

TOWN OF GLASTONBURY

INVITATION TO BID

<u>BID #</u>	<u>ITEM</u>	<u>DATE & TIME REQUIRED</u>
GL-2012-14	Mobile Food Concession Services At Town Parks (3)	January 26, 2012 @ 11:00 a.m.

The Town of Glastonbury is currently seeking bids to a mobile ice cream vendor to sell ice cream concessions a Addison Park, Grange Pool and Eastbury Pond from Memorial Day through Labor Day. All locations are in Glastonbury, Connecticut.

Bid forms may be obtained on the Town website at www.glastonbury-ct.gov or at the office of the Purchasing Agent, Town Hall, 2155 Main Street, Glastonbury, Connecticut 06033 (second level)

The Town reserves the right to waive informalities or reject any part of, or the entire bid, when said action is deemed to be in the best interest of the Town. All Sealed Bids must be submitted to the Office of the Purchasing Agent no later than the date and time indicated. All bids will be opened publically and read.

The Town of Glastonbury is an Affirmative Action/Equal Opportunity Employer. Minority/Women/Disadvantaged Business Enterprises are encouraged to bid.

Mary Visone
Purchasing Agent

MOBILE FOOD CONCESSION SERVICES AT TOWN PARKS (3)
Information to Bidders

Bid #GL-2012-14

1. Sealed bids (**one original and one copy**) on the attached Bid Forms will be received at the Office of the Purchasing Agent, Town Hall, 2155 Main Street, Glastonbury, Connecticut 06033 (second level). At the designated time of opening, they will be publicly opened, read, recorded and placed on file.
2. Whenever it is deemed to be in the best interest of the Town, the Town Manager, Purchasing Agent or designated representative shall waive informalities in any and all bids. The right is reserved to reject any bid, or any part of any bid, when such action is deemed to be in the best interest of the Town of Glastonbury.
3. The award will be on the basis of bid total cost unless otherwise specified.
4. Bids will be carefully evaluated as to conformance with stated specifications.
5. **The envelope enclosing your bid should be clearly marked by bid number, time of bid opening and date.**
6. Specifications must be submitted complete in every detail, and when requested, samples shall be provided. **If a bid involves any exception from stated specifications, they must be clearly noted as exceptions, underlined, and attached to the bid.**
7. The Bid Documents contain the provisions required for the requested item. Information obtained from an officer, agent, or employee of the Town or any other person shall not affect the risks or obligations assumed by the Bidder or relieve him/her from fulfilling any of the conditions of the Bid.
8. Each bidder is held responsible for the examination and/or to have acquainted themselves with any conditions at the job site which would affect their work before submitting a bid. Failure to meet this criteria shall not relieve the Bidder of the responsibility of completing the Bid without extra cost to the Town of Glastonbury.
9. Any bid may be withdrawn prior to the above scheduled time for the opening of bids or authorized postponement thereof. Any bid received after the time and date specified shall not be considered. No bidder may withdraw a bid within sixty (60) days after the actual date of the opening thereof. Should there be reasons why a Bid cannot be awarded within the specified period, the time may be extended by mutual agreement between the Town and the bidder.
10. **THIS ITEM WAIVED:** **Each bid must be accompanied by a bid bond payable to the Town for ten percent (10%) of the total amount of the bid.** The bid bond of the successful bidder will be retained until the payment bond and performance bond have been executed and approved, after which it will be returned. A certified check may be used in lieu of a bid bond. The Town of Glastonbury will not be liable for the accrual of any interest on any certified check submitted. Cashier's checks will not be accepted.
11. **THIS ITEM WAIVED:** A 100% Performance and Payment bonds are required of the successful bidder. This bond shall cover all aspects of the specification and shall be delivered to the Purchasing Agent prior to the issuance of a purchase order. The Performance and Payment Bonds will be returned upon the delivery and acceptance of the bid items.

