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OFFICE  
OF THE  
TOWN COUNCIL

## Town of South Windsor

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AREA CODE 860/644-2511  
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TO BE PUBLISHED IN THE JOURNAL INQUIRER

May 14, 2018

LEGAL AD

TOWN OF SOUTH WINDSOR

Notice is hereby given that the South Windsor Town Council has set **Monday, May 21, 2018, at 8:00 p.m.**, in the Council Chambers of the South Windsor Town Hall, 1540 Sullivan Avenue, South Windsor, Connecticut as the time and place for a Public Hearing to receive citizen input on an Amendment to Ordinance #218 -- Health and Sanitation.

Dated at South Windsor, Connecticut this 8<sup>th</sup> day of May 2018.

Attested to by:

Deborah W. Reid  
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Clerk of the Council

PUBLIC NOTICE

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Journal Inquirer  
May 14, 2018

DRAFT  
AMENDMENT TO ORDINANCE #212

ADDITION TO CHAPTER 50 – HEALTH AND SANITATION

UPDATE AND ADDITION TO CHAPTER 50 - UPDATE TO INCLUDE FDA CLASSIFICATIONS OF FOOD SERVICE ESTABLISHMENTS; ADDING, ARTICLE VIII-XI COSMETOLOGY, TATTOO, DAYCARE AND PUBLIC POOLS

**ARTICLE V. Food Establishments**

**Sec. 50-103. Purpose.**

This article authorizes and provides provisions for municipal enforcement of Section 19-13-B42, Section 19-13-B48, and Section 19-13-B49, inclusive of the Public Health Code of the State of Connecticut (the "Public Health Code") and of any amendments thereof hereafter adopted, all of which deal with sanitation of restaurants, food operations, and other places preparing and serving food and beverages.

**Sec. 50-104. Definitions.**

*Food service establishment:* establishment engaged in the retail sale of food, including itinerant vendors who transport food for the purpose of retail sale, temporary food service operations and caterers whose fixed base of operation are located within the Town's boundaries.

*Foods:* any raw, cooked or processed edible substance, ice, beverage or ingredient used or intended for use, or for sale, in whole or in part for human consumption.

*Not-for-profit organization:* a non profit tax exempt organization.

*Public event:* event to which the general public is invited by advertisement or advertisements circulated or directed to the public at large and where food is served or made available.

*Temporary food establishment:* food establishment that operates at a fixed location for a temporary period of time, not to exceed two (2) weeks, in connection with a carnival, circus, public exhibition, festival, celebration, or similar transitory gathering

**Sec. 50-105. Authority.**

This section is enacted pursuant to the provisions of Sections 7-148 & 19a-36 of the Connecticut General Statutes. The Director of Health and his/her agent(s) shall be charged with the enforcement of the provisions of this Article and the Public Health Code.

**Sec. 50-106. Permit to Operate Food Service Establishment.**

(a) No person shall operate a food service establishment without a valid permit issued by the Director of Health. Only a person who complies with the requirements of this section and the Public Health Code shall be entitled to receive or retain such permit. Permits are not transferable and shall be renewed annually. A valid permit shall be posted in a conspicuous public location, visible to the patrons of the establishment.

(b) The provisions of this section shall apply to every food establishment in the business of manufacturing for sale or dispensing of food and/or beverages intended for human consumption, and every person operating a hotel, restaurant, store or vehicle for selling or dispensing food and/or beverages to the public.

**Sec. 50-107. Classifications of Food Service Establishments.**

(a) *Classification.* For purposes of this article, the following classifications of retail food establishments are adopted.

- (1) *Class I:* a food establishment that only offers for retail sale
  - (a) prepackaged food that is not time or temperature controlled for safety
  - (b) commercially processed food that
    - i. is time or temperature controlled for safety and heated for hot holding, but
    - ii. is not permitted to be cooled
  - (c) food prepared in the establishment that is not time or temperature controlled for safety
- (2) *Class II:* a retail food establishment that does not serve a population that is highly susceptible to foodborne illnesses and offers a limited menu of food that is prepared, cooked, and served immediately, or that prepares and cooks food that is time or temperature controlled for safety and may require hot or cold holding, but that does not involve cooling.
- (3) *Class III:* a retail food establishment that
  - (a) does not serve a population that is highly susceptible to foodborne illnesses
  - (b) has an extensive menu of foods, many of which are time or temperature controlled for safety and require complex preparation, include, but not limited to handling of raw ingredients, cooking, cooling, and reheating for hot holding.
- (4) *Class IV:* a retail food establishment that serves a population that is highly susceptible to foodborne illnesses, including but not limited to preschool students, hospital patients, and nursing home patients or residents, or that conducts specialized food processes, including but not limited to smoking, drying, or reduced oxygen packaging for the purposes of extending the shelf life of the food.

