

**ORDINANCE PROVIDING FOR
PERMITTING OF HAIR AND BEAUTY SHOPS
(Approved by Town Council 4-11-06; effective 4-28-06)**

**ARTICLE 1
General Standards and Requirements**

§ 1. Definitions.

For the purpose of this chapter, the following words shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning. Words not specifically defined shall carry their customary meaning.

Barbering - means practices as defined in section 20-234 of the Connecticut General Statutes, as the same may be amended from time to time, and includes the following described practices upon the head, face, scalp, or neck for cosmetic purposes and done for the public, with or without compensation therefor: Shaving or trimming the beard; cutting hair; styling or cutting hairpieces and wigs; giving facial and scalp massage or application of oils, creams, lotions or other preparations, either by hand or mechanical appliances; singeing, shampooing or dyeing the hair, or applying hair tonic, and applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face or neck; provided nothing in this chapter shall permit any of the services or acts herein described to be used for the treatment or cure of any physical or mental disease or ailment.

Barbershop - means any establishment engaged in the practice of barbering.

Beauty Shop – means generally any establishment offering any of the following services covered by this chapter: barbering, hairdressing, cosmetology, manicures, pedicures, and/or waxing. The following are specific types of beauty shops: barbershops; hairdressing shops; cosmetology shops; nail salons; waxing establishments; spas providing covered services.

Director of Health - means the Director of Health of the Town of New Canaan or his/her duly authorized representative.

Hairdressing and Cosmetology - means practices as defined in section 20-250 of the Connecticut General Statutes, as the same may be amended from time to time, and includes: the art of dressing, arranging, curling, waving, weaving, cutting, singeing, bleaching and coloring the hair and treating the scalp of any person, and massaging, cleansing, stimulating, manipulating, exercising or beautifying with the use of the hands, appliances, cosmetic preparations, antiseptics, tonics, lotions, creams, powders, oils or clays and doing similar work on the face, neck and arms, and manicuring the fingernails of any person for compensation, provided nothing in this section shall prohibit an unlicensed person from performing facials, eyebrow arching, shampooing, manicuring of the fingernail or, for cosmetic purposes only, trimming, filing and painting the healthy toenails, excluding cutting nail beds, corns and calluses or other medical treatment involving the foot or ankle, or braiding hair.

Hairdressing or Cosmetology Shop - means any establishment engaged in the practice of hairdressing or cosmetology for the public.

Mobile Work Station - means a modular space which can be used for multiple purposes through the use of mobile equipment.

Nail Salon – means any establishment offering services primarily relating to beautification of the nails of the hands and feet, for compensation, including manicures or pedicures and other services offered by a nail technician.

Nail Technician - means a person, who for compensation, cuts, shapes, polishes, or enhances the appearance of the nails of the hands and/or feet, including but not limited to, the application and removal of sculptured or artificial nails.

Operator - means any person including, but not limited to, a licensed hairdresser/cosmetician or barber, or unlicensed person who is performing tasks allowed under the scope of this Chapter and the Public Health Code of the State of Connecticut.

Other Services - The following described practices can be performed by an unlicensed individual under the supervision of a licensed hairdresser/cosmetician in the State of Connecticut:

- (1) Manicuring nails of the hands and/or feet.
- (2) Performing facials.
- (3) Shampooing of the hair.
- (4) Eyebrow arching.
- (5) Braiding hair.

Shampoo Station – means a station consisting of a shampoo bowl (sink) and a shampoo chair.

Waxing – means the removal of superfluous hair from the surface of the skin by means of hot wax applications.

Waxing Establishments – means any establishment offering waxing services for compensation. Any spa or other establishment offering waxing services shall be covered by this chapter.

Working Area - means a separate room with more than one work station, or a private room set aside to serve one customer at a time.

Work Station - means 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.

§ 2. Plan Review and Pre-operational Inspections.

(a) No beauty shop shall be relocated, constructed, remodeled or extensively altered, nor shall a structure be converted to use as a beauty shop, except in accordance with plans and specifications approved by the New Canaan Health Department.

