



**TOWN OF BROOKFIELD
BOARD OF SELECTMEN - PUBLIC HEARING
MAY 2, 2012 – 6:30 PM
MEETING ROOM 133 – TOWN HALL**

The Board of Selectmen conducted a Public Hearing at the Brookfield Town Hall, Meeting Room 133, 100 Pocono Road, Brookfield, CT, for the purpose of receiving public comment and opinion regarding a proposed Ordinance licensing Salons, Spas, Barbering, Manicure and Personal Care Studios.

PRESENT: William R. Davidson, First Selectman; Howard Lasser, Selectman; George Walker, Selectman; Dr. Raymond Sullivan, Brookfield Health Director; Paul Avery, Town Sanitarian; and members of the press and public.

The legal notice for said hearing has been published in The Danbury News-Times and posted appropriately, and a copy of the proposed Ordinance has been on file in the Town Clerk's office for public inspection and posted on the Town's Bulletin board and the Town's website www.brookfieldct.gov. Letters were sent to all Brookfield Body Care Establishments in Brookfield with a letter explaining the purpose of the proposed Salon and Personal Care Ordinance on April 18th. There was newspaper coverage in the Brookfield Patch and Danbury News-Times.

Regarding the new proposed Ordinance, Mr. Davidson stated that this Ordinance is no way designed to provide revenue for the Town. He thought it worthy to bring forward. He noted that if the Selectmen make any substantive changes tonight in the proposed Ordinance, the Board of Selectmen would need to schedule another hearing.

Dr. Raymond Sullivan, Health Director, provided background information on the personal care ordinance and why he brought forward the proposed ordinance in the first place. He stated that he has put a lot of thought and consideration in the process, and stated it is already in existence in the state statute since 2001. The State has not enforced with unfunded mandates and most recently the state has put a great deal more pressure to enforce that statute leaving enforcement to individual towns. The state statute informs towns that a fee of up to \$100 can be charged. The State is responding to pressure by the public due to unregulated and illegal masseuse parlors and multiple illegal salons. Dr. Sullivan stated we are not the first town to produce such an ordinance with Glastonbury, Wethersfield, West Haven, Greenridge, and Middlebury have established such an Ordinance and the Town of Bethel is considering one also. He stated it is good for the owner of a business to discover they may be causing personal harm in which he/she was not aware and in which they could be preventing potential liability. He noted that the public has a legal right to have no harm done to them while visiting a salon and this would help prevent the public from bodily harm or the transmission of disease. The proposed Ordinance offers a fair fee schedule that is far less than the state statute allows.

Mr. Paul Avery, stated he has been the Town's Sanitarian for five years, commented on the nature of the inspection based upon a technical standard of the facility, floors, walls, cleanliness inspection and stated an inspection does not take a lot of time. Most effective and the biggest issue some of the facilities would have are unlicensed personnel. Most are just fine and there are no concerns at all and it would just require a brief visit of checking the personal licenses and getting after the places that need attention to the cleanliness aspect of it. New businesses would go through a plan review process.

First Selectman Davidson reiterated what Mr. Avery stated, that current businesses are grandfathered and they would not look at the layout of your facility, only if a business expands or builds a new facility, would a plan review process be required.

Dr. Sullivan noted that it was very important that they look at the ventilation of each facility.

The following addressed the Board of Selectmen, and a summary of the discussion is provided:

Paul Gonzales, Obtuse Hill Road, stated he never seen anything harmful to anybody in the 50 years as a barber. He read aloud a statement. He noted that he pays \$50 a year for a license. He questioned if it were true that his taxes are proportioned to the board of health. Why has this been singled out to be taxes or licensed? The proposed Ordinance is discriminatory. This whole thing is a joke.

Barbara Uziel, she is in infectious control and as a professional she has had to make comments in businesses asking them to do things for proper infectious control practices, and she would like to know that the health department is inspecting and that things are being done to protect her health. There should be some kind of consultation period so they are very well aware what is expecting of them.

Kathy Ozner, A Cut Above Salon, stated that the town cannot legally inspect doctor offices. The town is prohibited from inspecting medical facilities. There are people who are not licensed doing hair that gives hairdressers a bad rap. It is time that the health department step in and tell businesses what is expected. Mr. Davidson commented that the Health Department is consumer friendly and they will find a way to educate.

Karen of 77 Stony Hill Road, stated she doesn't want to pay \$50 for the Health Department to do their job. She feels that is fair. If you don't pay the State fee, you lose your license and have to start all over again. It's frustrating, as small businesses are trying to survive. She has to pay taxes for all furniture, etc.

Owner of Sha Nail Salon, asked if this process can improve the number of incidents. Also a customer of personal care places. Think the motivation is good, but how is going to improve the businesses.

