



## Sanitary Code



Amended October 2023

180 Bayberry Lane  
Westport, Connecticut 06880

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## **Preamble**

The purpose of this code is to protect and promote public health within Aspetuck Health District, formerly known as the Westport Weston Health District. Adopted under the authority of the General Statutes of Connecticut, Public Act 508-1963, Section 19a-243, the code provides for rules and regulations within the areas of food, sewage disposal, water supplies, housing, nuisances, swimming pools, bathing places and public bathing establishments, lead and action where imminent health hazards are present.

The town of Easton joined the Health District in 2021. The Board of Directors decided that a more inclusive name would be more appropriate and revisited the Health District's roots, renaming the District the Aspetuck Health District, in honor of the important Aspetuck Watershed which runs through all three communities.

This code—supersedes previous codes adopted by the Aspetuck Health District Board of Directors, and has an effective date of October 17, 2023, is in force throughout the Health District.

## CHAPTER 1 GENERAL PROVISIONS

### SECTION 1.1 DEFINITIONS

For the purpose of this code,

- (a) **"Authorized Agent"** means the person designated by the Director of Health to act for the Director of Health in the performance of any duties.
- (b) **"Board of Directors"** means the Board of Directors of the Aspetuck Health District.
- (c) **"Director of Health"** means the Director of Health of the Aspetuck Health District who is charged with the responsibility and authority for preserving and improving public health and preventing the spread of diseases.
- (d) **"Commissioner"** means the Commissioner of Health Services.
- (e) **"Health District"** means the Aspetuck Health District established under Connecticut General Statutes Title 19a Chapter 368f.
- (f) **"Imminent Health Hazard"** means a condition which is likely to cause an immediate threat to life or a serious risk of damage to the health, safety, and welfare of the public if no immediate action is taken.
- (g) **"Permit"** means the written permission of the Director of Health to operate any facility or undertake any activity governed by this code.
- (h) **"Person"** means any individual, firm, corporation, association, partnership, institution, public or municipal body, or other legal entity and includes the plural, as well as the singular.
- (i) **"Person in Charge"** means the owner, designated employee or employee who is the apparent supervisor of the operation at the time of inspection. If no individual employee is the apparent supervisor, then any employee present at the time of inspection is in charge.
- (j) **"Public Place"** means any permanent or temporary place, premises, building or group of buildings which is freely accessible to people other than employees or any of the above which is open to the public for the purpose of conducting business or for public gatherings of any character.
- (k) **"State Public Health Code"** means the Public Health Code of the State of Connecticut established in accordance with Section 19a-36 of the General Statutes.

## **SECTION 1.2 EMERGENCY POWERS**

In the event of an imminent health hazard, the Director of Health may take whatever action is deemed necessary to protect public health.

## **SECTION 1.3 SEVERABILITY**

If any provision or application of this code is held invalid for any reason, that invalidity shall not affect other provisions or applications of the code.

## **SECTION 1.4 SUPPLEMENTARY PROVISIONS**

In the case of any items not specifically included in this code, the State Public Health Code or applicable Public Health Statutes shall apply.

## **SECTION 1.5 CONFLICT OF REGULATIONS**

In any case where a provision of this code is found to be in conflict with a regulation existing on the effective date of this code, then the provision which establishes the higher standard for the promotion and protection of the health and safety of people shall prevail.

## **SECTION 1.6 FINES AND PENALTIES**

Any person who violates or is a holder of a permit issued under the provisions of this code whose facility or activity violates a provision of this code, or any legal order of the Director of Health for which no other penalty is provided, shall be fined not more than one hundred dollars (\$100) or imprisoned not more than three months or both.

## **SECTION 1.7 FEES**

The Aspetuck Health District Board of Directors may establish reasonable fees to defray the cost of the administration and issuance of permits, licenses, and approvals. These fees may be changed and/or added to at any regular meeting of the Aspetuck Health District Board of Directors.

## **SECTION 1.8 INJUNCTION**

The Director of Health may seek to enjoin violators of this code and the State Public Health Code.

## **SECTION 1.9 APPEAL**

Any person aggrieved by an order issued by the Director of Health may, within forty-eight hours after making of such order, appeal to the commissioner of health services, who shall thereupon immediately notify the Director of Health and examine the merits of such case, and may vacate, modify or affirm such order.

## CHAPTER 2 FOOD

### ARTICLE 1 GENERAL PROVISIONS

#### SECTION 2.1 DEFINITIONS

For the purpose of this chapter,

- (a) **"Approved Source"** means a source which complies with applicable federal, state or local regulations.
- (b) **"Catering Food Service"** Shall have the definition ascribed to "Catering food service establishment" under CGS 19a-36g (1)
- (c) **"Consumer Advisory"**  
Shall have the definition ascribed to it in the most recent edition of the FDA Food Code
- (d) **"Food Establishment"**  
Shall have the definition ascribed to "Food establishment" under CGS 19a-36g (13)
- (e) **"Food Facility"** means any food establishment, temporary food establishment, catering food service, food store or itinerant food vendor.
- (f) **"Food Preparation"** means the modification of any food product into a state or condition that is different from its original.
  - (1) **"Extensive Preparation"** means that the food may be subject to the processes defined under limited preparation and may be subjected to one or more additional process, including, but not limited to, cleaning, cutting (dicing, slicing, shredding), mixing or chopping.
  - (2) **"Limited Preparation"** means that the food processes are restricted to seasoning, cooking, cooling and/or reheating
- (g) **"Food Store"** means any place which sells or dispenses for sale at wholesale or retail any groceries, prepackaged foods, whole or bulk bakery products, whole vegetables and fruits, raw meat or fish or packaged dairy products.
- (h) **"Itinerant Food Vendor"**  
Shall have the definition ascribed to "Itinerant food vending establishment" under CGS 19a-36g (19)
- (i) **"Prepackaged"** means that the individual food portion is completely wrapped to preclude contamination. All prepackaged food shall be prepared and packaged in an approved food facility.