(b) Properly prepared plans drawn to scale of not less than 1/4"=1', and specifications for such construction, remodeling or alteration shall be submitted to the Director of Health for review and approval before relocation, construction, remodeling, alteration or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement and construction materials of work areas and the type and model of proposed fixed equipment and facilities. The plans and specifications shall be submitted with forms furnished by the Director of Health. The Director of Health shall approve the plans and specifications if they meet the requirements of this chapter and the Public Health Code of the State of Connecticut.

(c) Prior to the beauty shop's opening, the Director of Health shall conduct a pre-operational inspection 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.

§ 3. Permits.

(a) No person shall maintain or operate any beauty shop without having a valid permit issued by the Director of Health. Only a person who complies with the requirements of this code shall be entitled to receive or retain such a permit. In addition to such permit for the shop, any independent contractor operating within the shop shall have a separate permit for his or her work stations.

(b) Application for a permit shall be made on forms furnished by the Director of Health, wherein the applicant shall state and sign his/her name, address, the address of the place of business, and give such other pertinent information as the Director of Health may require. All permits are valid for one (1) year or a portion thereof, and are renewable each year on or before January 1 of each year.

(c) Every applicant for a permit shall pay an annual permit fee as determined by the New Canaan Board of Selectmen.

(d) No permit shall be issued or renewed until a completed application has been submitted, the permit fee has been paid and the applicant's beauty shop meets the requirements set forth in this Chapter and all other applicable state and local regulations.

(e) Permits shall be valid until the expiration date indicated on the permit unless suspended or revoked by the Director of Health, or until such time as the facility changes owners, closes or goes out of business.

(f) Permits shall not be transferable from person to person or from location to location.

(g) The Director of Health, after proper identification, shall be permitted to enter, during operating hours, any portion of any beauty shop for the purpose of making inspections to determine compliance with this chapter and the Public Health Code of the State of Connecticut. The Director of Health may require proof of state licenses from each person performing work that requires such a license.

(h) A temporary permit to operate a beauty shop may be granted for a period not to exceed fourteen (14) calendar days. A temporary permit would be required for conducting a public demonstration, a fund-raising event or a public convention.

§ 4. Annual Inspections.

At least once a year, the Director of Health shall inspect each beauty shop and shall make as many additional inspections as are necessary for the enforcement of this chapter and the Public Health Code of the State of Connecticut. Any shop offering pedicures as a service will be inspected a minimum of twice a year.

§ 5. Permit Suspension and Revocation.

(a) Failure to comply with the provisions of this chapter and applicable regulations shall be grounds for revocation or suspension of any permit issued under the provisions of this chapter.

(b) In the event that the Director of Health finds unsanitary conditions in the operation of a beauty shop, or if a violation or set of violations appears on more than one (1) consecutive inspection report, the Director of Health may immediately issue a written notice to the permit holder, or person in charge, citing such conditions, specify 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 revoked or suspended.

(c) The Director of Health may suspend, without warning, prior notice or hearing, any permit to operate a beauty shop, in the following circumstances:

- (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; or
- (3) For non-payment of inspection fees or permit fees.

(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 consumers;
- (2) The absence of potable water, supplied under pressure, in a quantity which, in the opinion of the Director of Health, is capable of meeting the needs of the facility;
- (3) A sewage backup into the facility;
- (4) An unlicensed individual performing procedures requiring licensure by the Public Health Code of the State of Connecticut.

(e) Suspension shall be effective upon delivery of the written order to the permit holder or person in charge of the facility by the Director of Health. When a permit is suspended, all beauty shop services shall cease immediately and shall not resume until written approval to resume has been issued by the Director of Health. The Director of Health shall remove a suspended permit from the premises.

(f) When a permit is suspended, the holder of a permit, or the person in charge, shall be notified in writing of the suspension, and an opportunity for a hearing will be provided if a written request for hearing is filed with the Director of Health by the holder of the permit within forty-eight (48) hours. The Director of Health may end the suspension at any time by giving written notice to the permit holder if reasons for suspension no longer exist.

(g) Upon receiving a request for a hearing, the Director of Health shall immediately examine the merits of such suspension and may vacate, modify or affirm such suspension.

(h) The permit holder who is aggrieved by such action of the Director of Health may, within forty-eight (48) hours after the making of such decision, appeal to the Commissioner of the State of Connecticut Department of Public Health who shall thereupon immediately notify the authority from whose order the appeal was taken and examine the merits of such suspension and may vacate, modify, or affirm such suspension.