12. The bidder agrees and warrants that in the submission of this sealed bid, they will not discriminate or permit discrimination against any person or group of persons on the grounds of race, color, religion, national origin, sex, or physical disability including, but not limited to blindness, unless it is shown by such bidder that such disability prevents performance of that which must be done to successfully fulfill the terms of this sealed bid or in any manner which is prohibited by the laws of the United States or the State of Connecticut: and further agrees to provide the Human Relations Commission with such information requested by the Commission concerning the employment practices and procedures of the bidder. An Affirmative Action Statement will be required by the successful bidder.
13. Bidder agrees to comply with all of the latest Federal and State Safety Standards and Regulations and certifies that all work required in this bid will conform to and comply with said standards and regulations. Bidder further agrees to indemnify and hold harmless the Town for all damages assessed against the Town as a result of Bidder's failure to comply with said standards and/or regulations.
14. All correspondence regarding any purchase made by the Town of Glastonbury shall reference the Town's purchase order number. Each shipping container shall clearly indicate both Town purchase order number and item number.
15. Bidder is required to review the Town of Glastonbury Code of Ethics adopted July 8th, 2003 and effective August 1, 2003. Bidder shall acknowledge that they have reviewed the document in the area provided on the bid / proposal response page (BP). The selected Bidder will also be required to complete and sign an Acknowledgement Form prior to award. The Code of Ethics and the Consultant Acknowledgement Form can be accessed at the Town of Glastonbury website at www.glastonbury-ct.gov. Upon entering the website click on **Bids & RFPs**, which will bring you to the links for the Code of Ethics and the Consultant Acknowledgement Form. If the Bidder does not have access to the internet a copy of these documents can be obtained through the Purchasing Department at the address listed within this bid / proposal.
16. Bidder shall include on a sheet(s) attached to its proposal a complete disclosure of all past and pending mediation, arbitration and litigation cases that the bidder or its principals (regardless of their place of employment) have been involved in for the most recent five years. Please include a statement of the issues in dispute and their resolution. Acceptability of Bidder based upon this disclosure shall lie solely with the Town.
17. Bidder or its principals, regardless of their place of employment, shall not have been convicted of, nor entered any plea of guilty, or nolo contendere, or otherwise have been found civilly liable or criminally responsible for any criminal offense or civil action. Bidder shall not be in violation of any State or local ethics standards or other offenses arising out of the submission of bids or proposals, or performance of work on public works projects or contracts.
18. **It is the responsibility of the bidder to check the Town's website before submitting bid for any addendums posted prior to bid opening.**
19. The Town of Glastonbury is dedicated to waste reduction and the practice of using and promoting the use of recycled and environmentally preferable products. Bidders are encouraged to submit bids responses that are printed double-sided (except for the signed proposal page) on recycled paper, and to use paper dividers to organize the bid for review. All bid pages should be secured with a binder clip, staple or elastic band, and shall not be submitted in plastic binders or covers, nor shall the bid contain any plastic inserts or pages. We appreciate your efforts towards a greener environment.

IMPORTANT: Failure to comply with general rules may result in disqualification of the bidder.

INTENT

The Parks and Recreation Department is seeking bids to secure a food concessionaire for the sale of approved food items in the various Town parks listed below. Exclusive rights will be granted to vendors for the period of May 28 - September 3, 2012

GENERAL INFORMATION

- A. The Town reserves the right to accept or reject individual bids when deemed in the best interest of the Town. The Town may either select one vendor for all locations or award locations to more than one vendor in such a way to ensure that each location is assigned one, exclusive, vendor.
- B. A concessionaire shall be defined as a hawker or peddler as noted in Article IV, Section 11-77 of the Glastonbury Code of Ordinances.
- C. Food items must be limited to ice cream, non-alcoholic beverages such as soda and juice, candy and pre-packaged food items.
- D. Technical questions pertaining to the bid should be directed to Mr. William H. Engle, Recreation Supervisor, 2155 Main Street, PO Box 6523, Glastonbury, CT 06033, (860) 652-7679 or bill.engle@glastonbury-ct.gov. Fax (860) 652-7691 between the hours of 8:00 a.m. – 4:30 p.m. Administrative questions should be directed to Mary Visone, Purchasing Agent, at (860) 652-7588. All questions, answers, and/or addenda, as applicable will be posted on the Town's website at www.glastonbury-ct.gov. (Upon entering the website click on Bids & RFPs). The request must be received at least five (5) business days prior to the advertised response deadline. **It is the respondent's responsibility to check the website for addenda prior to submission of any bid/proposal.**

COMPLIANCE WITH THE TOWN CODE OF ORDINANCE

The Concessionaire must comply with all of the requirements and obtain proper permits as required in accordance of Article IV, Sections 11-76 through 11-93 and Chapter 7, Sections 7.5-1 through 7.5-16 of the Glastonbury Code of Ordinances. A copy of the referenced sections is included as part of this bid.

INSURANCE

The Bidder shall, at its own expense and cost, obtain and keep in force during the entire duration of the Project or Work the following insurance coverage covering the Bidder and all of its agents, employees and sub-contractors and other providers of services and shall name the **Town and the Board of Education its employees and agents as an Additional Insured** on a primary and non-contributory basis to the Bidders Commercial General Liability and Automobile Liability policies. **These requirements shall be clearly stated in the remarks section on the Bidders Certificate of Insurance.** Insurance shall be written with insurance carriers approved in the State of Connecticut and with a minimum Best's Rating of A-. In addition, all carriers are subject to approval by the Town. Minimum Limits and requirements are stated below:

1) Worker's Compensation Insurance:

- Statutory Coverage
- Employer's Liability
- \$100,000 each accident/\$500,000 disease-policy limit/\$100,000 disease each employee

2) Commercial General Liability:

- Including Premises & Operations, Products and Completed Operations, Personal and

- Advertising Injury, Contractual Liability and Independent Contractors.
 - Limits of Liability for Bodily Injury and Property Damage
Each Occurrence \$1,000,000
Aggregate \$2,000,000 (The Aggregate Limit shall apply separately to each job.)
 - A Waiver of Subrogation shall be provided.
- 3) Automobile Insurance:
- Including all owned, hired, borrowed and non-owned vehicles
 - Limit of Liability for Bodily Injury and Property Damage:
Per Accident \$1,000,000

The Bidder shall direct its Insurer to provide a Certificate of Insurance to the Town before any work is performed. The Contractor shall be responsible to notify the Town 30 days in advance with written notice of cancellation or non-renewal. The Certificate shall evidence all required coverage including the Additional Insured on the General Liability and Auto Liability policies and Waiver of Subrogation on the General Liability policy. The Bidder shall provide the Town copies of any such insurance policies upon request.