**Sec. 50-108. Permit Application.**

- (a) Every person proposing to operate a food establishment shall make written application on forms provided by the Director of Health.
- (b) The Director of Health shall issue a permit to the applicant when the food establishment is found to be in compliance with the requirements of this chapter, the Public Health Code of the State of Connecticut, and all other applicable regulations and policies within the Town of South Windsor.

**Sec. 50-109. Plan Review and Fees.**

- (a) Every person who:
  - (1) Proposes to remodel or alter an existing building or portion thereof which is being used or is proposed to be used as a food establishment or,
  - (2) Proposes to construct a new building which is to be used in whole or in part as a food establishment or,
  - (3) Proposes a menu change resulting in a reclassification of the existing food establishment to a Class III or Class IV as described in Section 50-107 or,
  - (4) Takes over ownership of an existing food establishment or,
  - (5) Proposes to operate as an itinerant vendor,shall prior to the start of such remodeling, construction, change in ownership (including the transfer of a majority interest in any corporation, limited liability company or limited

liability partnership) and/or making sales as an itinerant vendor, submit an application, draft menu, Qualified Food Operator certificates (if applicable), plans, and applicable fees, to the Director of Health for approval.

(b) Such plans shall be drawn to a scale of no less than one-fourth (1/4) inch equals one (1) foot. The plans and specifications shall indicate the proposed floor plan or layout, construction materials of work areas and the type and model of proposed equipment.

(c) The Director of Health or his/her agent shall have a minimum of thirty (30) days to complete the plan review process.

(d) Plan review fees for each class shall be established by the Town Council.

**Sec. 50-110. Temporary food establishment permitting.**

(a) Any person applying for a temporary food service permit shall make written application to the Town's Health Department. All applicants shall make the required application at least fourteen (14) days prior to the event.

(b) The Director of Health shall issue a permit to the applicant if proposed temporary food establishment complies with the requirements of this section and the Public Health Code.

(c) Temporary permits shall not exceed a period of fourteen (14) days.

**Sec. 50-111. Food Service Establishment Permit Fee.**

(a) Annual fees for food service establishments for each permit or renewal shall be established by the Town Council.

(b) Not-for-profit organizations which maintain permanent kitchen facilities or apply for temporary permits and are subject to regulations Section 19-13-B42 and 19-13-B48 of the Connecticut Public Health Code are hereby exempt from any food service establishment permit fee payment.

**Sec. 50-112. Non-transferability of Permit.**

Permits and renewals issued under this section are not transferable by address, owner or change of classification. Any change of address, owner or classification shall require a new permit.

**Sec. 50-113. Permit expiration.**

All permits shall expire annually on December 31st and be renewed for another year upon application and payment of the annual fee, regardless of when the original application for a permit was made.

**Sec. 50-114. Suspension or revocation; Appeals.**

(a) The Director of Health may suspend any permit to operate a food establishment if the permit holder does not comply with the requirements of this chapter or the Public Health Code. If the Director of Health or his/her authorized agent finds unsanitary conditions in the operation of a food establishment which in his/her judgment constitute a substantial hazard to public health, he/she shall immediately notify the permit holder or operator in writing, citing such conditions and specifying the corrective action to be taken and the time period within which such action shall be taken. If deemed necessary, he/she will order immediate correction. If the corrections are not made in the stated time, the permit shall be suspended. Suspension is effective upon service of a notice as stated in this article. When a permit is suspended, food service activities shall immediately cease.

(b) Whenever a permit is suspended, the permit holder or person in charge may, within forty-eight (48) hours, file a written appeal with the Director of Health. If no appeal is filed within forty-eight (48) hours, the suspension becomes final and the permit is revoked. If an appeal is filed, the Director of Health or his/her appointed designee shall schedule a hearing within a reasonable time, rendering a decision within ten (10) days.

(c) The Director of Health may revoke a food service permit for serious or repeated violations of any of the requirements of this section or the Public Health Code or for interference with the Director of Health or his authorized agent in the performance of their duties. Prior to revocation, the Director of Health shall notify the permit holder or person in charge, in writing, of the reason for which the permit is subject to revocation and that the permit shall be revoked effective upon service of such notice unless an appeal is filed within forty-eight (48) hours. If no appeal is filed within forty-eight (48) hours of service of said notice, the revocation of the permit becomes final. When a permit is finally revoked, food service activities shall immediately cease. If any appeal is filed, the Director of Health shall thereupon immediately examine the merits of such revocation and may vacate or affirm such revocation.