Owner of 837 Federal Road, stated she understands what we are trying to do. Been through building health department and why another is inspection needed? They are almost grandfathered. If new businesses open that is a good idea to inspect, but they should be exempt from inspections.

First Selectman Davidson noted that the health department is not going to inspect for physical details, but they are really looking at the operation to make sure it is safe for the public.

Lynn stated that hairdressers should be getting a lobbyist. She is upset about the fee. Hairdressers do start to get relaxed and need to be on their toes regarding safety and inspection of operation. She feels singled out and this proposed ordinance is discriminatory. The town should inspect everyone that deals with a body.

Dr. Sullivan noted that the State has been remiss in not inspecting. The reason quite simply is that the State does not have the manpower. He stated that he is a private physician on a very part time basis. He is in the Health Department three days a week and is experienced in inspecting facilities.

Selectman Howard Lasser stated the Town is looking to license the facility, as individuals are licensed through the state.

Selectman Walker questioned the \$100 fee, whether it was for the inspection of the facility or individual. Dr. Sullivan responded that it is for the facility.

Trixie Torres, 54 Platts Hill Road, owner of Trixie's Salon in Bethel, is against the Ordinance stating her Salon is always spotless. She felt it was the Town's job to inspect the salon, and not the business owner's job to pay the town to inspect their salon.

Mr. Gonzales stated he still believes that they should govern their own, and that the Town was opening up another law suit down the road.

Owner of Paris Style Salon, 770 Federal Road, stated they do keep their business extremely clean. They truly follow all rules and regulations and are all up to code. She totally agrees it is the Town's job to check the salons. People have a choice or go somewhere else. Don't agree in paying the fee. Feel like business owners pay a lot to keep their businesses. Do agree that the fee will go up every year, though agree the Town has to come and inspect.

A person from the audience stated they don't mind paying the fee but feel it is going to really hurt a small business. First Selectman Davidson stated this is clearly not the Town's intent to do so. Want to maintain as many businesses as possible.

Mr. Avery stated there isn't any aim to go out and find violations. Restaurants pay the fee also. If there were any violation, the Town would leave the business with them only a follow up to see if they addressed the violation. A business will never get a fine unless they did not make the necessary changes.

Selectman Walker questioned the right to do inspections without the ordinance.

Selectman Lasser questioned the liability or has the state passed on to Towns anyway. This is no difference with these inspections as a septic inspection or any inspection the town does. There is greater liability for the individual if issues come up that have not been overseen by the Town.

Dr. Sullivan stated that responsibility has been placed upon the Towns for hair salons and barber shops. By expanding this ordinance, the general public is insured their safety and general health. By proposing this ordinance, the Town is simply expanding what state statute expects of us. The public expects a great deal more of the Town than what we are providing at this time.

Trixie Torres, Trixie's Salon in Bethel, asked how many complaints has the town received, as she has never heard of anyone getting injured. She is a hairstylist and follows state law. An assistant cannot blow dry and apply color without a license. So many basic laws we need to know and to stay in touch or stay current.

The Public Hearing concluded at 7:30 p.m.

Respectfully submitted,

Virginia Giovanniello
Recording Secretary

**(SPECIAL) BOARD OF SELECTMEN MEETING
MINUTES
MAY 2, 2012 – 7:30 P.M.
MEETING ROOM 133 – BROOKFIELD TOWN HALL**

CALL TO ORDER: First Selectman William R. Davidson called the meeting to order at 7:34 p.m.

PRESENT: William R. Davidson, First Selectman; Howard Lasser, Selectman; George Walker, Selectman; Jay Wahlberg, Controller; Members of the public and press; Virginia Giovanniello, Recording Secretary.

PUBLIC COMMENT: There was no public comment.

ANNOUNCEMENTS: Mr. Davidson announced the following:

- The Kids Kingdom Ribbon Cutting and Official Opening will be on Sunday, May 6th at 1:00 p.m. There will be a special guest of honor at the event.
- At the Annual Town Meeting last night, residents in attendance voted to have the Budget Referendum on Tuesday, May 15th and voted to have the town and education as one budget on the ballot.

CORRESPONDENCE: Mr. Davidson reported that Mr. Rich Saluga addressed two letters to the Selectmen dated April 5 and April 21 regarding his concerns with the recent revaluation and consequent property assessments.

MONTHLY FINANCIAL RESULTS: Town Controller Jay Wahlberg reported on the town's revenues and expenditures.