INDEMNIFICATION

To the fullest extent permitted by law, the Bidder shall indemnify and hold harmless the Town of Glastonbury and the Board of Education and its consultants, agents, and employees from and against all claims, damages, losses and expenses, direct, indirect or consequential (including but not limited to fees and charges of engineers, attorneys and other professionals and court and arbitration costs) to the extent arising out of or resulting from the performance of the Bidder's work, provided that such claim, damage, loss or expense is caused in whole or in part by any negligent act or omission by the Bidder, or breach of its obligations herein or by any person or organization directly or indirectly employed or engaged by the Bidder to perform or furnish either of the services, or anyone for whose acts the Bidder may be liable.

LOCATIONS

The Concessionaire shall have exclusive rights for selling food items at the following Town locations:

- A. Eastbury Pond: Located off of Fisher Hill Road in East Glastonbury.
- B. Addison Park: Located on Addison Road in the North end of Glastonbury.
- C. Grange Pool: Located on Hopewell Road in South Glastonbury.

The Concessionaire is permitted to sell food items from the parking area of the above locations. The Concessionaire is not permitted to sell food items inside the designated swimming pool area.

EXCEPTIONS AND SPECIAL REQUIREMENTS

- A. The Town will host 3 or 4 home swim meets at Addison Pool. During this time, the Glastonbury Swim Parents Organization has the exclusive right to sell food from the pool area. During this time, the Concessionaire may not be permitted at Addison Park. Meet dates and times will be communicated to the Concessionaire in advance.
- B. All refuse generated by concession activities shall be the responsibility of the Concessionaire. The Concessionaire is not permitted to dispose of refuse in Town trash barrels or dumpsters.

MOBILE FOOD CONCESSION SERVICES AT TOWN PARKS (3)
Detailed Specifications

GL-2012-14

- C. At any given time, there may be a vendor permitted to sell other items that are not provided by the awarded concessionaire. (Example: Hot dog vendor may sell hot dogs or other hot foods only).
- D. The Concessionaire is required to provide, to the Town, a price list of items to be sold prior to the final approval of required permits.
- E. The Concessionaire is not permitted to sell chewing gum or products containing gum, imitation cigarettes, cigars and chewing tobacco. The Town reserves the right to eliminate other food items that may be deemed inappropriate.
- F. The Concessionaire is not permitted to sell products that are sold in glass containers.
- G. The Town may elect to have cold beverage vending machines at each location as a means to serve patrons when the concessionaire is not on site.

PAYMENT

The Concessionaire must submit a lump sum payment, made payable to the Town of Glastonbury, no later than 4:00 p.m. on May 1, 2012 at the Parks and Recreation Department located at 1086 New London Turnpike. Payment must be made by certified check, money order, or cash.

TERMINATION

The Town may terminate the services of the Concessionaire at anytime, if in the opinion of the Director of Parks and Recreation, the Concessionaire fails to meet the terms of the agreement or fails to provide an operation that is not in the best interest of the Town.

INSPECTIONS

The Town reserves the right to inspect concession operations at any time.

RENEWAL OF SERVICES

The Town reserves the right to extend the contract in one year increments for a total contact period of three years. This privilege is contingent upon successful completion of the existing contract. Maximum contract period: May 28, 2012 -September 7, 2014.

Bid Proposal

Proposal of _____ (hereinafter called
"Respondent"), organized and existing under the laws of the State of _____
Doing business as _____

to the Town of Glastonbury (hereinafter called "Town").

In compliance with your Invitation to Bid, the Respondent hereby proposes to furnish materials and or services as per Bid # GL-2012-14 in strict accordance with the Bid Documents within the time set forth therein, and at the prices stated below.

By submission of this bid, the Respondent certifies, and in the case of a joint bid, each party Thereto certifies as to their own organization that this bid has arrived independently without consultation, communication, or agreement as to any matter relating to this bid with any other Respondent or with any competitor.

The Respondent acknowledges receipt of the following:

- Addendum #1 _____
- Addendum #2 _____
- Addendum #3 _____

Bid Proposal

ITEM DESCRIPTION

In accordance with the requirements specified herein and the Bid Proposal, the undersigned agrees to the following:

To pay the Town a flat sum for exclusive rights to operate concessions at the listed Town locations from May 28, 2012 through September 3, 2012.

<u>Location</u>	<u>Fee</u>
A. Eastbury Pond	\$ _____
B. Addison Park	\$ _____
C. Grange Pool	\$ _____
TOTAL OF BID.....	\$ _____ (numeric amount)

Written Amount: _____

Renewal

Concessionaire willing to extend contract for additional 2 years.