**Sec. 50-115. Reapplication for permit.**

(a) *Suspension.* Whenever a permit has been suspended, the holder of the suspended permit may make written request for reinstatement of the suspended permit. Within ten (10) days following receipt of such written request, including a statement signed by the applicant that in his opinion the conditions causing the suspension have been corrected, the Director of Health or his/her authorized agent shall make a re-inspection. If the applicant is found to be complying with the requirements of this section and the Public Health Code, the permit shall be reinstated.

(b) *Revocation.* Following a revocation, a written application may be made pursuant to Section 50-108 herein. Upon payment of the annual fee and following a successful re-inspection, the permit shall be reinstated.

**Sec. 50-116. Service of notice.**

Service of notice as provided for in this article is deemed to be properly served when it is delivered to the permit holder or person in charge of the food establishment or when it is sent by registered or certified mail, return receipt requested, to the address of the food establishment shown on the last completed application of the permit holder. Service is complete upon mailing and not receipt of said notice. A copy of any such notice shall be filed in the records of the Director of Health.

**Sec. 50-117. Examination and condemnation of food.**

(a) Food establishments may be inspected and food samples taken therefrom may be analyzed by the Director of health or his/her authorized agent as often as deemed necessary for enforcement of this section or the Public Health Code. The Director of Health or his/her authorized agent shall notify the owner or person in charge of the food establishment specifying the reasons to place a hold order on any food or beverage believed to be unfit for human consumption. The Director of Health or his/her authorized agent shall tag, label or otherwise identify any food subject to the hold order. No food subject to a hold order shall be used, served or removed from the establishment. The Director of Health shall permit storage of the food under conditions specified in the hold order. If food storage is not possible without risk to the public health, an order for destruction will be issued by the Director of Health or his/her agent which shall be immediately accomplished by the food establishment.

(b) The hold order shall state that a request for hearing may be filed with the Director of Health within forty-eight (48) hours. In the event no hearing is requested, the food shall be destroyed immediately upon expiration of said (48) hour period. If requested the Director of Health or his/her designee shall hold a hearing, and on the basis of evidence produced at the hearing, the hold order may be vacated or the owner or person in charge of the food may be ordered to denature or destroy such food or bring it into compliance with the provisions of this section or the Public Health Code. The requested hearing must take place within twenty four (24) hours from the issuance of the hold order.

**Sec. 50-118. Penalties.**

(a) Any person who operates a food and/or beverage establishment without a valid food permit or found to be in violation of this article shall be issued an infraction as provided for in C.G.S. §§ 51-164m and 51-164n, as the same may be amended from time to time.

(b) In addition to any other penalties, a fine of \$250.00 shall be assessed for each violation that constitutes an offense under this section.

(c) Each day of the violation thereof shall be deemed a separate offense.

(d) If criminal prosecution is the result of noncompliance of any of the provisions of this section, the defendant shall be responsible for the Town's costs, together with reasonable attorney's fees.

**Sec 50-119 – 50-121. Reserved.**

**ARTICLE VI. WATER SUPPLY WELLS**

**Sec. 50-122. Purpose.**

This article authorizes and provides provisions for municipal enforcement of Sections 19-13-B51a through 19-13-B51m, inclusive of the Public Health Code of the State of Connecticut (the "Public Health Code") and of any amendments thereof hereafter adopted.

**Sec. 50-123. Definitions.**

*Water Supply Well* - Water supply well means an artificial excavation, constructed by any method, for the purpose of obtaining water for drinking or other domestic use.

**Sec. 50-124. Authority.**

This section is enacted pursuant to the provisions of Sections 7-148 & 19a-36 of the Connecticut General Statutes. The Director of Health and his/her agent(s) shall be charged with the enforcement of the provisions of this Article and the Public Health Code.

**Sec. 50-125. Well Permit.**

No person shall commence excavation without obtaining a permit from the Director of Health.

**Sec. 50-126. Fee.**

Each permit to construct and/or repair a water supply well fee shall be established by the Town Council.

**Sec. 50-127. Penalties.**

Any person violating Sec. 50-125 shall be fined \$250.00 and shall be required to obtain said permit. Failure to obtain said permit in a reasonable time shall be considered a separate offense subject to a \$250.00 fine unless such excavation is ceased.