- (j) **"Sashimi"** means chunks of raw fish.
- (k) **"Sushi"** means pieces of raw fish with rice and other ingredients.
- (l) **"Temporary Food Establishment"**  
Shall have the definition ascribed to "Temporary food service establishment" under CGS 19a-36g (21)
- (m) **"Time or Temperature Controlled for Safety Food"** means food that is time or temperature controlled for safety, as defined under CGS 19a-36g (22)

## SECTION 2.2 PERMITS

### (a) General

- (1) No person shall operate a food facility who does not have a valid permit issued by the Aspetuck Health District. Only a person who complies with the requirements of this code shall be entitled to receive or retain such a permit.
- (2) Permits shall be valid until the expiration date indicated on the permit unless suspended or revoked by the Director of Health, or until such time as the facility changes owners, closes, or goes out-of-business.
- (3) Permits shall not be transferable from person to person, nor from location to location. The valid permit shall state whether it was issued to a food establishment, temporary food establishment, catering food service, food store, or itinerant food vendor, and shall be posted in a location easily observed by consumers.
- (4) Aspetuck Health District requires that facilities selling only pre-packaged, non-time/temperature controlled for safety food and drink also obtain a permit.

### (b) Issuance of Permits

- (1) Any person desiring to operate a food facility shall make written application for a permit on forms provided by the Aspetuck Health District.
- (2) Prior to approval of an application for a permit, the Aspetuck Health District shall inspect the food facility to determine compliance with all requirements.
- (3) The Director of Health shall issue a permit to the applicant if the inspection reveals that the food facility complies with the requirements of the code.

(c) Facilities Operating Without a Permit

When it comes to the attention of the Director of Health that a food facility is operating without a valid permit, the Director of Health shall order such food facility to close and to cease all food operations immediately.

(d) Permit Suspension

- (1) The Director of Health may suspend, without warning, prior notice or hearing, any permit to operate a food facility,
  - (aa) if the operation constitutes an imminent hazard to public health,
  - (bb) if the owner, operator or person in charge has interfered with the performance of the Director of Health's duties.
- (2) An imminent health hazard shall include, but is not limited to, any one of the following:
  - (aa) A lack of equipment capable of maintaining the product temperature of all time or temperature controlled for safety foods 41°F or below and/or 135 °F or above; or
  - (bb) An outbreak of an infectious, pathogenic, or toxic agent capable of being transmitted to consumers; or
  - (cc) The absence of potable water, supplied under pressure, in a quantity which, in the opinion of the Director of Health, can meet the needs of the facility; or
  - (dd) A backup of sewage into the facility or equipment containing food or utensils; or
  - (ee) An infestation of vermin to the extent that food and food contact surfaces cannot be protected from contamination; or
  - (ff) A lack of facilities to wash, rinse and sanitize food contact equipment and utensils.
- (3) Suspension shall be effective immediately upon delivery of written order to the permit holder or person in charge of the food facility by the Director of Health. When a permit is suspended, all food operations shall cease immediately and shall not resume until written approval to resume has been issued by the Director of Health. A suspended permit shall be removed from the premises by the Director of Health.

- (4) When a permit is suspended, the holder of a permit or the person in charge shall be notified in writing of the suspension and that an opportunity for hearing will be provided if a written request for hearing is filed with the Director of Health by the holder of the permit within forty-eight (48) hours. The Director of Health may end the suspension at any time by giving written notice to the permit holder if reasons for suspension no longer exist.
- (5) Upon receiving a request for hearing, the Director of Health shall immediately examine the merits of such suspension and may vacate, modify or affirm such suspension. The permit holder who is aggrieved by such action of the Director of Health may, within forty-eight (48) hours after the making of such decision, appeal to the Commissioner who shall thereupon immediately notify the authority from whose order the appeal was taken and examine the merits of such suspension and may vacate, modify or affirm such suspension.

e) Permit Revocation/Nonrenewal

- (1) The Director of Health, after providing opportunity for hearing, may revoke or refuse to renew the permit of any person for serious or repeated violations of any of the provisions of this code or for interference with the Director of Health in the performance of official duties or for cases where the permit to operate has been obtained through nondisclosure, misrepresentation or intentional misstatement of a material fact.
- (2) Prior to revocation or nonrenewal, the Director of Health shall notify the permit holder or person in charge at the facility of the specific reason(s) for such revocation or nonrenewal and that the permit shall be revoked or not renewed at the end of ten (10) calendar days following service of such notice unless a written request for hearing is filed with the Director of Health by the holder of the permit within forty-eight (48) hours of such notice. If no request for hearing is filed within forty-eight (48) hours of such notice, the revocation or nonrenewal becomes final. A revoked permit shall be removed from the premises by the Director of Health.

