

# Chapter 173. Salon and Personal Service Establishments

[HISTORY: Adopted by the Town Council of the Town of Wallingford 12-10-2013 by Ord. No. 592. Amendments noted where applicable.]

## § 173-1 Purpose.

The purpose of this chapter is to define requirements for the inspection, establishment standards, permit fees and penalties for barbershops, hairdressing, cosmetology and nail salons, and tattoo/body-piercing salons in the Town of Wallingford, in accordance with Connecticut General Statutes §§ 19a and § 20-234, et seq. and other applicable law, as amended.

## § 173-2 Definitions.

For the purpose of this chapter:

### **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.

### **BARBERSHOP**

Any establishment engaged in the practice of barbering for the public.

### **BODY PIERCING**

Involves the puncturing of an area on the body, such as the 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.

### **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.

### **DIRECTOR OF HEALTH**

The Director of Health of the Town of Wallingford or his or her authorized agent.

### **DISINFECT**

To use a chemical or physical process to destroy harmful organisms, including bacteria, viruses, germs, and fungi.

### **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, esthetics, eyelash services, nail technician services, tattoo, permanent make-up or body-piercing activity for the public. The term "establishment" and "salon" shall be used interchangeably.

### **ESTHETICIAN**

Includes any and all described skin care treatment practices permitted by State law when performed by a licensed individual.

**EYELASH TECHNICIAN**

A person who, for compensation, performs eyelash extensions, lifts or perms, eyelash color tints or any and all practices permitted by State law by licensed individuals.

**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.

**INDEPENDENT CONTRACTOR**

A person who follows an independent trade, business, or profession in which he or she offers his or her services to the public. They are generally not employees of the company and perform services for another person under an expressed or implied agreement.

**NAIL TECHNICIAN**

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.

**MANAGER**

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.

**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, body-piercing esthetics or eyelash services establishment in the Town of Wallingford.

**SHAMPOO STATION**

Consists of a shampoo sink (used for no other purpose) with hot and cold running water and a shampoo chair.

**TATTOO ARTIST/TECHNICIAN**

A person who practices tattooing on another person and shall include any and all described practices permitted by state law performed by a tattoo artist/technician licensed in the State of Connecticut.

**TATTOO EQUIPMENT**

Any equipment used in the application of ink to the skin, including permanent cosmetics.

**TATTOOING**

Injecting the skin with a permanent dye or ink.

**WORK AREA**

A separate room with one or more work stations, or a private room set aside to serve one customer at a time.

**WORK STATION**

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.

**§ 173-3 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 salon's 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.

**§ 173-4 Permit required; renewal and transfer.**

- 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.

**§ 173-5 Permit and inspection fees; enforcement; penalties for offenses.**

- A. All permits are valid for one year, or a portion thereof, and are renewable on or before March 1 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 licenses for all employees performing services that require a Connecticut State license posted at the work station or at the front desk.
- E. Permit and repeat inspection fees:
  - (1) For all establishments:  
\$50
  - (2) 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: \$50
- 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 of \$200.00 per day and further legal action as provided in Connecticut General Statutes § 19a-230. Each day that such violation continues shall constitute a separate and distinct violation.

## § 173-6 Establishment inspections.

- A. The Director of Health, or an authorized agent, shall conduct an annual inspection of each establishment permitted as a barbershop, hairdressing, esthetics, eyelashes 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 an authorized agent, shall conduct biannual 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.

## § 173-7 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 if:
  - (1) The operation constitutes an imminent hazard to public health; or
  - (2) 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) 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 sanitizers/disinfectants are not being used properly to thoroughly clean and sanitize equipment after each client; or
  - (3) The absence of potable water, supplied under pressure, at adequate temperature (105° F. to 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 an 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 Connecticut General Statutes § 19a-229. An appeal does not stay the order.

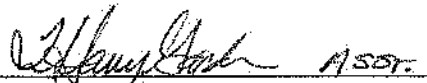
**§ 173-8 Permit revocation or nonrenewal.**


- 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 nonrenewal 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 CGS § 19a-229. An appeal does not stay the order.
- C. After a period of 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.

**§ 173-9 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 all 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.

I HEREBY CERTIFY that this Ordinance was enacted by the Town Council of the Town of Wallingford this \_\_\_\_\_ day of September, 2022, in accordance with the provisions of the Charter of the Town of Wallingford.

  
Deborah McKiernan  
Town Clerk

APPROVED:   
William W. Dickinson, Jr., Mayor

DATE: 9/28/22

Published: 10/8/2022  
Effective: 10/29/2022