**Sec. 50-128 – 50-131. Reserved.**

**ARTICLE VII. SUBSURFACE SEWAGE DISPOSAL SYSTEMS (SSDS)**

**Sec 50-132. Purpose.**

This article authorizes and provides provisions for municipal enforcement of Sections 19-13-B103 of the Public Health Code of the State of Connecticut (the "Public Health Code") and of any amendments thereof, hereafter adopted.

**Sec 50-133. Definitions.**

*Subsurface sewage disposal system (SSDS):* a system consisting of a house sewer, a septic tank followed by a leaching system, any necessary pumps and siphons, and any groundwater control system on which the operation of the leaching system is dependent.

*Approved:* an SSDS acceptable to the Director of Health based on a determination as to conformance with the requirements of this code and the Public Health Code and/or good public health practices.

*Licensed Installer:* a person licensed pursuant to Chapter 393a of the General Statutes of the State of Connecticut.

*Plan Review:* the review of plans associated with the design and construction of a private subsurface sewage disposal system.

**Sec. 50-134. Authority.**

This section is enacted pursuant to the provisions of Section 7-148 of the Connecticut General Statutes. The Director of Health and his/her agent(s) shall be charged with the enforcement of the provisions of this Article and the Public Health Code.

**Sec 50-135. Actions Requiring Approval of Director of Health.**

(a) No person shall construct, alter, repair, enlarge or modify a SSDS that serves any existing building or structure without first having obtained a permit from the Director of Health.

(b) No person shall enlarge, remodel or change the present use of any existing building or structure served by a SSDS without first having obtained the written approval of the Director of Health.

**Sec 50-136. Soil Testing Requirements**

(a) Applications for soil testing and site evaluation shall be made on forms provided by the Director of Health, signed by the property owner or his duly authorized agent and shall be accompanied by the appropriate fee.

(b) All soil testing shall be performed in the manner prescribed by the Public Health Code and Technical Standards.

**Sec 50-137. Application Process for SSDS Plan Approval**

(a) Applications to approve a plan to alter, repair, enlarge or modify an existing SSDS or to construct a new SSDS shall be made on forms provided by the Director of Health and be accompanied by the appropriate fee as specified in the fee schedule. Applications must be complete and contain all information necessary to demonstrate compliance with the requirements of the Public Health Code and Technical Standards. Applications must be signed by the property owner or his duly authorized agent.

(b) To construct a new SSDS, two sets of plans prepared by a Professional Engineer (P.E.), licensed by the State of Connecticut, bearing the seal and original signature of the engineer shall be submitted for review. Plans shall be at a minimum scale of 1" = 30', have minimum two foot contours and field topography in the area of the leaching system, contain all soil test results, including percolation test data, provide a cross sectional detail of the leaching system with all appropriate elevations and any other information needed to ensure Code requirements can be met at the site. One set of returnable building plans must accompany the application.

(c) The Director of Health may require that plans for the alteration, repair or modification of an existing SSDS be prepared by a P.E. if, in his opinion, the site presents especially difficult conditions and/or the plan prepared by the owner or his agent does not adequately address the site conditions or does not demonstrate compliance with the Public Health Code and Technical Standards. If the Director of Health does not require engineered plans for the alteration, repair or modification of an existing SSDS, then the services of a licensed professional subsurface sewage disposal installer are required.

(d) Upon the receipt of a properly completed application, plan and supporting documentation, the Director of Health shall review the plan or proposal within ten (10) days of submittal. If the plan is found to be in compliance with the Public Health Code and Technical Standards, the Director of Health shall approve the plan and issue a letter of approval, which shall contain any conditions of approval. If the plan is not in compliance with the Public Health Code and Technical Standards, the Director of Health shall provide a written report to the applicant and/or the design engineer detailing the reasons why the plan has not been approved.

(e) The approval of a plan to install a new SSDS or to alter, repair, enlarge or modify an existing SSDS shall not constitute a permit to construct or install and shall expire twelve (12) months from the date of issuance. Plan approvals may be renewed for an additional twelve (12) month period by the Director of Health upon a showing of good cause.

#### **Sec 50-138. Permit to Construct or Install SSDS.**

(a) No person shall construct or install, alter, repair, enlarge or modify any new or existing SSDS without first obtaining a Permit from the Director of Health. Applications shall be made on forms provided by the Director of Health, signed by a licensed installer and shall be accompanied by the appropriate fee as specified in the fee schedule.

(b) At time of application, the licensed installer must provide the Director of Health with a copy of his valid subsurface sewage disposal system installer's license issued pursuant to Section 20-341 of the General Statutes of the State of Connecticut.