(f) Permit Reinstatement

(1) Suspension

Whenever a permit has been suspended, the holder of the suspended permit may make written request for permit reinstatement. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that, in his opinion, the conditions causing the suspension has been corrected, the Director of Health shall make a reinspection. If the Director of Health determines that the applicant has complied with the requirements of this code and most current version of the FDA Food Code, the permit shall be reinstated and returned to the permit holder.

(2) Revocation/Nonrenewal

After a period of sixty (60) days from the date of revocation or refusal to renew, a written application may be made for the issuance of a new permit.

### **SECTION 2.3 HEARINGS**

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

### **SECTION 2.4 SERVICE OF NOTICES OR ORDERS**

A notice or order provided for in this code is properly served when it is delivered to the permit holder or person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit. A completed inspection report shall constitute a written notice.

### **SECTION 2.5 EXISTING FOOD FACILITIES**

Any food establishment, catering food service, food store or itinerant food vendor in operation at the adoption of this code shall come into full compliance with all the requirements of this code within twelve (12) months of its effective date.

### **SECTION 2.6 PLAN REQUIREMENTS**

- (a) No food facility shall be constructed or undergo physical alterations, nor shall a structure be converted to a food facility except in accordance with plans and specifications approved by the Aspetuck Health District.
- (b) Properly prepared plans, drawn to a scale of not less than 1/4":1', and specifications for such construction, alteration or conversion shall be submitted to the Aspetuck Health District for review and approval before any construction, alteration or conversion is begun. The plans for the entire facility and specifications shall be submitted in duplicate and the proposed layout- mechanical plans, listing of construction materials and finish of work areas, type and model of equipment and menu.

### **SECTION 2.7 FOOD EXAMINATION AND DESTRUCTION**

- (a) Food and beverages may be collected and examined at any time by the Director of Health for the enforcement of this code.
- (b) Foods suspected of being from an unapproved source, mishandled, adulterated, contaminated, misbranded and/or spoiled, may be embargoed by written notice of the Director of Health until such time as the source and/or condition of the foods can be verified.

- (c) Such embargoed foods shall be held until written order of destruction or release is issued by the Director of Health.
- (d) Upon written order of the Director of Health, foods found to be unsafe for human consumption, either through contamination, adulteration, misbranding or mishandling, shall be placed into a garbage container and rendered unusable by pouring bleach or any other adulterating agent over the food. Condemned foods may be destroyed or disposed of in other methods approved by the Director of Health.

## **SECTION 2.8 INFECTION CONTROL PROCEDURES**

- (a) When there is reasonable cause to suspect the possibility of disease transmission from any food facility employee, the Director of Health shall secure the morbidity history of the suspected employee(s) or make other investigation as may be indicated and take appropriate action.
- (b) The Director of Health may require any or all of the following measures:
  - (1) the immediate exclusion of the employee from all food facilities;
  - (2) the immediate closure of the food facility until, in the opinion of the Director of Health, no further danger of disease outbreak exists;
  - (3) restriction of the employee's services to some area of the facility where there would be no danger of transmitting disease; and
  - (4) adequate medical and laboratory examinations of all staff and employees.

## ***ARTICLE 2      FOOD PROTECTION***

### **SECTION 2.9 EQUIPMENT DESIGN**

All equipment must meet or exceed FDA Food Code requirements.

### **SECTION 2.10 CLEANING AND SANITIZING**

- (a) All cleaning and sanitizing procedures and processes must meet or exceed FDA Food Code requirements
- (b) Chemical sanitizers other than those listed in the FDA Food Code may be approved by the Director of Health upon review of product technical data.

## **SECTION 2.11 CLEANING FACILITIES**

- (a) The service sink shall be equipped with hot and cold water. The use of handwashing, utensil-washing or equipment-washing, or food preparation sinks for this purpose is prohibited.
- (b) Bar areas must include a dump sink

## **SECTION 2. 12 TOILET FACILITIES**

- (a) Toilet facilities shall be provided for the proprietor and employees of the food facility during working hours and for the patrons of food facilities that offer seating. Toilet facilities shall be installed in accordance with and in the number required by the local plumbing code.
- (b) Toilet rooms shall be constructed with easily washable floors and walls and self-closing doors and shall be well-illuminated and vented to the outside. Toilet rooms for patron use shall be located so as not to require the patron to pass through any food preparation area.

## **SECTION 2. 13 GREASE INTERCEPTORS**

The design, installation and maintenance of grease interceptors shall comply with the requirements of the Water Pollution Control Authority or Connecticut's Regulations and Technical Standards for Subsurface Sewage Disposal Systems.

## **SECTION 2. 14 TIME OR TEMPERATURE CONTROLLED FOR SAFETY FOOD PREPARATION AND STORAGE**

- (a) Refrigeration
  - (1) Where time or temperature controlled for safety foods are displayed, transported or served, a refrigerated system capable of holding all such foods 41°F or below shall be provided and used.
  - (2) Refrigeration systems shall be kept clean and in good repair.
  - (3) Foods shall be stored in the refrigerator so as to permit the free circulation of cold air and in a manner to prevent contamination.
  - (4) Ice shall be from approved sources and handled in a sanitary manner.
- (b) Hot Food Holding
  - (1) Hot food holding units shall be kept clean and in good repair.

## **Section 2. 15 Product Thermometers**

Metal stem type numerically scaled indicating thermometers, accurate to within 2°F, shall be provided and used to assure the attainment and maintenance of proper internal cooking, holding, or refrigeration temperatures of all time or temperature controlled for safety foods.

