by the Director of Health. When a license 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. An opportunity for a hearing will be provided if a written request is filed by the licensee within two (2) normal working days with the Director of Health by the license holder.
- b) For serious or repeated violations of any of the requirements in this regulation and/or the Public Health Code of the State of Connecticut, or for interference with the Director of Health or his/her agent, in the performance of his/her duties, the license may be permanently revoked after an opportunity for a hearing has been provided by the Director of Health. Prior to such action, the Director of Health shall notify the license holder in writing, stating the reasons for which the license is subject to revocation, and advising that the license shall be permanently revoked at the end of five (5) days following service of such notice, unless a request for a hearing is filed with the Director of Health, by the license holder within said 5-day period. A license may be

**Sec. 10-140. Hearings.**

- a) The hearings provided for in this section shall be conducted by the Director of Health at a time and place designated by him/her but in no event later than thirty (30) days from receipt of the petition for a hearing. Based upon the record of such hearing, the Director of Health shall make a finding, and shall sustain, modify, or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the license holder by the Director of Health.

**Sec. 10-141. Penalties for offenses.**

- a) The operator of any food service establishment who fails to comply with this chapter shall be fined not more than \$99 for each day of such noncompliance.

**Sec. 10-142. Appeal Rights.**

- a) Any person or persons aggrieved by an order of the Director of Health issued after a hearing, which order denies, revokes or suspends any license issued or required herein may appeal to the Commissioner of Public Health of the State of Connecticut from such order, pursuant to Section 19a-229 of the Connecticut General Statutes, as amended or as hereafter amended. Such order sustained by the Director of Health after an administrative hearing may not be appealed if, 3 business days following receipt by the licensee thereof, the licensee has not filed a written notice of appeal with the Office of Commissioner. No such appeal to the Commissioner of

Public Health shall stay the Director of Health's decision to appeal form unless the Commissioner of Public Health, for good cause shown and on notice to the director, issues an order granting such stay.

**Sec. 10-143. Service of Notices or Orders.**

- a) 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.

**Sec. 10-144. Reinstatement of Suspended License**

- a) Any person whose license has been suspended may, at any time, make application for a re-inspection for the purpose of reinstatement of the license. Within five (5) days following receipt of a written request, including a statement signed by the applicant that, in his/her opinion, the conditions causing suspension of the license have been corrected, the Director of Health, or his/her authorized agent, shall make a re-inspection. If the applicant is substantially complying with the requirements of this regulation, the license will be reinstated upon payment of a re-inspection fee and all outstanding fines and/or penalty assessments.

**Sec. 10-145. Repeal and Date of Effect.**

Upon adoption of this regulation, all regulations and parts of regulations adopted and issued previously, which are in conflict with this regulation are hereby repealed and superseded.

**ARTICLE VI. SCHEDULE ESTABLISHED**

The following is a schedule of fees to be collected prior to issuance of the following permits and prior to requests for inspections or processing of engineering plans for subdivisions, site plans, planned residential developments, food establishments, daycares, etc.:

a) **Sewage disposal systems.**

Residential/Commercial

- (1) New Construction Permit: \$150.00
- (2) Repair Permit: \$100.00
- (3) Septic tank abandonment verification: \$50.00
- (4) Ground water monitoring (per lot): \$100.00

b) **Soil Testing.** (per lot)

- (1) New system: \$125.00
- (2) Repair: \$100.00
- (3) 19-13-B100a: \$75.00

c) **Plan Review.**

- (1) Lot development plan review (incl. 1st revision): \$125.00
- (2) Subdivision plan review (per lot): \$100.00
- (3) Additional plan review: \$75.00

d) **Well Drilling Permits.**

- (1) New permit: \$100.00

HEALTH AND SANITATION

(2) Repairs (new cap, abandonment):  
\$25.00

e) **Food Service Establishments.**

(1) Plan Review: Half of License Fee\*

(2) Pre-operational inspection: \$50.00

(3) 2nd Re-inspection fee Half of  
License Fee\*

(4) Late Fee, License, Application:  
\$10/day (1st month)

**Annual fees:**

(a) Class I: \$50.00

(b) Class II: \$75.00

(c) Class III: \$100.00

(d) Class IV: \$150.00

f) **Caterer.** \$100.00

g) **Church cafeterias.** \$0

h) **School cafeterias, Bd. of Ed.** \$0

i) **Itinerant vendor.**

(1) Seasonal (May 1 – October 1): \$50.00

(2) Annual: \$100.00

j) **Famers market.** (no prep) \$25.00

k) **Temporary Food Events.**

(1) Temp. event (non-profit) –single day:  
\$15.00

(2) Temp. event (non-profit) – multi-day:  
\$30.00

(3) Temp. event (profit) – single day:  
\$50.00

(4) Temp. event (profit) – multi-day:  
\$100.00

\*Temporary Fee is doubled if application is  
not submitted within 7 days\*

l) **Daycare Inspection/License.** \$75.00

m) **Cosmetology**

(1) Nail Salon and/or Spa License: \$100.00

(2) Hair Salon and/or Barber License:  
\$50.00

n) **Other.** (Returned check) \$20.00