NEW ITEMS

BUDGET TRANSFERS: Mr. Wahlberg reported that Storm Irene generated increase costs in the Highway and Parks & Recreation Departments. FEMA reimbursed the town for costs incurred for Storm Irene in the amount of \$96,117. Also included in the budget transfers were Salary Adjustments and an appropriation from Personnel Contingency. At conclusion of discussion, **Howard Lasser made motion that the Selectmen approve the transfers, as recommended by the town controller, and forward to the Board of Finance. Motion seconded George Walker, and carried unanimously.**

WIRELESS CELL TOWER AT MUNICIPAL CENTER PROPERTY: Homeland Towers, LLC approached the town identifying property at the Fire Department for a wireless tower that would create additional revenue for the Town. Shortly thereafter, Independent Towers Holdings, LLC, also expressed interest in securing a site. Mr. Pete Peterson assisted the First Selectman and volunteered his time in researching two wireless cell tower companies, providing a summary, business components, potential business arrangements and his recommendations on the process.

540 FEDERAL ROAD WATER STORAGE TANK: Attorney Peter Olsen represented the town in the negotiations of the easement for the water tank with the land owners. He highlighted a couple of items in the contract, one of which would give the town the right to access the property as soon as the contract has been signed in order to inspect, test borings and clearing land to get trucks on the site. Attorney Olsen stated you cannot see the tank with the existing trees, and additional screening will be added as necessary on the lower tank. There are still a number of approval steps between Aquarion and the Planning Commission. Prior to the closing, the purchase of the easement and land

will be assigned to Aquarion, who will reimburse everything paid by the town. Mr. Lasser questioned an approval without seeing the contract. Mr. Davidson pointed out that the contract will have to be fulfilled by Aquarion and not the town. At conclusion of discussion, **George Walker make motion that the Selectmen approve the proposed Agreement for Conveyance and Acquisition of Easements and authorize the First Selectman to execute said Agreement, such to such minor modifications as may be necessary to finalize the Agreement; and that the Selectmen refer the acquisition of the easement for the Water Storage Tank and associated facilities to the Planning Commission for review pursuant to Section 8-24 of the General Statutes, seconded by Howard Lasser. Motion carried unanimously.**

SOUTHERN FEDERAL ROAD WATERLINE PHASE 2: Mr. Martin Handshy, Water Consultant to the Selectmen, reported that the Waterline Phase Two is currently before the Department of Public Health who are doing everything in their power to move the process along quickly. The bids were divided by labor and material elements and they received eleven labor bids and four material bids. Originally, they had specified 12-inch water lines and have upgraded to 16-inch waterlines.

Howard Lasser made motion that the Selectmen move to the Del Mar Drive Sewer Extension item on the agenda, seconded by George Walker. Motion carried unanimously.

DEL MAR SEWER EXTENSION: After a brief discussion, the Selectmen decided to schedule a special meeting to discuss the Water Pollution Control Authority's memo dated April 26th. The WPCA submitted a request to the Board of Selectmen pursuant to Section 71-6 of the Code of Ordinances for the proposed sewer extension on Del Mar Drive, and forwarded to the Selectmen for consideration and opinion for an appropriation of \$750,000 to pay for the costs of the project for a term not to exceed 20 years. At conclusion of discussion, **Howard Lasser made motion that the Selectmen table this item, seconded by George Walker. Motion carried unanimously.**

George Walker made motion that the Selectmen move to the Salon Ordinance item on the agenda, seconded by Howard Lasser. Motion carried unanimously.

SALON ORDINANCE: The Selectmen discussed the public comments and opinions received at the Public Hearing held prior to this meeting. Brookfield body care establishments were sent in advance of the Public Hearing a copy of the proposed ordinance and a letter explaining the purpose of the proposed Salon and Personal Care Ordinance. Mr. Lasser stated there seemed to be a general agreement that having a set of guidelines and the inspections are worthwhile. The State Statutes requires the Director of Health (or his/her designee) to inspect all such facilities regarding sanitary conditions annually for a fee of \$100. The compliance standards are already spelled out in the Statute. Since the state does not inspect such facilities, it is left to the individual towns to establish criteria and adopt local ordinances to regulate them. The Town's proposed Ordinance is more comprehensive to ensure the safety and health of all personal care clients. Mr. Lasser was hoping there would be a grace period for the businesses, where there might be two or three inspections before people would get fined. Dr. Sullivan responded that the purpose of repeat inspections is to educate and bring people and businesses up to date of what the current requirements are. He stated the town is going out to inspect these facilities every year. Mr. Davidson responded to the Selectman's concern that additional staff would not be needed and will not increase the town's costs, and that the fee schedule could be frozen for the next five years. At conclusion of discussion, **William Davidson made motion that the Selectmen adopt the proposed Ordinance as presented, seconded by George Walker. At conclusion of discussion, the motion carried by majority, with George Walker opposed.** Mr. Walker explained that he was not

opposed to the inspections, but feels very strongly that in this economy this imposes another regulation on top of businesses that is unnecessary. He stated he has not heard that there have been problems or issues with these fifty or so businesses. Mr. Lasser stated there were two big problems with government, too many laws and the other too few. He had no problem with being proactive in the area of health and not waiting for a problem to come up.