§ 6. Permit Revocation/Non-renewal.

(a) The Director of Health, after providing opportunity for hearing, may revoke or refuse to renew the permit of any person for serious or repeated violations of any of the provisions of this Code, or for interference with the Director of Health in the performance of official duties or for

cases where the permit to operate has been obtained through nondisclosure, misrepresentation or intentional misstatement of a material fact.

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

§ 7. Permit Reinstatement.

(a) Suspension

Whenever a permit has been suspended, the holder of the suspended permit may make written request for permit reinstatement. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that, in his or her opinion, the conditions causing the suspension have been corrected, the Director of Health shall make a re-inspection. If the Director of Health determines that the applicant has complied with the requirements of this Chapter and the Connecticut State Public Health Code, the permit shall be reinstated and returned to the permit holder upon payment of all outstanding fees.

(b) Revocation/Non-Renewal

After a period of sixty (60) days from the date of revocation or refusal to renew, a written application may be made for the issuance of a new permit. This application will be treated as a new application. All appropriate procedures and inspections will be required, including a plan review.

§ 8. Hearings.

The Director of Health shall conduct the hearings provided for in this chapter at a time and place designated. The Director of Health shall summarize the proceedings of such hearings and provide sufficient copies. The Director of Health shall make a final finding based upon the complete hearing record, and shall sustain, modify or rescind any notice or order considered in the hearing. The Director of Health shall furnish a written report of the hearing decision to the permit holder within ten (10) calendar days of the hearing date.

§ 9. Service of Notices or Orders.

A notice or order provided for in this Chapter 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 and signed inspection report shall constitute a written notice.

Article 2 **Specific Standards and Requirements**

§ 10. Equipment and Facilities.

(a) Water Supply

An adequate supply of hot and cold running water, at proper temperatures, from a municipal or approved private source shall be provided for service for customers, cleanliness of employees and for washing floors, walls, ceiling and equipment.

(b) Hot water

Hot water at any faucet shall not exceed 110 degrees Fahrenheit.

(c) Waste Disposal

Wastewater from all fixtures shall be discharged into municipal sewers. Otherwise, suitable facilities shall be installed for the absorption of the wastes by the soil in subsurface sewage disposal systems in accordance with provisions of the Public Health Code of the State of Connecticut and the New Canaan Health Department.

(d) Plumbing Fixtures

- (1) Plumbing fixtures shall be of impervious material and of a type which is easily cleanable. They shall be free from cracks and from parts which are not readily accessible for cleaning. They shall be of a type which does not constitute a hazard to a public supply through back siphonage, or cross-connection.
- (2) All plumbing installation and fixtures shall conform to applicable building and plumbing codes.
- (3) Shampoo bowls shall be used for barbering, hairdressing and cosmetology work only.
- (4) A utility sink shall be provided for proper cleaning of surfaces and equipment.
- (5) At least one (1) handwash facility shall be located in each private treatment room and in each work area in order to provide for proper handwashing before serving each customer. Those premises in operation prior to the effective date of this ordinance are exempt.
- (6) A mop sink must be provided for cleaning the facility. Those premises in operation prior to the effective date of this ordinance are exempt from this requirement.

(e) Floors

Floors should be nonporous and of such construction as to be easily cleaned. Floors where tinting or shampooing are done, or where chemicals for bleaching hair are used, shall have hard and washable surfaces. Floors shall be kept clean and in good repair. If carpeting or similar material is used for floor covering, it shall be of light color with a single loop pile of not more than one-fourth(1/4) inch in height. Such floor covering shall be kept clean by vacuuming at least daily and shampooing at least once annually and more frequently if the covering is not clean.

(f) Lighting

Lighting fixtures shall be in sufficient number and properly placed so as to provide adequate illumination.

(g) Ventilation

The shop shall be properly and adequately ventilated so as to remove excess heat and odors. Salon ventilation shall comply with state and local building codes and ordinances.

(h) Cabinets

Cabinets shall be provided for storage of clean linen, towels, blankets, and gowns. Cabinets shall have tight-fitting doors that shall be kept closed to protect the linen, towels blankets and gowns from dust and dirt.

