

BE IT ENACTED BY THE TOWN COUNCIL IN SESSION:

**GENERAL STANDARDS AND PERMIT REQUIREMENTS
OF SALON ESTABLISHMENTS**

Purpose: To define requirements for the inspection, establishment standards, permit fees and penalties for Barbershops, Hairdressing, Cosmetology, Nail Salons, and Tattoo/Body Piercing Salons in the Town of Wallingford, supplemental to the Connecticut General Statutes, §§19a-14, 19a-92a, 19a-92g, 19a-231, 20-234, 20-250.

SECTION 1. Definitions.

For the purpose of this chapter,

- A. Barbering - includes any and all described practices permitted by state law when performed by a barber licensed in the State of Connecticut, upon the head, face, scalp or neck for cosmetic purposes only.
- B. Barbershop - any establishment engaged in the practice of barbering for the public.
- C. Body Piercing - involves the puncturing of an area on the body, such as navel area, eyebrows, nose, tongue, lips, nipples and genital regions, but excluding the earlobe, so that a piece of decorative jewelry can be inserted and worn.
- D. Changing Room - a separate and discrete area, not a toilet facility, where customers may change from their street clothes to a gown prior to receiving services.
- E. Hairdressing and Cosmetology - includes any and all described practices permitted by state law when performed by a licensed individual upon the head, face, scalp, arms, hands, body, legs and feet for cosmetic purposes only.
- F. Director of Health - the Director of Health of the Town of Wallingford or their authorized agent.
- G. Disinfect - to use a chemical or physical process to destroy harmful organisms, including bacteria, viruses, germs, and fungi.
- H. Establishment - any premises, building, or part of a building, such as a Day Spa or similar business, engaged in the practice of any barbering, hairdressing, cosmetology, nail technician services, tattoo, permanent make-up or body piercing activity for the public. The term "establishment" and "salon" shall be used interchangeably.

- I. Independent Contractor - a person who follows an independent trade, business, or profession in which they offer their services to the public. They are generally **not** employees of the company and perform services for another person under an expressed or implied agreement.
- J. Nail Technician - means a person who, for compensation, cuts, shapes, polishes or enhances the appearance of the nails of the hands or feet, including, but not limited to, the application and removal of sculptured or artificial nails.
- K. Operator - any person, including, but not limited to, a licensed, hairdresser/cosmetician or barber, independent contractor, or unlicensed person who is performing tasks allowed under the scope of this Code, and the Connecticut General Statutes.
- L. Permit Holder - the person who applies and is granted a Permit to Operate and provide the services of Barbershop, Hair Dressing, Cosmetology, Nail Salon, Tattoo, Permanent Make-up or Body Piercing Establishment in the Town of Wallingford.
- M. Shampoo Station - consists of a shampoo sink (used for no other purpose) with hot and cold running water and a shampoo chair.
- N. Tattooing - injecting the skin with a permanent dye or ink.
- O. Tattoo Artist/Technician – a person who practices tattooing on another person; effective July 1, 2014, shall include any and all described practices permitted by state law performed by a tattoo artist/technician licensed in the State of Connecticut.
- P. Tattoo Equipment – any equipment used in the application of ink to the skin, including permanent cosmetics.
- Q. Work Area - is defined as a separate room with one or more work stations, or a private room set aside to serve one customer at a time.
- R. Work Station - is defined as a chair, countertop and floor space set aside for the purpose of serving a customer, including floor space for the operator to stand while serving the customer.

SECTION 2. Plan Review and Pre-Operation Inspections.

- A. A plan review application and layout design plan must be completed and submitted to the Health Department for review and approval prior to opening a new salon or the remodeling or alteration of an existing salon.
- B. Prior to the salons opening, the Director of Health, or authorized agent, shall conduct a pre-operational inspection to determine compliance with the

approved plans and with the requirements of this Code and the Public Health Code of the State of Connecticut.