_____ Yes _____ No

CODE OF ETHICS:

I / We have reviewed a copy of the Town of Glastonbury's Code of Ethics and agree to submit a Consultant Acknowledgement Form if I /We are selected. Yes _____ No _____ *

*Bidder is advised that effective August 1, 2003, the Town of Glastonbury cannot consider any bid or proposal where the bidder has not agreed to the above statement.

Respectfully Submitted:

Signature

Company Name

Print Signature

Address

Title

Telephone Number

Date

Fax Number

**ARTICLE IV. PEDDLERS, HAWKERS,
ITINERANT VENDORS, SOLICITORS,
CANVASSERS AND SALESMEN***

Sec. 11-76. Purpose.

The purpose of this article is to provide for the health, safety and welfare of the residents of the town by regulating, through licensing, the activities of hawkers, peddlers, itinerant vendors, canvassers, solicitors and salesmen. (Ord. of 12-14-82)

Sec. 11-77. Definitions.

For purposes of this article, the following definitions shall apply:

Canvasser or *solicitor* is defined as any individual, whether resident of the town or not, taking or attempting to take orders from anyone on the premises of a house, apartment, trailer or other place of residence for sale of goods, wares, merchandise, including articles of food, or personal property of any nature whatsoever for future delivery, or for services to be performed in the future, whether or not such individual shall carry or expose for sale a sample of the subject of such sale, or whether he is collecting advance payments on such sales or not.

Hawker or *peddler* means any person, whether principal or agent, who goes from town to town or from place to place in the same town selling or bartering, or carrying for sale or barter or exposing therefor, any goods, wares, merchandise, including articles of food, either on foot or from any animal or vehicle, and shall include a "food vendor" as defined in section 11-89 of this article.

Itinerant vendor is defined as any person, whether a principal or agent, who engages in a temporary or transient business in this state either in one locality or in traveling from place to place

*Editor's note—An ordinance of Dec. 14, 1982, amended the 1960 Code by repealing §§ 501.1—501.17, and enacting new §§ 501.1—501.20, of which §§ 501.1—501.17 have been codified as a new Art. IV at the editor's discretion. Formerly, Art. IV consisted of §§ 11-76—11-89, as derived from §§ 501.1—501.14 of the 1960 Code, as adopted Jan. 14, 1963, and amended July 28, 1969.

State law reference—Authority to regulate peddlers, hawkers and vendors, G.S. 7-194(34), 21-37.

selling goods, wares, merchandise, or conducting any "close-out sale" as that term is defined in section 21-35a of the general statutes, and who for the purpose of carrying out such business or sale hires, leases or occupies any building or structure for the exhibition and sale of such goods, wares and merchandise which is carried on in any tent, booth, building or other structure, unless such place is open for business during usual business hours at least nine (9) months in each year.

Salesman is any person who shall sell or expose for sale or solicit orders for any articles of food, or any goods, wares, merchandise, materials or services, or solicit for any contracts within the town, to or from anyone on the premises of a house, apartment, trailer, or other place of residence, and shall include canvassers, solicitors, hawkers, peddlers, and itinerant vendors, as above defined. In accordance with section 11-91, this article shall not apply to persons selling to stores, institutions, business, industrial or commercial establishments, and municipal agencies. (Ord. of 12-14-82)

Sec. 11-78. License required.

It shall be unlawful for any hawker, peddler, itinerant vendor, canvasser, solicitor, or salesman as defined in section 11-77 of this article, except as provided in section 11-91 of this article, to engage in such business within the town without first obtaining a license in compliance with this article. (Ord. of 12-14-82)

Sec. 11-79. Application for license.

Applicants for license under section 11-78 of this article must file with the town police chief a sworn application in writing, in duplicate, on a form to be furnished by the police chief, which shall give the following information:

- (1) Name and description of the applicant.
- (2) Permanent home address and full local address of the applicant.
- (3) A detailed description of the nature of the business and goods to be sold.

- (4) If employed, the name and address of the employer.
- (5) The length of time for which the applicant wishes to engage in business.
- (6) The place where the products proposed to be sold, or orders taken for the sale thereof, are manufactured or produced.
- (7) Where such goods or products are located at the time such application is filed, and the proposed method of delivery.
- (8) Make, model or registration number of motor vehicle, if any, to be used.
- (9) Whether, when, where the applicant has ever been convicted for any crime other than an infraction or misdemeanor involving a motor vehicle.
- (10) Whether, when, where, in what court, and by whom he or any present or former employer, partner, principal or contract associate has ever been sued in a civil action alleging fraud or misrepresentation in connection with or as a result of the applicant's activities in soliciting for any contract or in selling, exposing or offering for sale or soliciting orders for any articles of food or any goods, wares, merchandise, materials or services.
- (11) A nonrefundable application fee of twenty dollars (\$20.00) in cash, money order or cashier's check. (Ord. of 12-14-82)

Sec. 11-80. Additional information required for itinerant vendor license.

(a) Each applicant for an itinerant vendor's license must also file a copy of his state license and a certificate of zoning compliance with the chief of police. The town clerk shall issue an itinerant vendor's license upon receipt of a recommendation from the chief of police.