(i) Receptacle for Used Towels and Gowns

A covered receptacle, which can be readily emptied and cleaned, shall be provided and maintained in a sanitary manner. Chemically soiled towels and linens shall be stored in fire-retardant containers.

(j) Refuse

Covered containers for hair droppings, paper and other waste material shall be provided and maintained in a sanitary manner.

(k) Toilet Facilities

- (1) Adequate facilities and hand wash sinks must be provided for customers and employees. Such facilities and washbasins shall be kept clean and in working order.
- (2) Adequate and conveniently located hand washing facilities shall be provided with hot and cold running water, a sanitary soap dispenser and single-use towels for customers and employees.
- (3) The use of common soap for more than one (1) person is prohibited.
- (4) A covered refuse receptacle shall be provided in the ladies room.
- (5) The doors of all toilet rooms shall be self-closing.

(l) Work Stations

- (1) Chairs in work stations shall be at least fifty-four (54) inches apart, center to center. Those premises in operation prior to the effective date of this ordinance are exempt from this requirement.
- (2) A two (2) foot wide workspace shall be maintained behind each chair for the operator. Those premises in operation prior to the effective date of this ordinance are exempt from this requirement.
- (3) Three (3)-foot wide aisles that are separate and discrete from work areas shall be maintained throughout the shop.
- (4) No hair dryers shall be placed in any waiting room or encroach on the required three (3)-foot wide aisle space.
- (5) Diagrams Xa and Xb provide schematic example for the proper design of the floor plan.
- (6) Mobile stations must be designed to provide the same workspace and separating distances as fixed stations. For a mobile station, it is assumed that the dryer can be accommodated in the workspace designated for the operator.

(m) Beauty Shop in residence

In addition to zoning and other permits that may be required:

- (1) A beauty shop 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 beauty shop must be equipped with the facilities and instruments required in all such establishments.

§ 11. Maintenance and Operation.

(a) General Cleanliness

- (1) The permittee of every beauty shop shall keep it in a clean sanitary condition at all times.
- (2) No hair droppings shall be allowed to accumulate on floors. Hair droppings shall be removed frequently and as soon as possible, in such a manner as not to cause objectionable conditions.

(b) Walls, Ceilings and Fixtures

- (1) Ceilings shall be kept in good repair, and cracks in walls, especially around baseboards, shall be filled in so as to prevent the harboring and breeding of insects.
- (2) Cabinets, shelves, furniture, shampoo bowls and fixtures shall be kept clean and free of dust, dirt and hair droppings. Arms, seats, and rests of chairs shall be wiped of hair droppings after serving each customer.

(c) Sanitary Services

- (1) No person affected with infectious disease shall be attended.
- (2) A towel shall not be used for more than one (1) person without being properly laundered before each use.
- (3) A sanitary paper strip or clean towel shall be placed completely around the neck of each customer before an apron or any other protective device is fastened around neck.
- (4) Clean towels shall be delivered in closed container and kept in a clean, closed cabinet or closet. A commercial linen service shall be used for laundering if not done on premises.

(d) Sanitation of Equipment and Implements

- (1) Hair brushes, combs, and all other implements used on a customer shall be kept clean and sanitary at all times and shall undergo thorough cleansing and sanitizing after serving each customer or single-service disposable implements shall be used.
- (2) Cleaned and sanitized implements shall be stored in sanitary-covered containers which shall contain a disinfectant, or in a clean drawer.
- (3) After handling a customer affected with an eruption or whose skin is broken out or is inflamed or contains pus, the instruments shall be effectively cleaned, washed with soap or a detergent and water, then rinsed with water having a temperature of at least one hundred seventy (170) degrees Fahrenheit or allowed to remain for five (5) minutes in alcohol {seventy to eighty percent (70-80%)} or some other approved disinfectant or sanitizing process.
- (4) Shaker-top containers must be provided for dispensing lotions and powders.
- (5) Single-service towels, papers and other material shall be disposed of in the proper receptacle immediately after use and shall not be used again.
- (6) All disposable materials that come into contact with blood and/or body fluids shall be disposed of in sealable plastic bags prior to placing in the waste receptacle.
- (7) All articles that come into contact with the customer's skin, nails, or hair that cannot be effectively cleaned and sanitized shall be disposed of in a covered waste receptacle immediately after use. Exception: orangesticks, 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.