- C. The permit holder must obtain a Certificate of Occupancy (CO) from the Building Department, and Zoning approval from the Planning and Zoning Department, if applicable; prior to Health Department permit issuance.

SECTION 3. Permits.

- A. No establishment shall operate without a valid permit issued by the Director of Health. Only an establishment that complies with the requirements of this Code and all other applicable regulations, statutes and local ordinances shall be entitled to receive or retain such permit.
- B. Applications for a permit or permit renewal shall be made on the appropriate forms furnished by the Director of Health. Permits are not transferable from owner to owner or from location to location.

SECTION 4. Permit Fees and Enforcement.

- A. All permits are valid for one (1) year or a portion thereof, and are renewable on or before March 1st of each year. Permit fees shall not be prorated.
- B. The Director of Health, or authorized agent, after proper identification, shall be permitted to enter, during normal operating hours, any portion of any salon or establishment for the purpose of conducting inspections to determine compliance with this Code and the Public Health Code of the State of Connecticut.
- C. The Health Department permit must be posted at the entrance of the establishment.
- D. The establishment must keep a copy of license for all employees performing services that require a CT State license posted at the work station or at the front desk.
- E. Permit and Repeat Inspection Fees:
 - (1) \$100.00 Tattoo, Permanent Make-up, Body Piercing and Nail Establishments
 - (2) \$50.00 Barbershop, Hairdressing and Cosmetology Establishments (not providing services listed in 4.e.1)
 - (3) \$25.00 For each repeat inspection conducted as a result of an unsatisfactory inspection or for individual repeat violations

that exist for two or more consecutive inspections

- F. Enforcement interpretation. This chapter shall be enforced by the Director of Health and his/her authorized agent(s).
- G. Penalties. Any person who operates an establishment without a valid permit shall be subject to monetary penalty and further legal action as provided in the CT General Statutes, 19a-230, each day that such violation continues shall constitute a separate and distinct violation.

SECTION 5. Establishment inspections.

- A. The Director of Health, or authorized agent, shall conduct an annual inspection of each establishment permitted as barbershop, hairdressing or cosmetology establishment and shall make as many additional inspections as are necessary for the enforcement of this Code and the Public Health Code of the State of Connecticut.
- B. The Director of Health, or authorized agent, shall conduct bi-annual inspections of each establishment permitted as a Tattoo, Body Piercing and Nail Salon and shall make as many additional inspections as are necessary for the enforcement of this Code and the Public Health Code of the State of Connecticut.

SECTION 6. Permit suspensions.

- A. Failure to comply with the provisions of this Code and applicable State regulations shall be grounds for suspension of any permit issued under the provisions of this chapter.
- B. In the event that the Director of Health, or authorized agent, finds unsanitary conditions in the operation of an establishment, the Director of Health may issue an Order to Correct to the permit holder, citing such conditions, specifying the corrective action to be taken and time frame within which action shall be taken. If correction is not made in the allotted time, the permit may be suspended.
- C. The Director of Health may suspend, without warning, prior notice or hearing, any permit to operate a salon:
 - (1) if the operation constitutes an imminent hazard to public health; or
 - (2) if the owner, operator or person in charge has interfered with the performance of the Director of Health's duties, such as prohibiting access to conduct an inspection; or

- (3) if there is an unsupervised and unlicensed individual performing procedures requiring licensure by the State of Connecticut.
- D. An imminent health hazard shall include, but is not limited to, any one of the following:
- (1) An ongoing outbreak of an infectious, pathogenic or toxic agent capable of being transmitted to clients; or
 - (2) The absence of an approved sanitizer/disinfectant or evidence that sanitizer/disinfectant are not being used properly to thoroughly clean and sanitize equipment after each client;
 - (3) The absence of potable water, supplied under pressure, at adequate temperature (105°-115° F) and quantity capable of meeting the needs of the facility; or
 - (4) A sewage backup into the facility.
- E. Suspension shall be effective immediately upon documentation of imminent public health hazard and/or interference with the Director of Health or authorized agent in the performance of official duties. A written order to cease and desist to the permit holder of the facility from the Director of Health will follow within 24 hours. All operations within the establishment shall cease immediately and shall not resume until full compliance is verified and written approval to resume has been issued by the Director of Health.
- F. Any permit holder who is aggrieved by such action of the Director of Health may appeal the written order as provided in the CT General Statutes, 19a-229. An appeal does not stay the order.