## **SECTION 2. 16 FROZEN FOODS**

Frozen foods, intended for sale in the frozen state, that have been allowed to defrost or partially defrost shall not be sold nor shall they be refrozen.

## **SECTION 2. 17 MILK**

Milk and milk products shall be served in the original, individual container in which they are received from the distributor or from a mechanically refrigerated bulk milk dispenser. Where a bulk dispenser for milk is not available and portions of less than 1/2 pint are required for beverage, cereal, dessert or similar service, milk and milk products may be poured from a commercially filled container into a clean and sanitary service dispenser.

## **SECTION 2. 18 SHELLFISH**

All shellfish shall comply with Sections 19-13-B64 through 19-13-B77 of the State Public Health Code.

## **SECTION 2. 19 SASHIMI/SUSHI**

### **(a) Use of Vinegar**

Vinegar may be used as a condiment for rice used in the preparation of sushi but will be considered to be a flavor-enhancer only unless a variance is given by the State Department of Public Health.

### **(b) Required Approvals for Sashimi/Sushi**

- (1) Any establishment serving sashimi/sushi must have the facilities to maintain a separate pre-freezing, storage, and preparation area, for the fish.
- (2) A written procedure for the handling of fish and rice must be submitted to the Director of Health for approval.
- (3) The approved procedure cannot be changed without prior written approval from the Director of Health.
- (4) All other provisions of Sections 2.1-2.27 of this code shall apply.

## **SECTION 2. 20 PESTICIDES**

Poisonous pesticides used in food facilities shall be colored other than white and shall be used in closed bait boxes.

## **SECTION 2.21 LINENS**

Tablecloths, napkins and other table linens shall be laundered and cleaned for each sitting.

## **SECTION 2. 22 SEWAGE SYSTEMS**

- (a) Non-water carried sewage systems shall only be permitted in temporary food establishments and itinerant food vendors where such systems pose no threat to public health and are separate from the establishment.
- (b) Where no public sewage system is available, a private sewage system that meets all requirements of this code and has been approved by the Director of Health may be used.

## ***ARTICLE 3 FOOD ESTABLISHMENTS***

## **SECTION 2. 23 REQUIREMENTS**

Food establishments shall comply with the requirements of this code and most current version of the FDA Food Code.

## **SECTION 2. 24 MECHANICAL CLEANING AND SANITIZING**

A commercial, automatic sequence dish machine capable of washing, rinsing and sanitizing the utensils shall be provided in food establishments where multi-use eating and drinking utensils are employed for customer use.

## ***ARTICLE 4 TEMPORARY FOOD ESTABLISHMENTS***

## **SECTION 2. 25 REQUIREMENTS**

Temporary food establishments shall comply with the requirements of this code and the most-current version of the FDA Food Code

## **SECTION 2. 26 GENERAL**

A temporary food establishment shall be located in clean surroundings and be kept in a clean and sanitary condition. All food intended for use or sale must come from an approved food facility.

## **SECTION 2. 27 TIME OR TEMPERATURE CONTROLLED FOR SAFETY FOOD**

Only those time or temperature controlled for safety foods requiring limited preparation such as hamburgers and hot dogs, shall be prepared or served. The preparation of time or temperature controlled for safety foods including cream-filled pastries, eclairs, custards, custard pies and similar products, meat, poultry, fish or salads containing any meat, poultry or fish is prohibited. This prohibition does not apply, if it can be shown to the satisfaction of the Director of Health, that the potentially hazardous food will be prepared, packaged, stored, displayed and transported under conditions meeting, the provisions of this code and the most-current version of the FDA Food Code.

## **SECTION 2. 28 ICE**

All ice shall be obtained from an approved source. Storage and dispensing of ice shall be in a manner which protects it from contamination.

## **SECTION 2. 29 WASTE**

All waste, including sewage, liquid and solid waste, shall be disposed of in a manner that does not create a public nuisance or a threat to public health.

# ***ARTICLE 5 CATERING FOOD SERVICE***

## **SECTION 2. 30 REQUIREMENTS**

All catering food service operations shall comply with the requirements of this code and the most current version of the FDA Food Code.

# ***ARTICLE 6 FOOD STORES***

## **SECTION 2. 31 REQUIREMENTS**

Food stores shall comply with the requirements of this code and the most-current version of the FDA Food Code.

## **SECTION 2. 32 FROZEN FOOD**

- (a) Frozen foods that have been allowed to defrost or partially defrost shall not be refrozen and shall not be sold unless advertised as a previously frozen product.
- (b) Frozen foods, intended for sale in the frozen state that have been allowed to defrost or partially defrost shall not be sold nor shall they be refrozen.

## **SECTION 2. 33 INSPECTION**

- (a) At least once every twelve (12) months, the Director of Health, or a sanitarian, who has been certified by the Commissioner, shall inspect each food store and shall make additional inspections and reinspections as are necessary for the enforcement of this code.
- (b) The Director of Health, or authorized agent, after proper identification, shall be permitted to enter, at any reasonable time, any food store for the purpose of making inspections to determine compliance. The Director of Health shall be permitted to examine the records of the store to obtain information pertaining to food and supplies purchased, received or used and persons employed, but not including financial records.

## ***ARTICLE 7 ITINERANT VENDING BUSINESS***

## **SECTION 2. 34 REQUIREMENTS**

Itinerant food vendors shall comply with the requirements of this code and the most-current version of the FDA Food Code.