(b) In accordance with section 21-30 of the general statutes a bona fide resident veteran who has resided within the state for a period of two (2) years next preceding the date of application for such license and who served in time of war, as defined by section 27-103, of the general statutes shall be licensed without payment

of a fee as defined in section 11-83 of this article. An application fee shall be submitted in accordance with section 11-79 of this article. The town may defer issuance of a license to a bona fide veteran for a period not to exceed seven (7) days for the purpose of investigation. Each such veteran shall produce his service discharge or a copy thereof, certified by the town clerk from the records of the town where such discharge is recorded, for inspection, together with a certificate from the town clerk that the applicant is a resident of the state. (Ord. of 12-14-82)

Sec. 11-81. Licensing investigation.

Upon receipt of an application for license, the chief of police shall cause to be undertaken and completed within a period of thirty (30) days, such investigation of the applicant's business and moral character, and of the statements made in the application as he deems necessary for the public good; and if as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the police chief shall endorse his disapproval on the application and his reasons for the same, and notify the applicant thereof. The thirty-day time period for applicants requiring a recommendation from the town plan and zoning commission in accordance with section 11-89(2) of this article shall commence on the day of the next regular scheduled meeting of the town plan and zoning commission following submission of the application to that body. A license shall be refused by the town manager if the applicant has made any false statement or representation in any application or registration form required by this article, has been convicted of any crime or misdemeanor involving moral turpitude or of any violation of this article, or if judgment shall at any time have been entered against him in a civil action alleging fraud or misrepresentation in connection with or as a result of the business activities of said applicant. There shall be no refund of the application fee when a license is refused. If for any reason the chief of police should fail to carry out and complete such investigation within the above-noted periods, the applicant may demand and be issued a temporary license; such temporary license shall be revoked or made permanent when the results of the investigation are complete. The chief of police shall also review and report on the

safety of a sales location applied for in accordance with section 11-89 of this article. (Ord. of 12-14-82)

Sec. 11-82. Issuance of license.

If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the police chief shall endorse his approval on the application and turn a copy over to the town manager who shall thereupon deliver to the applicant a license which shall show the name and address of the licensee, the kind of goods to be sold thereunder, the manner of sale, the date of issuance, and the length of time the same shall be operative. (Ord. of 12-14-82)

Sec. 11-83. License fee.

The fee for a license issued in accordance with section 11-78 of this article shall be one hundred dollars (\$100.00) for a period of twelve (12) months; thirty dollars (\$30.00) for a period of three (3) months; and ten dollars (\$10.00) for a period of one month. The license fee shall be paid to the town manager's office in the form of cash, money order or cashier's check prior to the issuance of a license, and shall be in addition to any application fee charged pursuant to section 11-79(11) of this article. (Ord. of 12-14-82)

Sec. 11-84. Records.

It shall be the duty of the town manager to keep records of all licenses issued under the provisions of this article in a book or file kept for that purpose. Said records shall contain, as to each holder of a license, all application forms signed by him with a notation on each as to whether a license was issued or refused as a result of its being filed, the date of issuance, or refusal, the reason for refusal, or the fee paid as the case may be, a summary of each complaint concerning the activities of the holder, and the date of any revocation of licenses granted such holder together with a statement of the reasons therefor. The town manager or authorized agent shall keep a detailed account of all receipts from applicants and shall turn such fees over to the town treasurer monthly. (Ord. of 12-14-82)

Sec. 11-85. Exhibition of license.

It shall be the duty of any police officer of the town to request any person seen engaging in any of the activities prescribed in section 11-78 hereof, and who is not known by such officer to have a valid license, to show his license. It shall be the duty of any such officer to enforce the provisions of this article against any person found to be in violation hereof. Hawkers, peddlers, itinerant vendors, canvassers, solicitors, and salesmen are required to exhibit their licenses at the request of any citizen. Operations conducted within or from a vehicle shall have the license displayed on or within the vehicle so as to be clearly visible to customers. (Ord. of 12-14-82)

Sec. 11-86. Revocation of license.

(a) A license issued under the provisions of this article shall be revoked by the town manager after notice and hearing, for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application for license or any other registration form required by this article.
- (2) Fraud, misrepresentation or false statement made by the license holder in the course of carrying on the business of peddler, hawker, solicitor, canvasser or salesman.
- (3) Any violation of this article.
- (4) Conviction of any crime or misdemeanor involving moral turpitude.

If a license granted under this article is revoked, the license fee shall not be refunded or rebated.

(b) Notice of hearing for revocation of license shall be given in writing setting forth specifically the grounds of complaint. Such notice shall be mailed by certified mail to the last known address of the holder at least five (5) days prior to the date set for the hearing. (Ord. of 12-14-82)

Sec. 11-87. Expiration of license.

No person whose license has expired shall engage in any of the activities named in section 11-78 of this article until he shall have made application with the police chief, obtained a new license, and paid the same fee as in the case of the original license. (Ord. of 12-14-82)

Sec. 11-88. General conditions of license.