(c) Upon receipt of a properly completed application and fee, the Director of Health shall issue a permit to construct or install a SSDS in accordance with the approved plan together with a copy of the approved plan and the Plan Review with any comments. The permit to construct/install shall expire one year from the date of issuance, and shall not be transferable from place to place or from one installer to another. Permit fee(s) are not refundable.

(d) The SSDS shall be constructed in strict accordance with the provisions of the approved plan and the conditions set forth in the Permit to Construct or Install, unless an exception is granted in writing by the Director of Health.



(e) Exceptions to the Code may only be granted for the repair, replacement, enlargement or modifications to existing septic systems and shall not be granted for new construction. Permits in locations where Exceptions are needed shall not be issued until the required forms and supporting documentation are submitted to this office.

**Sec 50-139. SSDS Final Approval / Permit to Discharge.**

(a) No SSDS shall be placed into use until it has been inspected and approved by the Director of Health. The licensed installer shall submit to the Director of Health an "as-built" plan of the SSDS after the final inspection has been completed and the installation has been approved by the inspector. Upon completion and passing of the final inspection and receipt of all required documentation, the Director of Health shall issue a permit to discharge for the system as specified in the Public Health Code.

(b) A final permit to discharge for an individual SSDS system shall not be issued until the installation is completed and an approved as-built drawing is submitted to the satisfaction of the sanitarian.

(c) Any Exceptions to the Code must be noted on the Permit to Discharge.

(d) Where the Soil Air process has been utilized, the Permit to Discharge shall note any Code exceptions and will require that monitoring data on system performance is submitted on an annual basis by the licensed installer. The Director of Health shall be notified in writing in the event the Soil Air System is no longer in use. Orders to install a Code complying system may be issued by the Director of Health if a surface failure occurs while the Soil Air System is in use or if its use is discontinued.

**Sec 50-140. Determination of Adequacy of SSDS by Sanitarian.**

When in the opinion of the town sanitarian he/she determines that the requirements of this Section do not appear sufficient to provide adequate waste disposal by a SSDS at a specific location, the sanitarian may require such facilities or measures as he/she shall deem necessary to provide the required waste disposal.

**Sec 50-141. Subdivision Reviews.**

(a) No proposed subdivision requiring private SSDS shall be approved until the Director of Health has observed soil testing on the land thereof and has filed a report regarding the feasibility of SSDS with the appropriate planning and/or zoning commission.

(b) All requests for the observation of soil tests at proposed subdivision sites must be made at least one month prior to the planning and/or zoning commission meeting at which said subdivision sites shall be considered and shall be made in writing on forms provided by the Director of Health. Such requests shall be accompanied by a preliminary subdivision site plan indicating the number and location of each proposed lot, subdivision location relative to existing roads and the appropriate fee as listed in the fee schedule.

(c) Prior to site testing, all lots shall be numbered in the field according to the subdivision site plan location.

(d) At least three deep observation pits per proposed lot shall be required with two test pits to be dug in the likely areas of the primary and another in the likely area for the reserve. Fewer pits may be acceptable if site conditions warrant such reduction.

(e) To assure the accuracy of deep observation pit findings, the Director of Health, or his authorized agent, shall be present during testing.

(f) At least one percolation tests shall be performed on each proposed lot.

(g) It shall be the responsibility of the property owner to fill in all test holes after evaluation by the Director of Health.

**Sec. 50-142. Subdivision Plan Requirements.**

- (a) At least two weeks prior to issuance of the report to the planning and zoning commission, the following information shall be submitted to the Director of Health with the appropriate subdivision plan review fee:
- (b) A site plan showing each proposed lot with possible locations for the septic system, reserve area, well, any drainage control measures, cuts and fills, driveway locations and any other information necessary to demonstrate the feasibility of building on the lot in conformance with the Connecticut Public Health Code requirements.
- (c) Location of storm drainage system/easements, if any.
- (d) Location of water courses or intermittent streams, if any.
- (e) Location of any wetlands as defined by Section 22a45 of the Connecticut General Statutes, as amended.
- (f) Site plan design scale shall be a minimum of 1" = 40'
- (g) Existing and proposed site contours of the subdivision.
- (h) The accurate location of all test pits as they relate to a possible house or building location, the well, septic system and reserve areas.
- (i) Certification that all proposed lots must have soil conditions in the area of the leaching system and reserve that meet the minimum requirements of the Public Health Code and Technical Standards.
- (j) When a proposed subdivision includes a lot with an existing structure served by a SSDS, a certification that sufficient testing has been performed on that lot to demonstrate the presence of a reserve area that satisfies the requirements of this Code.