## CHAPTER 3 SEWAGE DISPOSAL

### SECTION 3.1 DEFINITIONS

For the purpose of this chapter,

- (a) **“Area of Special Concern”** means an area with soil conditions which would require special design considerations. This may include soils with a very slow or very fast percolation rate, areas with shallow groundwater or ledge, areas with excessive slope, wetlands, or areas located near a public water supply.
- (b) **"Fill and drain bathtub"** means any basin intended for bathing or recreational purposes which does not have a controlled water supply providing recirculation or filtration and disinfection and may have a hydro-jet system.
- (c) **"Spa"** means any pool, whirlpool, or hot tub which has a controlled water supply providing recirculation or filtration and disinfection and may have a hydro-jet system.
- (d) **"Structure"** means anything constructed or erected which requires location on the ground or attachment to something having a location on the ground, including, but not limited to, buildings, swimming pools, tennis courts, towers, paddle or platform tennis courts, docks, balconies, porches, decks, handicapped ramps, signs, permanent awnings, ground mounted antennas, ground mounted solar panels, satellite dishes and walls or fences which require footings.
- (e) **"Building conversion"** means the act of winterizing a seasonal use building into year round use by providing one or more of the following: (A) a positive heating supply to the converted area; or, (B) a potable water supply which is protected from freezing; or, (C) energy conservation in the form of insulation to protect from heat loss.
- (f) **"Change in use"** means any structural, mechanical or physical change to a building which allows the occupancy to increase; or the activities within the building to expand or alter such that, when the building is fully utilized, the design flow or required effective leaching area will increase.
- (g) **"Code-complying area"** means an area on a property where a subsurface sewage disposal system can be installed which meets all requirements of Section 19-13-B103 of the State Public Health Code, and the Technical Standards except for the one hundred percent reserve leaching area referred to in Section VIII A of the Technical Standards.
- (h) **"Technical Standards"** means those standards established by the Commissioner of Public Health in the most recent revision of the publication entitled "Technical Standards for Subsurface Sewage Disposal Systems" prepared pursuant to Section 19-13-B103d(b) of the State Public Health Code.

## SECTION 3.2 NEW CONSTRUCTION, ENLARGEMENT OR CHANGE OF USE

- (a) No person shall construct, alter, repair or enlarge a subsurface sewage disposal system that serves any existing building or structure without first having obtained the written approval 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 separate subsurface sewage disposal system without first having obtained written approval from the Director of Health.
- (c) No person shall construct or install any new building or structure on any lot or site which requires a separate subsurface sewage disposal system without first having obtained the written approval of the Director of Health.
- (d) When approval is required in accordance with Chapter 3, Section 3.2 (b) of the Aspetuck Health District Sanitary Code, and a public sanitary sewer is available as defined by the Water Pollution Control Authority, the Director of Health shall require connection to the public sanitary sewer at the time of repair, except with the permission of the Director of Health when a hardship can be demonstrated to the satisfaction of the Department.
- (e) No building addition/renovation that increases the design flow or footprint of the dwelling will be approved unless a Licensed Septic Installer or a Professional Engineer inspects the existing septic system. The existing septic system must be functioning normally in order to gain approval from the Health District. New Septic systems that were installed less than five (5) years from the date of the application are exempt from the required inspection, unless required by the Director of Health based on inspection history.
- (f) Dwellings that are demolished and rebuilt new shall not be approved until the applicant has met the same requirements as new construction except for 100% reserve area. Dwellings that keep three (3) existing load-bearing walls and the existing foundation shall be exempt from this requirement.
- (g) Enlargement or remodeling which requires a building permit, change of present use of any existing building or structure, building conversion, or construction of a structure on the same property (lot) as the building served will not be approved by the Director of Health if the building or structure is served by a cesspool.
- (h) No inground pool, tennis court or sport court shall be approved until a Licensed Septic Installer or a Professional Engineer inspects the septic system serving the dwelling. The existing septic system must be functioning normally in order for the Health District to approve the project.
- (i) The Aspetuck Health District will not issue an approval for any project without documentation that the septic tank(s) on the property have been pumped out within the last five (5) years.
- (j) If public sewers are not available, no permit to construct shall be issued for a

building conversion, change in use, building addition, garage (attached or detached), accessory structure, below or above ground swimming pool, tennis court, or approval for a lot line relocation, unless it has been determined by the Director of Health that a code complying area exists on the lot for the installation of a subsurface sewage disposal system. In no case shall a relocated lot line violate Subsection 19-13-B103(d) of the State Public Health Code which requires that each subsurface sewage disposal system be located on the same lot as the building served.

- (k) The Director of Health shall require expansion of the existing sewage disposal system or installation of a new sewage disposal system at the time of a building conversion, change of use, or building addition, whenever the proposed building conversion, change of use, or building addition, results in more than a 50% increase in the design flow.
- (l) When existing septic tanks are encountered which lack secondary safety devices on riser assemblies, it is the licensed installer's responsibility to bring this into compliance per the Technical Standards.