Each person to whom a license has been issued pursuant to this article shall, while engaged in the town in the activities for which he has a license:

- (1) Conduct himself at all times in a quiet, orderly and lawful manner.
- (2) Enter within any home only upon being expressly invited to do so by an occupant thereof.
- (3) Leave any premises immediately upon the request of any occupant of the same.
- (4) Deliver as agreed or represented and within a reasonable time, all foods, goods, wares, merchandise and materials, and perform in like manner all services or contracts for which he has been paid in whole or in part, except as provided in subsection (5).
- (5) Refund promptly any payments made to him if he shall find that it is not reasonably possible for him to comply with subsection (4) unless said refund shall be refused by the other party.
- (6) Give a written and signed receipt for all payments in excess of two dollars (\$2.00) received by him, stating the amount of said payment, a description of the food, goods, wares, merchandise, materials and/or services or contracts in connection with which said payment was made, the total of all charges made or to be made in connection with the same and when and in what amounts any additional payments are to be made.
- (7) Give to the other party a copy, signed by the holder of the license, of any order, contract or other documents which

said party has signed. Compliance with this subsection shall constitute compliance with subsection (6) to the extent that the document meets the requirements of subsection (6). (Ord. of 12-14-82)

Sec. 11-89. Special requirements for food vendors located on private property in the planned industrial zone.

A food vendor licensed under section 11-79 of this article may operate on private property within the planned industrial zone only, and subject to compliance with the following requirements.

- (1) The license application as outlined in section 11-79 of this article shall also include authorization from the private property owner to locate on said property. Written signature of the property owner shall be notarized.
- (2) Issuance of a license by the town manager is contingent upon a favorable recommendation from the town plan and zoning commission regarding the vending operation.
- (3) All items offered for sale shall be maintained within the food service vehicle.
- (4) The food service vehicle shall be removed from the premises daily for a minimum period of twelve (12) hours.
- (5) A trash container shall be maintained by the vendor directly adjacent to the food service vehicle during business hours.
- (6) The location of the vehicle shall allow for safe pedestrian and vehicular operation.
- (7) All signs indicating the food service operation shall be attached to the vehicle. There shall be no streamers, banners or pennants on the vehicle or lot. Excessive noise shall not emanate from the operation.
- (8) The food service operation shall be inspected by the town health department on a regular basis.

For purposes of this section, a "food vendor" is a vendor who sells food or beverages from a motor vehicle, trailer, cart or other

movable structure, but does not include a farmer or gardener selling only the produce of his farm or garden. (Ord. of 12-14-82)

Sec. 11-90. Prohibitions.

(a) No licensee shall shout, blow a horn, ring a bell or use any sound device for the purpose of attracting attention in a manner which creates a public nuisance.

(b) A hawker, peddler, canvasser, solicitor, or salesman using a vehicle shall have no exclusive right to any location on public streets or public property, shall not be permitted any stationary location therein and shall not be permitted to operate in an congested area or any area where that operation might impede or inconvenience the public. (Ord. of 12-14-82)

Sec. 11-91. Exemptions.

This article shall not apply to:

- (1) Persons less than sixteen (16) years of age.
- (2) Persons selling only to stores, institutions, business, industrial or commercial establishments, and municipal agencies.
- (3) Charitable, political, religious and government organizations and their representatives, including public service organizations.
- (4) Farmers and gardeners selling the produce of their farms and gardens, but only to the extent of such sales.
- (5) The sale, distribution and delivery of milk, groceries, newspapers, fuel oil or bottled gas.
- (6) The activities of any representative of any public utility subject to regulation by the state.
- (7) Persons exempted by statute or applicable judicial decision from such regulation.
- (8) Persons canvassing, soliciting or selling exclusively by telephone. (Ord. of 12-14-82)

Sec. 11-92. Violations.

Any person violating any of the provisions of this article shall, upon conviction thereof, be punished as provided in section 1-10 of this Code. Each day of engaging in the activities described in section 11-78 without a license, as required by this article, shall be considered a separate offense.

(Ord. of 12-14-82)

Sec. 11-93. Special requirements for food vendors located in town parks.

Notwithstanding section 11-90(b), a food vendor licensed under section 11-79 may be permitted an exclusive, stationary location for operation in a town park with the approval of the town manager or his authorized agent and subject to the following requirements:

- (1) The license application as outlined in section 11-79 shall request authorization from the town manager or his authorized agent for an exclusive stationary location on town property.
- (2) The town manager or his authorized agent must approve such request in his sole discretion.
- (3) The town will publish a list of public facilities being made available by contract to food vendors each year. Permits will be issued using a competitive request for proposal process, with permits being issued for periods not to exceed one year.
- (4) All items offered for sale shall be maintained within the building, food service vehicle or machines designated for said purpose.
- (5) Food service vehicles shall be removed from the premises daily for a minimum of twelve (12) hours.
- (6) A trash container shall be maintained by the vendor directly adjacent to the food service area during business hours.
- (7) The location of food service vehicles shall allow for safe pedestrian and vehicular operation.

- (8) All signs indicating the food service operation shall be attached to the vehicle. There shall be no streamers, banners, or pennants on the vehicle or lot. Excessive noise shall not emanate from the operation.
 - (9) The food service operation shall be inspected by the town health department on a regular basis.
 - (10) All other requirements and conditions are subject to written agreement between the town and the vendor in form and content satisfactory to the town manager in his sole discretion.
- (Ord. of 10-24-95)

Chapter 7.5

FOOD SERVICE*

Sec. 7.5-1. Definitions.