**Sec. 50-143. SSDS and Subdivision Fee Schedule**

The fee schedule for SSDS and subdivision shall be established by the Town Council

**Sec 50-144. Penalties**

- (a) Violation of this article shall be an infraction as provided for in Connecticut General Statute 51-164m and 51-164n, as the same may be modified from time to time.
- (b) A fine of \$250.00 per day shall be assessed for each violation that constitutes an offense under this section.
- (c) Each day of the violation thereof shall be deemed a separate offense.
- (d) If criminal prosecution is the result of noncompliance of any of the provisions of this section, the defendant shall be responsible for the Town's costs, together with reasonable attorney's fees.

**Secs. 50-145 - 50-160. Reserved.****ARTICLE VIII. COSMETOLOGY****Sec. 50-161. Purpose.**

This article authorizes and provides provisions for municipal enforcement of Chapter 386, Section 20-234 through Chapter 387, Section 20-265 of the Connecticut General Statutes and any amendments thereof, hereafter adopted.

**Sec. 50-162. Definitions**

*Cosmetology Establishment* – For the purpose of this regulation, all Barbershops, Hairdressing, Cosmetology shops, Nails Salons, and other service providers as described in this Regulation are considered “Cosmetology Establishments”.

*Barbering* – Includes the following described practices when performed by a barber licensed in the State of Connecticut, upon the head, face, scalp, or neck for cosmetic purposes only:

1. The cutting, trimming, or shaving of the hair.
2. Singeing, shampooing, dyeing, coloring, or styling of the hair.
3. The application of cosmetic preparations, hair tonics, antiseptics, powders, oils, clays, creams, or lotions.
4. Giving facial and scalp massage or the application of oils, creams, lotions or other preparations, either by hand or mechanical appliances.

*Barbershop* – Any establishment engaged in the practice of barbering for the public.

*Hairdressing and Cosmetology* – Includes the following described practices performed by a licensed hairdresser/cosmetician in the State of Connecticut upon the head, face, scalp, arms, hands, body, legs, and feet for cosmetic purposes only.

1. Dressing, arranging, curling, waving, weaving, cutting, singeing, relaxing/straightening, bleaching, and color hair.
2. Treating the scalp, face, neck, and arms by massaging, cleansing, exercising, stimulating, beautifying, or manipulating with the hands or mechanical appliances.
3. Application of cosmetics, preparations, antiseptics, tonics, lotions, creams, powders, oils, clays, or sprays.
4. Manicuring fingernails of the hand and, for cosmetic purposes only, trimming, filing and painting the healthy toenails of the feet, excluding cutting nail beds, corns, calluses, or other medical treatment involving the foot or ankle.

*Nail technician* – A person who cuts, shapes, polishes, or enhance the appearance of the nails of the hands, including but not limited to the application and removal of sculptured or artificial nails.

**Sec. 50-163. Authority**

This section is enacted pursuant to the provisions of Section 7-148 of the Connecticut General Statutes. The Director of Health and his/her agent(s) shall be charged with the enforcement of the provisions of this Article and the Public Health Code.

**Sec. 50-164. Cosmetology Permit.**

No person shall commence operation without obtaining a permit from the Director of Health.

**Sec. 50-165. Non-transferability of Permit.**

Permits and renewals issued under this section are not transferable by address, owner or change of classification. Any change of address, owner or classification shall require a new permit.

**Sec. 50-166. Fee.**

A fee established by the Town Council shall be collected for each permit to operate a Cosmetology Establishment.

**Sec. 50-167. Annual Inspection.**

On an annual basis, the Director of Health, or authorized agent, shall inspect each Cosmetology Establishment and shall make as many additional inspections as are necessary for the enforcement of this regulation and the applicable sections of the Connecticut Public Health Code and Connecticut General Statutes.

**Sec. 50-168. Penalties.**

Any person violating Sec. 50-163 and/or Sec. 50-164 shall be fined \$250.00 and shall be required to obtain said permit. Failure to obtain said permit in a reasonable time shall be considered a separate offense subject to a \$250.00 fine.

**Sec. 50-169 – 50-175. Reserved.**

**ARTICLE IX. TATTOO**

**Sec. 50-176. Purpose.**

This article authorizes and provides provisions for municipal enforcement of Chapter 387a, Sections 20-266n through 20-266s of the Connecticut General Statutes and any amendments thereof, hereafter adopted.

**Sec. 50-177. Definitions**

*Bloodborne pathogens* – pathogenic microorganisms that are present in human blood and can cause disease in humans; these pathogens include, but are not limited to Hepatitis B virus (HBV), Hepatitis C virus (HCV), and Human Immunodeficiency Virus (HIV).

*Regulated waste* – liquid or semiliquid or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semiliquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.