### **SECTION 3.3 SUBMISSION OF PLAN AND APPLICATION; APPROVAL TO CONSTRUCT**

- (a) All applications to construct a subsurface sewage disposal system shall be signed by the property owner or duly authorized agent of the property owner.
- (b) No person shall construct or install, alter or repair any new or existing subsurface sewage disposal system without first submitting a written proposal or plan and completed application by a licensed installer or registered professional engineer for review by the Director of Health for compliance with the State Public Health Code and the Aspetuck Health District Sanitary Code.
- (c) A Professional Engineer licensed in Connecticut shall submit the design plan for a septic system for new construction.
- (d) Engineer site plans for a subsurface sewage disposal system in an area designated as "An Area of Special Concern" shall have two (2) benchmarks established on the plan.
- (e) No person shall construct or install, alter or repair any new or existing subsurface sewage disposal system without first obtaining an approval to construct. The approval to construct must be signed by the licensed installer. The licensed installer must submit 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, to the Director of Health.
- (f) The Aspetuck Health District shall not process any applications to construct or install any new subsurface sewage disposal system nor process applications to alter or repair an existing subsurface sewage disposal system where knowledge of

soil conditions is not available from soil testing and evaluations of the site or subdivisions. Soil data must be acceptable to the Director of Health.

- (g) The Director of Health may refuse to issue an approval to construct a new or alter an existing subsurface sewage disposal system where connection to the public sewer is available.
- (h) The Director of Health may refuse to issue an approval to repair an existing subsurface sewage disposal system where connection to the public sewer is available. Such connection shall then be ordered by the Director of Health.
- (i) The Aspetuck Health District reserves the right to refuse to grant permits for any installer who has failed to provide an as-built for any completed job, for a period of 30 days or more from the completion of said job. Completion of a job is defined here as the date the Sanitarian performed the final inspection.

### **SECTION 3.4 WAIVER**

- (a) In the case of a repair to an existing system, the Director of Health shall consider written requests for waivers of the current State Public Health Code requirements pertaining to separating distances of the subsurface sewage disposal system.
- (b) Such waivers shall be granted only when the repair cannot be affected in compliance with the State Public Health Code, and that such waiver is unlikely to cause a nuisance or health hazard.
- (c) No approval shall be granted for a building enlargement or expansion, change of use, or building conversion that would result in an increased design flow if the existing septic tank is less than 1000 gallons. An upgrade of the septic tank to current State Public Health Code requirements for size will be required.
- (d) Waivers shall not be granted by the Director of Health for separating distances of the subsurface disposal system to wells for new building construction, repairs, building conversions, building additions, changes in use, or the construction of attached or detached garages, accessory structures, below and above ground pools. The separating distance from a building addition, an attached or detached garage, an accessory structure or a below or above ground pool shall comply with Table I in Section II of the Technical Standards.

### **SECTION 3.5 LIMITATIONS**

- (a) No new subsurface sewage disposal system shall be placed in operation nor shall the building it serves be occupied until a permit to discharge has been issued by the Director of Health.
- (b) The issuance of any approval to construct or permit to discharge pursuant to the provisions of this code shall not be construed as a guarantee by the Director of

Health or the Aspetuck Health District or any employee or agent that the system will function satisfactorily, nor shall it in any way restrict the actions or powers of the Director of Health in the enforcement of any law or regulation.

- (c) Garbage grinders are prohibited in all dwellings served by subsurface sewage disposal systems.

### **SECTION 3.6 REQUIREMENTS**

The design and construction of subsurface sewage disposal systems shall comply with Sections 19-13-B100a, 19-13-B103 and 19-13-B104 of the State Public Health Code and the Technical Standards, pursuant to Section 19-13-B103 and as otherwise provided in this Chapter.

### **SECTION 3.7 PROPER DISCHARGING OF WASTES FROM FILL AND DRAIN BATHTUBS OR SPAS/HOT TUBS**

- (a) The drainage of wastewater from a fill and drain bathtub or spa/hot tub can be discharged directly onto the ground as long as it has no chlorine or bromine residue (less than one part per million). Residue can be minimized by not disinfecting for several days prior to draining and by keeping the tub open to the sun. The wastewater discharge shall:
  - (1) seep directly into the ground and shall not be allowed to run off into any surface water body, storm drain, or onto any neighboring property and
  - (2) be 25 feet away from any water supply well, subsurface sewage disposal system, surface water body, storm drain or wetland.
- (b) Filtration backwash wastewater from spas/hot tubs can only be discharged to a waste water disposal system. No discharge will be allowed to the ground, or a storm drain, pond, lake, river or wetland.

### **SECTION 3.8 SOIL EVALUATION AND TESTING**

- (a) The results from soil evaluation and testing conducted between June 1 and December 1 may be accepted at the discretion of the Director of Health. The Director of Health has the right to require monitoring for ground water levels during periods of seasonal high groundwater.
- (b) For new lots, where percolation tests and deep observation pits are required, a minimum of three pits shall be provided at the proposed primary site, and two other pits or holes shall be located at the designated reserve area. At a minimum, two percolation tests shall be required, one in the proposed primary site and one in the designated reserve area.
- (c) For a repair or alteration, where percolation tests and deep observation pits are required, three deep observation pits or holes and one percolation test shall be required, at a minimum

- (d) Field stakes or markers shall be provided by the applicant at all proposed test pits and at septic tanks where location is being verified for a proposed building alteration.
- (e) No soil evaluation shall be conducted by the Aspetuck Health District unless an application for observation pits or holes and percolation tests is filed.
- (f) It is the responsibility of the applicant to properly identify and locate all deep observation pits or holes and to log the percolation tests to the satisfaction of the Director of Health.
- (g) The Aspetuck Health District reserves the right to reschedule any scheduled testing in the case of significant rainfall, snow cover, or any other condition which precludes or hinders the overall assessment of a property or lot.
- (h) The Aspetuck Health District reserves the right to require soil re-testing with an engineer if property conditions are encountered that, in the opinion of the Sanitarian, warrant engineer involvement. The property owner and all affiliated parties involved in the testing process understand that if they choose to forego an on-site engineer during the initial testing process, and one is then determined to be needed, project time frames will be lengthened
- (i) A minimum of 48 business hours advance notice must be provided to Aspetuck Health District before performing any portions of work which require inspection by this office. Proper notice is considered to be verbal or electronic communication with the Sanitarian assigned to the job, and confirmation by the Sanitarian of such. Failure of an installer to follow this protocol may result in system components needing to be removed.