SECTION 7. Permit revocation/nonrenewal.

- A. Revocation/Nonrenewal of permit shall be effective immediately for serious or repeated violations of any of the provisions of this Code, or for cases where the permit to operate has been obtained through nondisclosure, misrepresentation or intentional misstatement of a material fact.
- B. The Director of Health shall notify the permit holder of the specific reason(s) for such revocation or non-renewal within 24 hours. All operations within the establishment shall cease immediately. The permit holder who is aggrieved by such action of the Director of Health may appeal the written order as provided in the CGS, 19a-229. An appeal does not stay the order.
- C. After a period of thirty (30) days from the date of revocation or refusal to renew, a written application may be made for the issuance of a new permit. This application will be treated as a new application. All appropriate procedures,

fees and inspections will be required, including a plan review, prior to the issuance of a new permit.

SECTION 8. Equipment and facilities.

A. Water:

- (1) All sinks in the establishment must have hot and cold running water, under pressure, from an approved source at all times. Hot water shall be provided at minimum temperature of 105°F and maximum of 115°F.
- (2) Equipment must be commercial grade and designed for such purpose.
- (3) Wastewater from all plumbing fixtures shall be discharged into municipal sewers or approved subsurface sewage disposal systems.
- (4) Plumbing Fixtures shall be, maintained and shall conform to applicable building and plumbing codes; proper devices to prevent back siphonage or cross-connections are required.
- (5) A separate and designated utility or mop sink shall be provided. Establishments in operation prior to enactment of this ordinance may submit written request for an exemption from this requirement based on physical constraints of the establishment.

B. Floors, Walls and Cove Base:

- (1) Floors and walls shall be of such construction as to be easily cleaned and kept in good repair.
- (2) All establishments shall have properly fitted sanitary cove base installed.

C. Lighting and Ventilation:

- (1) Lighting fixtures shall be in sufficient number and properly placed so as to provide adequate illumination.
- (2) The establishment shall be properly and adequately ventilated so as to remove chemical vapor emissions, excess heat and odors.

D. Refuse and Garbage:

- (1) Containers inside the establishment shall consist of covered containers for hair droppings, paper, and other waste material. The containers shall be emptied daily and maintained in a sanitary manner.

- (2) Containers stored outside the establishment shall consist of approved garbage receptacles that have lids which are kept closed at all times. The garbage receptacle area and property must be maintained in a clean manner, free of litter at all times, and screened from public view.
- (3) Waste generated from the act of tattooing or body piercing, such as sharps and soiled material that may contain blood, must be properly identified and disposed.

E. Toilet Facilities:

- (1) Toilet facilities with hand wash sinks must be provided for customers and employees and kept clean and in working order.
- (2) Mechanical ventilation or an operational window is required.

F. Work Stations:

- (1) All products not stored in the original container must be clearly labeled.
- (2) A container with a sufficient amount of disinfectant and shall be located within easy access of each nail and pedicure stations. Hair salons may keep a container of disinfectant for brushes and combs at work stations.
- (3) All work stations designated for use in the tattooing or body piercing shall have a means to provide for client privacy upon request.

G. Salon Establishment Located in Residence:

- (1) A salon located in a residence must be confined to a separate room, separated with ceiling-high partitions, and provided with a door to be closed at all times.
- (2) The area within a home operated as a salon must be equipped with all the facilities and instruments required in all such establishments and in conformance with all sections of this Code and Zoning approval from the Planning and Zoning Department.
- (3) No tattoo or body piercing establishment may operate in a residential home.