*Tattooing* – the process by which the skin is marked or colored by the insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin as to form indelible marks for cosmetic, medical, or figurative purposes.

*Tattoo establishment* – any room or space where tattooing is practiced or where the business of tattooing is conducted or on any party thereof.

*Universal precautions* – an approach to infection control in which all human blood and certain human body fluids are treated as if known to be infectious for Hepatitis B Virus (HBV), Hepatitis C Virus (HCV), Human Immunodeficiency Virus (HIV), and other bloodborne pathogens.

**Sec. 50-178. Authority.**

This section is enacted pursuant to the provisions of Section 7-148 of the Connecticut General Statutes. The Director of Health and his/her agent(s) shall be charged with the enforcement of the provisions of this Article and the Public Health Code.

**Sec. 50-179. Tattoo Permit.**

No person shall commence tattooing without obtaining a permit from the Director of Health. The tattoo establishment permit shall be issued by the department prior to

opening of the establishment and thereafter on an annual basis. Each applicant shall provide the department with the following information: name(s) of owner(s), establishment names, proposed hours of operation, names of all employees and their exact duties, a copy of the written aftercare instructions given to each client and a copy of the informed consent that each client must sign.

**Sec. 50-180. Non-transferability of Permit.**

Permits and renewals issued under this section are not transferable by address, owner or change of classification. Any change of address, owner or classification shall require a new permit.

**Sec. 50-181. Fee.**

A fee established by the Town Council shall be collected for each permit to operate a Tattoo Establishment.

**Sec. 50-182. Annual Filing.**

On an annual basis, applications to operate shall be made on forms provided by the Director of Health and be accompanied by the appropriate fee as specified in the fee schedule. Applications must be complete and contain all information necessary to demonstrate compliance with the requirements of the Connecticut General Statutes. Applications must be signed by the tattoo establishment owner or his duly authorized agent.

**Sec. 50-183. Penalties.**

Any person violating Sec. 50-179 shall be fined \$250.00 and shall be required to obtain said permit. Failure to obtain said permit in a reasonable time shall be considered a separate offense subject to a \$250.00 fine.

**Sec. 50-184. Establishment Requirements.**

(a) Equipment – The chair, seat, or table to be utilized by the person receiving the tattoo or piercing shall be smooth, easily cleanable, and nonabsorbent. All chairs, seats, or tables must be cleansed prior to use by the next client.

(b) Handwashing – Each workstation in the tattoo/piercing establishment shall have access to a handwashing sink for the exclusive use of the tattoo artist for the purpose of washing his or her hands and prepping clients. At each handwashing sink, liquid antibacterial soap and single-use disposable towels shall be provided at all times. Common towels are prohibited.

(c) Regulated and infectious waste – All infectious and regulated waste must be disposed of by means of medical regulated waste containers and licensed medical waste disposal methods. All needles and attached equipment shall be disposed of in sharps containers. The needles shall not be broken prior to disposing in the sharps container. A written plan of disposal for regulated and infectious waste must be submitted to the department for approval prior to issuance of the tattoo establishment license.

**Sec. 50-185. Certification and licensure.**

(a) Bloodborne pathogen certification – In accordance with Connecticut General Statutes Section 20-266o (b)(1), no person shall engage in tattooing except a physician, an osteopathic physician, an advanced practice registered nurse rendering service under the direction of a physician or osteopathic physician, a registered nurse rendering service under the supervision, control and responsibility of a physician or osteopathic

physician, a physician assistant rendering service under the supervision, control, and responsibility of a physician, or a technician rendering service under the supervision of a physician or osteopathic physician in accordance with regulations adopted by the department of public health.

(b) The bloodborne pathogen certificate shall be posted in a prominent area where it can be observed by patrons. The bloodborne pathogen certificate is not transferable between persons.

(c) Physician duties shall include one inspection every three (3) months with or without notice. During inspection the physician shall review records and operating procedures, ensure that appropriate sterile techniques are utilized and patient safety is in compliance.

#### **Sec. 50-186. Client Records.**

(a) Each tattoo artist shall keep permanent records for a minimum of two (2) years for each client which shall consist of the following: the name, address, and telephone number of the client, the time and date the tattoo and/or the body piercing was applied, a photocopy that certifies the person is at least eighteen (18) years of age, a description of the tattoo and/or body piercing, the area of the body tattooed and/or pierced, a photocopy of the written aftercare instructions of the tattoo and/or body piercing, and a release form signed by the client that these records are accurate. Records shall be available to the department upon request.

