

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) days 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 ninety (90) 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 an 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

This Ordinance shall be in full force and effect as of the _____ day of _____, 2012 after due enactment by the Town of Brookfield in the State of Connecticut.