Director of health means the director of health for the Town of Glastonbury.

Establishment shall mean a food service establishment, or limited food service establishment, or temporary food service establishment.

Food means any raw, cooked or processed edible substance, ice, beverage or ingredient used or intended for use, or for sale, in whole or in part for human consumption.

Food service establishment shall mean any place where food is prepared or served, for consumption on or off the premises, including but not limited to restaurants, industrial or corporate feeding establishments, commissaries, catering establishments or any eating place, whether fixed or mobile. The term does not include a private home where food is prepared for individual family consumption, or the location of food vending machines.

Licensee shall mean the person designated by the owner of an establishment to receive all notices required to be sent pursuant to this chapter.

Owner shall mean any individual, partnership, association, corporation, company, governmental agency, club or association of any kind, and includes the plural who owns an establishment.

Potentially hazardous food means any food or food ingredient, natural or synthetic, that is in a form capable of supporting:

- (A) The rapid and progressive growth of infectious or toxigenic microorganisms, or
- (B) The slower growth of clostridium botulinum.

*Editor's note—Ordinance of January 14, 1997, replaced Ch. 7.5, in its entirety. Formerly, Ch. 7.5, §§ 7.5-1—7.5-14 pertained to similar subject matter and derived from Ordinance of 7-14-87. See the Code Comparative Table.

Food service inspector means authorized agent of the director of health certified by the Connecticut State Department of Public Health and Addiction Services.

Temporary food service establishment shall mean a food service establishment or food service establishment which operates for fourteen (14) days or less. Nothing in this ordinance shall prohibit the sale of food at a non-commercial bake sale or potluck supper. Provided the seller maintains food under conditions which will inhibit the rapid and progressive of infectious and toxigenic microorganisms.

(Ord. of 1-14-97)

Sec. 7.5-2. License required.

It shall be unlawful for any owner to operate an establishment, within the Town of Glastonbury, without a valid license issued to him by the director of health. Only an owner who complies with the requirements of this chapter and the Public Health Code of the State of Connecticut shall be entitled to receive or retain such a license. Licenses are not transferable. A license shall be posted in every establishment in a conspicuous public location, visible to the patrons of the establishment and protected from defacement or damage at all times. Licenses for temporary food service establishments shall be issued for a period of time not to exceed fourteen (14) consecutive days.

(Ord. of 1-14-97)

Sec. 7.5-3. Issuance of licenses.

(a) Any owner desiring to operate an establishment shall, at least ten (10) working days prior to the opening of a new establishment, or at least ten (10) working days prior to the change of ownership, make written application for a license on forms provided by the director of health. In the case of new construction, remodeling or conversion, such application shall be submitted prior to the building permit being issued as required by section 7.5-10 of this chapter. Such application shall include, but not be limited to, the name and address of the owner of the establishment, the name and address of the licensee, if different, the type and location of the establishment and the signature of

each owner or authorized representative. If the application is for a temporary food service establishment, it shall also include the dates of the proposed operation.

(b) The application shall be accompanied by the appropriate annual fee per section 7.5-6.

(c) Prior to the issuance of a license, the director of health, or the food service inspector, shall inspect the establishment to determine compliance with the provisions of this chapter and the Public Health Code of the State of Connecticut.

(d) The director of health shall issue a license to the applicant if the inspection reveals that the establishment complies with the requirements of this chapter and the Public Health Code of the State of Connecticut.

(e) All licenses shall expire on June 30 of each year, and may be renewed for another year upon application and payment of an annual fee, provided that the establishment is in compliance with this chapter and the Public Health Code of the State of Connecticut.

(Ord. of 1-14-97)

Sec. 7.5-4. Inspection.

The director of health, or food service inspector, after proper identification, shall be permitted to enter, at any reasonable time, any establishment for the purpose of making inspections, as deemed necessary by the director of health, or the food service inspector, to determine compliance with this chapter and the Public Health Code of the State of Connecticut.

(Ord. of 1-14-97)

Sec. 7.5-5. Food service establishment classification.

The director of health or food service inspector shall classify each food service establishment by using the criteria outlined in this subdivision. Establishments shall be classified at the time of licensure or otherwise at the time of registration with the local director of health. The classification shall be reviewed by the director of health or food service inspector 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 director of health or food service inspector that the food service establishment has changed to a different class the director of health or food service inspector 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. The classes of food service establishment are as follows:

- (a) *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 precooked foods may be heated and served in the original package within four (4) hours.
- (b) *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 precooked 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.
- (c) *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.
- (d) *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.

(Ord. of 1-14-97)

Sec. 7.5-6. Annual fees.

There shall be a schedule of food service license fees adopted by resolution of the town council and amended from time to time by the town council.

Municipality and state owned facilities, private schools, non-profit organizations and churches shall be exempt from payment of annual fees.

(Ord. of 1-14-97)

Sec. 7.5-7. Reinspection fees.

There shall be a fee, as established in the Town of Glastonbury fee schedule referenced in section 7.5-6, for a failed reinspection when required by the Connecticut Public Health Code or by this chapter.