(b) No person shall tattoo the body of an unemancipated minor under eighteen (18) years of age without parental or guardian presence and consent, i.e. signature. This permission shall be signed by either parent or guardian. Photographic identification of the parent or guardian must be obtained by the tattoo artist. A photocopy of the photographic identification shall be included in the client's permanent records.

#### **Sec. 50-187 – 50-195. Reserved.**

### **ARTICLE X. DAYCARE**

#### **Sec. 50-196. Purpose.**

This article authorizes and provides provisions for municipal enforcement of Sections 19a-77 to 19a-80 and Sections 19a-82 to 19a-87a of the Connecticut Public Health Code and any amendments thereof, hereafter adopted.

#### **Sec. 50-197. Definitions.**

*Child care center* ("Daycare") offers or provides a program of supplementary care to more than twelve related or unrelated children outside their own homes on a regular basis.

#### **Sec. 50-198. Daycare Center Permit.**

No person shall operate a Daycare Center without obtaining a permit from the Director of Health. The daycare center permit shall be issued by the department prior to opening of the establishment and thereafter on an annual basis. Each applicant shall provide the department with the following information: name(s) of owner(s), establishment names,

proposed hours of operation, owner(s) contact information, names of all employees, and their exact duties.

**Sec. 50-199. Authority.**

This section is enacted pursuant to the provisions of Section 7-148 of the Connecticut General Statutes. The Director of Health and his/her agent(s) shall be charged with the enforcement of the provisions of this Article and the Public Health Code.

**Sec. 50-200. Non-transferability of Permit.**

Permits and renewals issued under this section are not transferable by address, owner or change of classification. Any change of address, owner or classification shall require a new permit.

**Sec. 50-201. Fee.**

A fee established by the Town Council shall be collected for each permit to operate a Daycare Center.

**Sec. 50-202. Annual Filing.**

On an annual basis, applications to operate shall be made on forms provided by the Director of Health and be accompanied by the appropriate fee as specified in the fee schedule. Applications must be complete and contain all information necessary to demonstrate compliance with the requirements of the Public Health Code. Applications must be signed by the daycare center owner or his duly authorized agent.

**Sec. 50-203. Penalties.**

Any person violating Section 50-201 shall be fined \$250.00 and shall be required to obtain said permit. Failure to obtain said permit in a reasonable time shall be considered a separate offense subject to a \$250.00 fine.

**Sec. 50-204 – 50-210. Reserved.**

**ARTICLE XI. PUBLIC POOLS**

**Sec. 50-211. Purpose.**

This article authorizes and provides provisions for municipal enforcement of Section 19a-36 of the Connecticut Public Health Code and any amendments thereof, hereafter adopted.

**Sec. 50-212. Definitions.**

*Public pool* means an artificial basin constructed of concrete, steel, fiberglass or other impervious material and equipped with a controlled water supply that is intended for recreational bathing, swimming, diving or therapeutic purposes and includes, but is not limited to, any related equipment, structure, area or enclosure intended for the use of any person using or staffing such pool. *Public pool* does not include an artificial basin provided with a controlled water supply that is intended for use at a single-family residence, except when such basin is used for commercial or business purposes at such residence.

**Sec. 50-213. Authority.**

This section is enacted pursuant to the provisions of Section 7-148 of the Connecticut General Statutes. The Director of Health and his/her agent(s) shall be charged with the enforcement of the provisions of this Article and the Public Health Code.

**Sec. 50-214. Public Pool Permit.**

No person shall operate a public pool without obtaining a permit from the Director of Health. The public pool permit shall be issued by the department annually prior to opening for the season. Each applicant shall provide the department with the following information: name(s) of owner(s), establishment names, proposed hours of operation, owner(s) contact information.

**Sec. 50-215. Non-transferability of Permit.**

Permits and renewals issued under this section are not transferable by address, owner or change of classification. Any change of address, owner or classification shall require a new permit.

**Sec. 50-216. Fee.**

A fee established by the Town Council shall be collected for each permit to operate a Public Pool.

**Sec. 50-217. Annual Filing.**

On an annual basis, applications to operate shall be made on forms provided by the Director of Health and be accompanied by the appropriate fee as specified in the fee schedule. Applications must be complete and contain all information necessary to demonstrate compliance with the requirements of the Public Health Code. Applications must be signed by the public pool operator or his duly authorized agent.

**Sec. 50-218. Penalties.**

Any person violating Section 50-214 shall be fined \$250.00 and shall be required to obtain said permit. Failure to obtain said permit in a reasonable time shall be considered a separate offense subject to a \$250.00 fine.

**Sec. 50-219 – 50-225. Reserved.**