LETTER OF ENGAGEMENT: Howard Lasser made motion that the Selectmen approve the First Selectman co-signing the Letter of Engagement from Grant Thornton, LLP, and forward to the Board of Finance for approval and signature by the Chairman of the Board of Finance, contingent on final version and acceptance by the Board of Finance, seconded by George Walker. Motion carried unanimously.

RETAINER AGREEMENTS: At conclusion of discussion, George Walker made motion to authorize the First Selectman to sign the Retainer Agreement with Attorney Jack Garamella of Collins, Hannafin, Garamella, Jaber & Tuozzolo, seconded by Howard Lasser. Motion carried unanimously.

At conclusion of discussion, Howard Lasser made motion to authorize the First Selectmen to sign the Retainer Agreement with Attorney Anne Peters of Carmody & Torrance, seconded by George Walker. Motion carried unanimously.

FUND BALANCE POLICY AND ORDINANCE FOR COMMITTED AND SPECIAL REVENUE FUNDS: Mr. Lasser explained the need to have a Fund Balance Policy to establish and manage special funds as well as reporting unrestricted fund balance in the General Fund financial statements. An ordinance establishing committed funds and Special Revenue Funds creates a framework for which the fund is established, specification on sources of funding for the special fund, and designation of a management authority. Mr. Lasser explained that one is a policy on how the town is going to manage the fund and the other is to create the fund in the first place. Feedback is needed from the Police Department and Economic Development on how to manage the funds and who is responsible for them. He stated he spoke to the Board of Finance a few months ago regarding the first draft. The Selectmen will forward the draft to the Chairman of the Board of Finance and the Town Attorney

FOOD SERVICE ESTABLISHMENTS ORDINANCE CHAPTER 134: Mr. Davidson stated there are few verbiage changes in the ordinance. The ordinance has been revised to include a Temporary Food Event and Farmers' Market clause into it. At conclusion of discussion, Howard Lasser made motion that the Selectmen schedule a Public Hearing on Monday, June 4th at 7:15 p.m., at the High School Media Center, seconded by George Walker. Motion carried unanimously.

MEADOWBROOK MANOR: Mr. Davidson stated that the CT DEEP is taking positive steps to resolve the water issue in Meadowbrook Manor. Public Works Director Ralph Tedesco has recently responded to their request for a drainage study to analyze the impacts of the increased flows between Hoyt's Pond and Lime Kiln Brook, the pictures of the flooding, and a map of the common property that drains from Hoyt's Pond to Lime Kiln Brook.

POLICE UNION CONTRACT NEGOTIATIONS: Mr. Davidson updated the Selectmen on recent developments.

CONSENT AGENDA

BOARD OF SELECTMEN MEETING MINUTES:

Mr. Davidson stated that the April 19th Board of Selectmen minutes did not indicate that he would support a charter change for too high too low and just right. Howard Lasser made motion to accept the modification to the April 19, 2012 Board of Selectmen Meeting Minutes, seconded by George Walker. Motion carried unanimously. Howard Lasser made motion that the Selectmen accept all the items on the Consent Agenda, seconded by George Walker. Motion carried unanimously.

NEW HIRE REPORT: There were no staffing changes for the month of April.

BOND RELEASES:

Inland-Wetlands Bond Release: 23-27 Carmen Hill Road #200500619.

APPOINTMENTS

HOUSING AUTHORITY: Howard Lasser made motion that the Selectmen appoint Rev. M.S. Desmond and Dick Cronin to fill two vacancies on the Brookfield Housing Authority, seconded by George Walker. Motion carried unanimously.

LAKE LILLINONAH AUTHORITY: George Walker made motion that the Selectmen appoint the 2012 Marine Patrol Officers for the Lake Lillinonah Authority, seconded by Howard Lasser. Motion carried unanimously.

HEARING OFFICER FOR ABANDONED OR UNREGISTERED VEHICLES: Howard Lasser made motion that the Selectmen reappoint Attorney Larry Mix as the Town's Hearing Officer for Abandoned or Unregistered Vehicles, seconded by George Walker. Motion carried unanimously.

PUBLIC COMMENT: There was no public comment.

ADJOURN: Howard Lasser made motion that the Selectmen adjourn at 9:06 p.m., seconded by George Walker. Motion carried unanimously.