(Ord. of 1-14-97)

Sec. 7.5-8. Suspension of licenses.

(a) The director of health, or the food service inspector may suspend any license if the owner does not comply with the requirements of this chapter. If the director of health, or the food service inspector finds that an establishment does not meet the requirements of this chapter, or finds unsanitary or other conditions in the establishment which, in his judgment, constitute an immediate and substantial hazard to public health, he may immediately issue a written notice to the licensee citing such conditions, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken, and if deemed necessary, order immediate correction. If correction is not made within the stated time, the licensee shall be served a notice of intention to suspend the license. When a license is suspended, food service operations immediately cease.

(b) Whenever a notice of intent to suspend the license is served, the owner or licensee may, within forty-eight (48) business hours, file a written appeal to the director of health. If an appeal is filed, the director of health shall thereupon immediately examine into the merits of such suspension and may vacate, modify or affirm such suspension. The owner or licensee may, within forty-eight (48) business hours after the making of such decision, appeal to the state commissioner of health services, who shall thereupon immediately notify the authority from whose order the appeal was taken and examine into the merits of such case and may vacate, modify or affirm such order.

(Ord. of 1-14-97)

Sec. 7.5-9. Service of notices.

A notice provided for in this chapter is properly served when it is delivered to the licensee, or when it is sent by registered or certified mail, return receipt requested, to the address as specified in the application. A copy of any notice shall be filed in the records of the director of health.

(Ord. of 1-14-97)

Sec. 7.5-10. Reinstatement of suspended license.

Whenever a license has been suspended, the owner of the suspended license may make a written request for reinstatement of the suspended license. Such request shall include a statement indicating how the conditions causing the suspension have been corrected. Within ten (10) days following receipt of such written request, the director of health, or the restaurant inspector, shall make a reinspection. If the owner is found to be in compliance with the requirements of this chapter and the Public Health Code of the State of Connecticut, and to have corrected all conditions responsible for the suspension, the license shall be reinstated upon payment of the reinspection fee.

(Ord. of 1-14-97)

Sec. 7.5-11. Submission of plans.

Whenever an establishment is constructed, or extensively remodeled, or whenever an existing structure is converted to use as an establishment, properly prepared plans and specifications for the public health related aspects of such construction, remodeling or conversion shall be submitted to the director of health or food service inspector, for review and approval before a building permit is issued. The plans and specifications shall include, but not be limited to, the proposed layout, arrangement and construction materials of work areas and the type and model of proposed fixed equipment and facilities, as they pertain to public health standards. The director of health, or food service inspector, shall approve the plans and specifications in writing if they meet the requirements of this chapter and the Public Health Code of the State of Connecticut. No establishment shall be constructed,

extensively remodeled or converted except in accordance with plans and specifications approved by the director of health or the food service inspector.
(Ord. of 1-14-97)

Sec. 7.5-12. Pre-operational inspection.

Whenever plans and specifications are required by section 7.5-11 of this chapter to be submitted to the director of health, or the food service inspector, the director of health, or the food service inspector, shall inspect the establishment prior to its beginning operation to determine compliance with the approved plans and specifications, and with the requirements of this chapter and the Public Health Code of the State of Connecticut. No certificate of occupancy shall be issued for an establishment until approval is granted by the director of health.
(Ord. of 1-14-97)

Sec. 7.5-13. Examination and condemnation of food.

Food may be examined or sampled by the director of health, or the food service inspector, as often as necessary for enforcement of this chapter or the Public Health Code of the State of Connecticut. The director of health, or the food service inspector, upon notice to the licensee specifying with particularity the reasons therefore, place a "hold order" on any food or beverage which he believes is unfit for human consumption. The director of health, or food service inspector, shall tag, label or otherwise identify any food subject to the hold order. No food subject to the hold order shall be used, served or moved from the establishment. The director of health shall permit storage of the food under conditions specified in the hold order, unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished. The hold order shall state that a request for a hearing may be filed with the director of health within forty-eight (48) business hours and that if no hearing is requested the food may be destroyed. The director of health shall examine the merits of such hold order and shall order or direct the owner or licensee to denature or destroy such food or bring it into compliance with provisions of this chapter.
(Ord. of 1-14-97)

Sec. 7.5-14. Establishments outside town limits.

Food from establishments outside the jurisdiction of the director of health may be sold within the Town of Glastonbury if such establishments conform to the provisions of this chapter or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the director of health may accept reports from reasonable authorities in other jurisdictions where such establishments are located.
(Ord. of 1-14-97)

Sec. 7.5-15. Temporary food service licenses.

No license shall be granted to conduct a temporary food service operation unless the licensee or other responsible person has completed a seminar on food protection is or otherwise recognized by the director of health as possessing knowledge of food protection and safety.
(Ord. of 1-14-97)

Sec. 7.5-16. Violations and penalties.

Any owner or licensee who shall violate any of the provisions of this chapter and/or the Public Health Code of the State of Connecticut shall pay a fine not more than ninety dollars (\$90.00). In addition thereto, such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.
(Ord. of 1-14-97)