### **SECTION 3.9 ABANDONMENT OF SEPTIC TANKS, CESSPOOLS AND LEACHING PITS**

The owner of any septic tank, cesspool and/or any hollow leaching structure or pit which is no longer used, or which has been abandoned shall have the unit pumped empty, crushed and the structure filled to prevent harm and contamination. If the septic tank will be repurposed, a written proposal of the proposed use is required.

- (a) All abandonment waivers for hollow structures, including but not limited to septic tanks, cesspools or leaching pits, shall be added to the property record via a land recording through the local Town offices.

## CHAPTER 4 WATER SUPPLY

### SECTION 4.1 DEFINITIONS

For the purpose of this chapter,

- (a) **"Private Water Supply"** means any source of water supply serving a single residence and used for drinking or other domestic use.
- (b) **"Public Water Supply"** means a water supply with at least two service connections (consumers).
  - (1) **"Non-Community Water System"** means a public water system that serves at least twenty-five (25) persons at least (60) days out of the year and is not a community or seasonal water system.
- (c) **"Structure"** means anything constructed or erected which requires location on the ground or attachment to something having a location on the ground including but not limited to, buildings, swimming pools, tennis courts, towers, paddle or platform tennis courts, docks, balconies, porches, decks, handicapped ramps, signs, permanent awnings, ground mounted antennas, ground mounted solar panels, satellite dishes and walls or fences which require footings.
- (d) **"Water Supply"** means the water source and any water collection, treatment, storage, or distribution facilities.

### SECTION 4.2 CROSS CONNECTIONS

No physical connection between a private water supply and any unprotected, questionable, or nonpotable water source, nor any source of pollution through which the potable water supply might become contaminated, shall be permitted unless the interconnection is acceptable to the Director of Health.

### SECTION 4.3 INSTALLATION OF SUBSURFACE SEWAGE DISPOSAL SYSTEMS, BUILDINGS OR STRUCTURES NEAR PRIVATE WELLS

No person shall construct or install any new building or structure on any lot or site which contains a private water supply well without first having obtained the written approval of the Director of Health.

### SECTION 4.4 PROTECTION AND ABANDONMENT OF WELLS

- (a) Wells shall be protected from contamination and from presenting harm to humans and/or livestock.
- (b) The owner of any well which is no longer used or which has been abandoned shall have the well sealed in a manner approved by the Director of Health and in

accordance with the Well Drilling Code Regulations. The owner shall notify the Director of Health of any such abandonment.

#### **SECTION 4.5 APPROVAL OF WATER SUPPLY**

- (a) No person shall use, or allow to be used, a non-community or private water supply until final approval has been issued by the Director of Health.

Potability testing may be done, provided that it is done by a State approved laboratory. The sampling shall be done by a certified laboratory technician, and the results shall be forwarded to the Aspetuck Health District.

- (b) Final approval of the raw water supply shall be based upon the Director of Health's review of the laboratory analysis report and Sections 19-13-B101 and 19-13-B102 of the State Public Health Code.

## CHAPTER 5 HOUSING

### SECTION 5.1 DEFINITIONS

For the purpose of this chapter.

- (a) **"Basement"** means a portion of a building located partly underground but having less than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- (b) **"Cellar"** means a portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- (c) **"Lodging, Rooming or Boarding House"** means any house or building or portion thereof, in which not fewer than 6 persons are harbored, received or lodged for hire, or any building or part thereof, which is used as a sleeping place or lodging for not fewer than 6 persons not members of the family residing therein.
- (d) **"Rental Dwelling"** means any house or building, or portion thereof, which is rented, leased or hired out to be occupied, as the home or residence of one or two families but shall not include a tenement house.
- (e) **"Tenement House"** means any house or building, or portion thereof, which is rented, leased or hired out to be occupied, as the home or residence of three or more families, living independently of each other, and doing their cooking upon the premises, and having a common right in the halls, stairways or yards and may be designated as an apartment building, or multiple family dwelling or by any other name.

### SECTION 5.2 PROHIBITED OCCUPANCIES

No unfinished basements or cellars, hallway, closet, bathroom or any room where there is a water closet or any place dangerous or prejudicial to life or health shall be used for a place of sleeping or residence.

### SECTION 5.3 SEWAGE AND WATER

No person shall rent, lease or permit the use of a rental dwelling in a house or building unless the sewage disposal system and water supply are adequately sized, installed and approved for such use.

## **SECTION 5.4 TENEMENT, LODGING OR BOARDING HOUSES**

All tenement, lodging, rooming, or boarding houses shall comply with Sections 47a-50 through 47a-55 of the Connecticut General Statutes.

## **SECTION 5.5 RENTAL DWELLINGS OTHER THAN TENEMENT OR LODGING HOUSES**

All rental dwellings other than tenement or lodging houses shall comply with Section 47a-52 of the Connecticut General Statutes.