William R. Davidson
First Selectman

Howard Lasser
Selectman

George F. Walker
Selectman



TOWN OF BROOKFIELD
Health Department

Brookfield, CT 06804

To: All Owners and Operators of Salons, Spas, Barbering Services,
Manicure/Pedicure Services, Massage parlors, Tattooing and Body Piercing Services, and
Other Personal Care Services.
From: William Davidson, First Selectman and Raymond E. Sullivan, M.D, Director of Health
Date: April 18th, 2012
Subject: Proposed Salon and Personal Care ordinance

In keeping with the practice of more and more towns and cities in Connecticut, the Department of Health for the town of Brookfield has recommended, and the Board of Selectmen has recently approved for forwarding to a public hearing, a Town-wide Ordinance governing Salons and other Personal Care Services operating within the Town of Brookfield. Such an ordinance is not only in the best interest and personal safety of all town residents but offers considerable protection for personal care shop owners and operators as well.

The General Statutes of the State of Connecticut, Chapter 368e, section 19a-231 requires the Director of Health or his/her designee to inspect all such facilities regarding sanitary conditions annually and allows for a fee of one hundred (100) dollars for this service. The compliance standards are already spelled out in the Statute. To date, the Brookfield Health Department, as in the case of many towns, has not had the manpower or funding to carry out this requirement. Since the State does not inspect such facilities, it is left to the individual towns to establish criteria and adopt local ordinances to regulate them.

More recently, towns throughout the State have begun to adopt local ordinances regarding personal care facilities, and many have already done so. There has been a considerable public outcry in some areas, regarding the health and safety issues in some facilities. Through the adoption of a Personal Care Ordinance, it is hoped that the Town of Brookfield can maintain the very high standard of public safety our citizens have come to expect of its leaders.

We are proposing a much more liberal schedule of fees than those allowed in state statute, however, in order to more fairly serve the smaller businesses in town.

You are most cordially invited to a Public Hearing on the proposed new ordinance, to be held on May 2nd, 2012 in the Brookfield Town Hall, Room 133 at 6:30 PM. We welcome and value your opinions and recommendations concerning the need for or contents of the proposal.

TOWN OF BROOKFIELD
Department of Health

Pursuant to Chapter 368e § 19a-207 of the General Statutes
of the State of Connecticut, as amended,
be it ordained by the Town of Brookfield, Connecticut
that the following Ordinance be created:

**AN ORDINANCE LICENSING SALONS, SPAS, BARBERING, MANICURE
AND PERSONAL CARE STUDIOS**

Section 1 Definitions

- (a) **“Shop, Salon or Studio”** as used in this regulation means any place where the art or practice of dressing, arranging, curling, waving, weaving, cutting, styling, bleaching or coloring of the hair, beards are trimmed or shaved, and/or treating the scalp by massaging, cleansing, stimulating, antiseptics, tonics, lotions, creams, powders, oils, or clay and doing similar work on the face, neck, arms and manicuring the nails, both hands and feet, of any person for compensation, as well as saunas, provided that, nothing in this definition shall prohibit an unlicensed person from performing facials, eyebrow arching and manicuring of the fingernails.
- (b) **“Shop, Salon or Studio”** includes but is not limited to the following: Barber shops, beauty salons or studios, coiffeurs and hair designers, fashioners and schools for same, manicure and pedicure businesses, massage parlors, body piercing establishments and Day spas.
- (c) **“Nail Technician”** means a person who, for compensation, cuts, shapes, polishes or enhances the appearance of nails of the hands or feet, including, but not limited to, the application and removal of sculptured or artificial nails.
- (d) **“Operator”** shall mean any person who owns and/or operates a personal care business in the Town of Brookfield for profit, including salons, spas, barber shops, hairdressers, manicuring studios (both hand and foot) , saunas, massage parlors or body piercing establishments.
- (e) **“Establishment License”** shall mean a locally issued license to open and run any personal care service as listed in subsections (a) and (b) above. Such license is in addition to any personal care license required by State statute and applies to the Establishment or Business itself.

Section 2 Authority of Director of Health

Under Connecticut general Statutes, Chapter 368e, section 19a-231, the Director of health shall, on an annual basis, inspect all salons within the director’s jurisdiction regarding their sanitary condition. The director of health or the director’s authorized representative, shall have full power to enter and inspect any such salon during usual business hours.

Section 3 Purpose

The purpose of this Ordinance is to safeguard the health and well-being of persons, who patronize barber shops, beauty salons, day-spas, manicurist/ pedicurist establishments, massage parlors, body piercing establishments and the like, in the Town of Brookfield, through a system of inspection, regulation, education and licensing of said establishments, their owners and employees. Some owners and employees are licensed through the State but actual facilities are never inspected.