(e) Shaving Brushes, Mugs, Finger Bowls and Credo Blades

The use of shaving brushes, mugs and credo blades are prohibited. The use of finger bowls for manicuring purposes is allowed, but the finger bowl must be properly cleaned and sanitized after each customer. Disposable, single-use finger bowls may be used.

(f) Alum and Other Astringents

Alum or other material used to stop the flow of blood shall be applied in powdered or liquid form only.

(g) Neck Dusters, Powder Puffs, Makeup Brushes and Sponges

Except as otherwise provided in §11(d)(7), the use of brush neck dusters, powder puffs, makeup brushes and sponges is prohibited unless they are single-use disposable implements.

(h) Foods and Beverages

Foods and beverages shall not be prepared, stored or sold in the permitted premises, except with a valid Food Permit from the New Canaan Health Department. Coffee and tea may be prepared and kept for the convenience of employees and patrons, but no charge is to be made to patrons who are served. Food and nonalcoholic beverages may, however, be brought into the permitted premises, from an approved source, for immediate consumption and also may be dispensed by means of automatic vending machines on premises.

(i) Animals, Pets, or Live Birds

No animals, pets, or live birds shall be kept in any beauty shop. This prohibition does not apply to trained guide dogs (or dogs in training) for the disabled, sightless, or hearing impaired.

§ 12. Hygiene of Operators.

(a) Cleanliness of Operators

The hands of the operator shall be thoroughly washed with soap and warm water before serving each customer and immediately after using the toilet, or after eating.

(b) Health of Operators

No person known to be affected with any communicable disease in an infectious stage shall engage in or be employed in any beauty shop.

(c) Operators shall not eat or drink while providing services to a customer.

§ 13. Smoking Prohibited.

No operator shall smoke while providing services to a customer.

§ 14. Proper Attire.

Operators shall wear, while attending any customer in a beauty shop, clean, washable garments having at least one-quarter (1/4) length sleeves. Use of single-service rubber or surgical gloves is recommended while performing manicures or pedicures.

§ 15. Recommended Sanitizers.

(a) The proper use of an autoclave is recommended and shall be an acceptable method for sanitization of implements.

(b) The following chemical methods constitute satisfactory sanitization of implements. No method is considered effective without prior cleaning with detergent (soap, trisodium phosphate, etc.).

<u>Disinfectant</u>	<u>Type of Use</u>	<u>Comments</u>
Quaternary ammonium compounds	1:1000 dilution for 30 seconds	One of the most recent developments because they are odorless, non-toxic, highly stable and noncorrosive
Boiling water	5 minutes	The addition of 1% sodium carbonate will prevent rusting
Lysol (or compound cresol Solution or phenolic compound)	5% solution for 3 min. 2% solution for 10 min.	For use on colored gowns or towels
Commercial formalin	10% solution for 1 min.	May be irritating; deteriorates on standing
Alcohol (70% ethyl Alcohol or 99% isopropyl Alcohol)	3 minutes	
Lubricant sanitizer		Recommended for electric clippers
Other EPA-registered disinfectant		Use according to manufacturer's instructions

(c) Chemicals suitable for low temperature washing (less than or equal to 158 degrees Fahrenheit) of towels and linens shall be used. Lysol or household bleach (sodium Hypochlorite) shall be used according to manufacturer's specifications. Color safe bleach may **not** be used.

(d) Non-chemical methods of sanitizing must be approved in writing by the Director of Health. Equipment specifications shall accompany requests for approval.

§ 16. Electrical Clipper Sanitizing Techniques.

The following are recommended sanitizing techniques for electric clippers:

- (a) Detachable Head-Type (Sanitary Design):
 - (1) Detach blades.
 - (2) Clean thoroughly.
 - (3) Immerse in effective sanitizer for required time.
- (b) Non-detached Head –Type

- (1) Place covered shallow glass jar at work shelf opposite every barber chair.
- (2) After use, brush out excess hair and grease; wipe cutting blades clean.
- (3) Immerse blade in combination lubricant-sanitizer, run clipper while immersed for ten (10) seconds.
- (4) Remove clipper and allow blades to drain ten (10) minutes on a clean towel or tissue, preferably in a cabinet reserved for tools already for use. Wipe blades clean with a fresh disposable tissue.