SECTION 9. Infection control.

- A. In accordance with the Occupational Safety and Health Administration Blood Borne Pathogen Standard 29 CFR 1910.1030 established in 1992, each employer **must** ensure that housekeeping procedures are developed and implemented. These procedures should include the appropriate methods to

disinfect surfaces or implements that have come in contact with blood and/or body fluids.

- B. All contaminated sharps (i.e., needles or broken glass) must be disposed of in a covered, puncture-proof and leak-proof "sharps" container that is labeled with the biohazard symbol.
- C. All biohazard containers shall be properly removed and disposed of according to OSHA guidelines.
- D. Use of ultraviolet (UV) light is not an approved method to disinfect equipment.

SECTION 10. Maintenance and operation.

A. General Cleanliness:

- (1) The establishment and work stations shall be kept in a clean and sanitary condition. Hair droppings and nail clippings should be removed frequently.
- (2) Cloth towels must be cleaned and disinfected after each customer; paper towels must be disposed of after use.
- (3) Sleeping quarters shall not be located in any part of the establishment.

B. Walls, Ceilings and Fixtures:

- (1) Ceilings and walls shall be kept in good repair.
- (2) Cabinets, shelves, furniture, shampoo sinks, and fixtures shall be kept clean, free of dust, dirt and hair droppings, and in good repair.

C. Sanitary Services:

- (1) A commercial linen service shall be used for laundering if not done on the premises. Washing and/or drying of towels in one's private home is prohibited.
- (2) Laundering conducted on site shall be located in a separate room and only the hot water cycle shall be used for all laundering.

D. Sanitation of Equipment and Implements:

- (1) All nail salon equipment and implements must be washed with soap, rinsed, and disinfected after each customer.

- (2) All tattoo and body piercing equipment and pedicure basins shall be cleaned and sanitized in an approved manner and at intervals as specified in the Technical Standards
- (3) Hair brushes, combs and all other implements shall undergo thorough cleansing and disinfecting after serving each customer, or otherwise single-service disposable implements shall be used.
- (4) Single-service, emery boards, orange sticks, buffing blocks, waxing sticks, cosmetic sponges, and other material shall be disposed of immediately after use and shall not be used again. Exception: orange sticks, emery boards, buffing squares, cosmetic sponges and disposable nail bits may be kept for the original customer if kept in a covered container labeled with the customer's name.
- (5) The use of Credo Blades is prohibited.

E. Food and Beverages

- (1) Food and beverages shall not be prepared or sold in the permitted premises except coffee and tea may be prepared and kept for the convenience of employees and customers.
- (2) A separate employee break room shall be provided if food and beverages are to be consumed by the employees. Those establishments in operation prior to enactment of this ordinance may submit written request for an exemption from this requirement based on physical constraints of the establishment.

SECTION 11. Hygiene of operators and customers.

- A. No person known to be affected with any communicable disease in an infectious stage shall engage in barbering, hairdressing or cosmetology, nail services, tattooing or body piercing.
- B. No client known to be affected with any infectious disease shall be attended.
- C. Operators shall not eat or drink while providing services to a customer.

SECTION 12. Smoking prohibited.

Establishments must adhere to Connecticut Statutes regarding smoking in public places.

SECTION 13. Technical Standards.

The Director of Health shall have the authority to adopt technical standards and associated inspection procedures to assure proper sanitary maintenance and safe operation of barbershops, beauty salons, nail salons, tattoo and body piercing establishments. Such standards and inspection shall not contravene any of the provisions of this chapter or any state or municipal laws, ordinances or regulations, and may be amended or revised by the Director of Health. Failure of an establishment to achieve and maintain minimum requirements of these technical standards shall constitute a violation of this chapter. A copy of the Technical Standards shall be available at the Health Department for review and copying.

Effective: January 6, 2014