Section 4 Licenses

- (a) All Operators shall possess and display an appropriate current license or registration to practice, from the State of Connecticut, as required.
- (b) It shall be unlawful for any person, firm, corporation & etc. to operate a shop, salon or studio, or offer services of same within the Town of Brookfield, without a valid Establishment license issued by the Director of Health. Only a person who complies with the requirements of this Ordinance and the General Statutes of the State of Connecticut shall be entitled to receive or retain such license. Licenses are not transferable. A valid license shall be conspicuously posted in every shop, salon or studio.

Section 5 Issuance of Establishment Licenses

- (a) Any firm, person, corporation etc. desiring to operate a shop, salon or studio shall, at least thirty (30) prior to opening or change of ownership of such establishment, make written application for a license on forms provided by the Director of Health. All currently existing salons, shops or studios shall be licensed by the Town of Brookfield, within thirty (30) days of the effective date of this Ordinance. Such application shall include but not be limited to the name and address of each applicant, the location and type of each establishment and the applicant's signature.
- (b) The application shall be accompanied by the appropriate licensing fee as set forth below and a set of plans for the establishment.
- (c) Prior to the issuance of final approval for a license, the Director of Health or his authorized agent shall inspect the proposed establishment to determine compliance with the provisions of this ordinance, the General Statutes of the State of Connecticut and any other applicable statutes, ordinances or rules and regulations.
- (d) If the Director of Health fails or refuses to issue a license to the applicant under this section of the Ordinance, the applicant may appeal pursuant to Section 8(b), herein.

Section 6 Fees

Annual fees for operating a personal care establishment, annual renewal, late fees for non-payment or for required plan review for

new construction or for re-construction or alteration shall be set from time to time by the Board of Selectmen.

Section 7 Expiration of License

All licenses shall expire one year from the date of issuance and may be renewed for another year, upon reapplication and payment of annual fee, provided the establishment is in compliance with this Ordinance, the General Statutes of the State of Connecticut and any other applicable Statutes, ordinances, rules and regulations.

Section 8 Suspension of License

- (a) The Director of Health may suspend any license to Operate a shop, salon or studio, if the license holder does not comply with the requirements of this Ordinance or the General Statutes of the State of Connecticut. If the Director of Health finds unsanitary or other conditions which, in his/her judgment, constitutes and immediate and substantial hazard to public health, he may immediately issue a written notice to the license holder or operator, citing such conditions, specifying the reasonable period of time within which such action will be taken and, if deemed necessary, order immediate correction. If correction is not completed in the stated time, the license shall be suspended. Suspension is effective upon service of a notice as stated in Section 9 of this Ordinance. When a license is suspended, all operations shall immediately cease.**
- (b) Whenever a license is suspended, the license holder or person in charge, or applicant, may, within forty-eight (48) hours after issuance of such order, appeal to the Commissioner of Public Health of the State of Connecticut, pursuant to Connecticut General Statutes Section 19a-229, who shall thereafter immediately notify the authority from whose order the appeal was taken and examine the merits of such case, and may vacate, modify or affirm such order.**
- (c) During the process of any appeal, the license shall remain suspended.**

Section 9 Revocation of License

- (a) The Director of Health may revoke a license for repeated or serious violations of this Ordinance or for interference with the Director of Health or his/her authorized agent in the performance of their duties. Prior to revocation, the Director of Health shall notify the license holder or person in charge of the establishment in writing, of the reasons for which the license is subject to revocation and that said license will be revoked at the end of fourteen (14) days following service of such notice.**
- (c) Whenever a license is revoked, the license holder or person in charge of the establishment or applicant may, within forty-eight(48) hours after issuance of such order, appeal to the Commissioner of Public Health of the State of Connecticut, pursuant to Connecticut General Statutes,**

Section 19a-229, who shall thereupon immediately notify the authority from whose order the appeal was taken and examine the merits of the case and may vacate, modify or affirm such order.

(d) During the process of any appeal, the license shall remain revoked.

Section 10 Service of Notices

A notice provided for in this Ordinance is properly served when it is delivered to the license 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 license holder. A copy of any notice shall be filed in the records of the Director of Health.

Section 11 Reapplication

- (a) Suspension – whenever a license has been suspended, the holder of the suspended license, whether there is an appeal pending or not, may make a written request for reinstatement of the suspended license. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that, in his/her opinion the conditions causing the suspension have been corrected, the Director of Health or his authorized agent shall make a re-inspection. If the applicant is complying with the requirements of this Ordinance, the General Statutes of the State of Connecticut and other applicable statutes, ordinances, rules and regulations, the license shall be reinstated.
- (b) Revocation – whenever a license has been revoked, the holder of said revoked license may, after a period of ten (10) days from the date of revocation, make written application for reinstatement of a license, as provided in Section 4 of this Ordinance and payment of annual fee, whether or not an appeal is pending. Within ten (10) days following the receipt of a written request for reinstatement of a revoked license, including a statement signed by the applicant that, in the opinion of the applicant, the conditions causing the revocation have been corrected, the Director of Health or his authorized agent shall make a re-inspection. If the applicant is in compliance with the requirements of this Ordinance, the General Statutes of the State of Connecticut and any other applicable statutes, ordinances, rules and regulations, the license shall be re-instated upon payment of the appropriate fee.

Section 12 Submission of Plans

Whenever a shop, salon or studio is constructed or remodeled and, whenever an existing structure is converted to use as such an establishment, properly prepared plans showing, in particular, plumbing fixtures and schedules of equipment, finish schedules, station areas and specifications for construction, remodeling or alteration of same, shall be submitted to the Director of Health or his authorized agent for review and approval, before construction, remodeling or alteration is begun.

The plans and specifications shall assess design flow of existing subsurface disposal (septic) system if applicable, indicate the proposed layout, arrangement and construction materials of work areas, expansion of the subsurface sewage disposal system, if necessary, and protection of water supply as necessary. A statement of the type and model of the proposed fixed equipment and facilities shall be provided along with the plans. The Director of Health or his authorized agent shall approve the plans and specifications, if they meet the requirements of this Ordinance, prior to the issuance or renewal of a license.

Section 13 Pre-operational Inspection

Whenever plans and specifications as required by Section 12 of this Ordinance, are to be submitted to the Director of Health or his authorized agent, he shall inspect the establishment prior to its commencing or resuming operation, to determine compliance with the approved plans and specifications and within the requirements of this Ordinance.

Section 14 Inspection, Enforcement and Access

- (a) The Director of Health or his authorized agent, as required by Connecticut General Statutes, Section 19a-231, shall make inspections and re-inspections as necessary, to enforce this Ordinance, but not less than once per year (except in the case of required reinspections) and shall be permitted to enter any establishment, licensed or applying for a license under this Ordinance, during regular working hours.
- (b) Compliance with this Ordinance shall not relieve the owner or operator of responsibility to conform to all applicable regulations and procedures, under the Connecticut and Brookfield Building Codes and Fire Safety Codes, as well as municipal zoning and land use Ordinances and regulations.

Section 15: Technical Standards.

1. Technical Standards including those governing location, equipment, facilities, sanitation, prohibited practices, operators, animals and pets, as well as acceptable methods of disinfection are set forth in a separate document available in the Brookfield Department of Health. (See Annex A)
2. These Technical Standards shall comply with the Connecticut General Statutes, Chapter 368e, Section 19-231 and may be updated or modified by the Director of Health, from time to time, to ensure the safety and health of all personal care clients.

Section 16: Penalties

1. Unless otherwise provided, any person who violates any provision of this Ordinance shall be fined not more than one hundred (100) dollars for each violation.
2. It shall be the responsibility of the offender to abate any

- Violation as ordered by the Director of Health.**
- 3. Each day's violation shall be deemed a separate offense.**

Section 17: Unconstitutional Clause
Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason. The remainder of said Ordinance shall not be affected thereby.

Section 18: Force and Effect
The provisions of this Ordinance shall become effective on the twenty-first (21) day following its adoption and publication as required by law.

Adopted by the Board of Selectmen of the Town of Brookfield on May 2, 2012.

William R. Davidson, First Selectman
Howard Lasser, Selectman
George F. Walker, Selectman

TOWN OF BROOKFIELD

Department of Health

Annex A

Technical Standards Governing the operation of personal Care Businesses within the Town of Brookfield, Connecticut

Location, Equipment and Facilities

- (a) A barber shop, beauty salon, nail parlor, etc. 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 when not in use.**
- (b) The area within a home, operated as a barber shop, beauty salon, etc. must be equipped with the instruments and equipment required in all separate or free-standing facilities.**
 - 1. Water Supply: An adequate supply of hot (minimum 120 degrees F) and cold water must be provided, for customers, cleanliness of employees and for washing floors, walls ceilings and equipment.**
 - 2. Sewage & Waste Disposal: Wastewater shall be discharged into municipal sewers where available or into an approved subsurface sewage disposal system. Design flow of any existing system shall be assessed for additional capacity added to the septic system, if deemed necessary. Solid wastes and/or refuse shall be kept in containers, with tight-fitting lids and/or covers and liners. They shall be disposed of on a regular basis to keep the establishment neat, clean and free of litter and vermin, or at such intervals as directed by the Department of Health.**
 - 3. Plumbing Fixtures: Plumbing fixtures shall be of impervious material, readily cleanable and free from cracks, chipping, crazing etc. All plumbing shall be protected against back-siphonage, cross-connection or backflow.**
 - 4. Floors: Floors in work areas shall be of smooth, nonporous, easily cleanable materials. Carpeting is permitted in waiting, drying and reception areas.**
 - 5. Lighting and Ventilation: Lighting shall be sufficient as to provide adequate illumination in the work areas. Overhead lights in work areas shall be shielded against breakage. The establishment shall be properly ventilated so as to remove excess moisture, heat and odors.**

6. **Cabinets and Attached Fixtures:** Cabinets shall be provided for clean linen, towels and supplies. They shall have tight-fitting doors, which shall be kept closed when not in use, to protect contents from dust, dirt etc.
7. **Used Towels:** A covered, lined receptacle, which can be readily emptied and cleaned, shall be provided for soiled towels and linens, exclusively.
8. **Toilet Facilities:** Adequate toilet and hand-washing facilities shall be provided for patrons and employees. Such facilities shall be kept in clean, sanitary and good working order. Handwashing facilities shall be provided with hot (minimum of 120 degrees F) and cold water, sanitary soap dispenser and single service towels. The use of common soap bars for more than one person is prohibited.
9. **Walls, Ceilings and Fixtures:** walls, ceilings and fixtures shall be kept in good repair and clean at all times. Cracks and seams shall be filled or covered to prevent rodent and/or insect harborage. In work areas, walls shall be constructed of smooth, non-pervious materials.

Sanitation

1. **General Cleanliness:** the licensee/ owner of said establishment shall keep it in clean and sanitary condition at all times.
2. **Fixtures:**
 - (a) Cabinets, shelves, furniture and other fixtures shall be kept Free of dust, dirt, hair or nail clippings. Arms, seats and rests on chairs shall be wiped of hair or nail clippings after serving each patron.
 - (b) The head rest of a chair shall be covered by a properly laundered towel or disposable paper cover, for each patron before patron is permitted to recline in said chair.
3. **Equipment and Supplies:**
 - (a) A towel shall in no case be used for more than one person, Without being properly laundered before each use.
 - (b) Hair brushes, combs and all other implements used on a Patron shall be kept clean and sanitary at all times and shall undergo thorough cleansing after each use.
 - (c) Sanitary, covered containers shall be provided and maintained, which shall contain a fumigant for mandatory storage of implements when not in use.
 - (d) Shaker top containers must be provided for dispensing lotions or powders.
 - (e) The use of finger bowls is allowed. However, separate sanitary liners or cups must be used for each patron and discarded immediately after use.
 - (f) Alum or other materials used to stop the flow of blood shall only be applied in liquid or powdered form.
 - (g) Any blood-tainted or bodily-fluid tainted waste must be disposed of in an acceptable manner.

4. Prohibited Practices:

- (a) Reuse of single service items
- (b) Use of shaving brushes or shaving mugs
- (c) Use of brushes, neck dusters, powder puffs and sponges.
- (d) Food and beverages in the work areas
- (e) Smoking in the work areas
- (f) Ultraviolet disinfection methods

5. Operators:

- (a) The hands of each operator shall be thoroughly washed before serving each patron.
- (b) No operator, known to be infected with a communicable disease, while in an infectious stage of that disease, shall engage in barbering, hair dressing, cosmetology, manicure, pedicure, body massage or patron contact in any manner, during the infectious stage.
- (c) While attending patrons, operators shall wear clean washable outerwear.

6. Animals and Pets:

No pets or animals are permitted in salons, shops or Studios, with the exception of trained service dogs.

Acceptable Methods of Disinfection

1. The following chemical methods constitute satisfactory disinfection of instruments. No method is considered effective without prior thorough cleaning with hot water and detergent.
 - (a) Quaternary compounds – Ammonia: 1:1000 dilution/30 sec.
 - (b) Boiling water or oil: 5 minutes.
 - (c) Lysol (compound cresol solution or phenolic compound) 5% solution for 3 minutes or 3% solution for 10 minutes.
 - (d) Commercial Formalin: 10% solution for 1 minute.
 - (e) Alcohol: 70% Ethyl or 99% Isopropyl for 3 minutes
 - (f) Carbolic Acid: 5% solution for 10 minutes
 - (g) Solutions of other chemicals, provided the disinfecting Ingredient shall be equal in potency to a 5% carbolic acid Solution as determined by the phenol-coefficient method.
 - (h) Lubricant germicide for electric clippers, 10 second contact time and 10 minute drain time.
2. All instruments and accessories having been so disinfected shall be rinsed thoroughly in clean, flowing tap water, before use.

ANNEX B

Proposed First Year Fee Schedule:

Fees

First three Stations, Bays or Chairs:	\$50.00
Each additional Station, Bay or Chair:	\$10.00
Maximum Fee per Establishment	\$100.00
Late Fee for Annual License Filing:	\$50.00
Plan Review, New construction	\$100.00
Plan Review, Reconstruction	\$75.00