## **SECTION 5.6 SUSPENSION OR TERMINATION OF ESSENTIAL SERVICES**

All suspensions or terminations of essential services shall comply with Sections 19a-109 and 19a-214 of the Connecticut General Statutes.

## **SECTION 5.7 NUISANCES**

Any tenement, lodging, rooming or boarding house or rental dwelling not in compliance with the Connecticut General Statutes and the State Public Health Code or found to be in any unsanitary or unsafe condition, shall be deemed by the Director of Health a nuisance as described in Section 19a-206 of the Connecticut General Statutes and Sections 19-13-B1, 19-13-B21 and 19-13-B25 of the State Public Health Code.

## **SECTION 5.8 EMERGENCY ACTION**

Whenever an emergency exists which requires immediate action to protect the public health, welfare and safety, the Director of Health may, without notice or hearing, issue an order stating that the emergency exists and require that immediate action be taken to meet the emergency. The person to whom the order is issued shall comply immediately but may request and be granted a hearing on the matter before the commissioner as set forth in Section 19a-229 of the Connecticut General Statutes.

## **SECTION 5.9 CONDEMNATION AND ORDERS TO VACATE**

The designation of any tenement, lodging, rooming or boarding house, or rental dwelling as unfit for human habitation and the procedure for condemnation and placarding of such unfit tenement, lodging, rooming or boarding house, or rental dwelling and orders to vacate, shall be carried out in compliance with the following requirements:

- (a) Any tenement, lodging, rooming or boarding house or rental dwelling which shall be found to have any of the following defects shall be condemned as unfit for human habitation, and shall be so designated and placarded by the Director of Health:
  - (1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.

- (2) One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
- (3) One which because of its general condition is unsanitary, or otherwise dangerous to the health or safety of the occupants or of the public.
- (b) Any tenement, lodging, rooming or boarding house, or rental dwelling condemned under this chapter and so designated and placarded by the Director of Health shall be vacated within not less than twenty-four hours nor more than ten days as ordered by the Director of Health.
- (c) No tenement, lodging, rooming or boarding house, or rental dwelling which has been condemned and placarded as unfit under this chapter shall again be used for human habitation until written approval is secured from and such placard is removed by the Director of Health. The Director of Health shall remove such placard whenever the defect or defects, upon which the condemnation and placarding action was based, have been eliminated.
- (d) No person shall deface the placard from any tenement, lodging, rooming or boarding house, or rental dwelling, which has been condemned as unfit for human habitation and placarded as such, except as provided above. Whoever violates this provision shall, upon conviction, be subject to the fines and penalties set forth in Section 1.6 of this code.
- (e) Any person affected by any notice or order relating to the condemning and placarding of a tenement, lodging, rooming or boarding house, or rental dwelling under this chapter may request and shall be granted a hearing on the matter before the health Commissioner as set forth in Section 19a-230 of the Connecticut General Statutes.
- (f) Nothing in this chapter shall be interpreted as precluding any private right of action of any person against an owner, occupant or person in charge of the placarded structure.

## CHAPTER 6 NUISANCES

### SECTION 6.1 DEFINITIONS

For the purpose of this chapter,

- (a) **"Offensive Material"** means any sewage, fecal material, manure, garbage, refuse, dead animals or any putrescible organic matter.
- (b) **"Nuisance"** shall be as defined in Section 19-13-B1 of the State Public Health Code.

### SECTION 6.2 DECLARATION OF NUISANCES

Whenever any condition, situation, thing or things which, for reasons of being insanitary, un-clean or filthy, obnoxious, foul or unhealthy, presents a threat to public health and comfort, the Director of Health shall declare such condition, situation, thing or things a nuisance.

### SECTION 6.3 OFFENSIVE MATERIAL

- (a) No person shall permit, deposit, store or hold any offensive material on any premises or place, in any building or structure, unless such material is so treated, screened, covered or placed as not to create a nuisance. All cans and containers for the storage of offensive material shall completely confine the material, shall be animal, rodent and insect proof and shall be kept in an inoffensive and sanitary condition at all times.
- (b) No person shall remove or transport or permit the removal or transportation of any offensive material except in such a manner and in such conveyances as will prevent the creation of a nuisance or the loss or discharge of such material. All vehicles and implements used in connection therewith shall be kept as not to create a nuisance.
- (c) No person shall burn any offensive material unless written approval has been issued by the Director of Health and the local Fire Marshal/burning official for such burning in an apparatus approved by the Director of Health or the local Fire Marshal/burning official.

**CHAPTER 7 PUBLIC POOLS, BATHING PLACES  
AND PUBLIC BATHING ESTABLISHMENTS**

***ARTICLE I GENERAL PROVISIONS***

**SECTION 7.1 DEFINITIONS**

For the purpose of this chapter,

- (a) **"Bathing Place"** means an artificial bathing place as defined 'in Section 19-13-B34 of the State Public Health Code.
- (b) **"Pool or Bathing Place Operator"** means the person in charge at a public pool or bathing place.
- (c) **"Public Pool"** means any artificial basin as defined in Section 19-13-B33b of the State Public Health Code.

**SECTION 7.2 PERMITS**

(a) General

No person shall operate or maintain or permit the use of any pool or bathing place who does not have a valid permit issued by the Aspetuck Health District. Only a person who complies with the requirements of this code shall be entitled to receive or retain such a permit.

- (1) Permits shall be valid until April 30th of the following year, in which they were issued unless revoked by the Director of Health, or until such time as the pool or bathing place changes ownership, closes, or goes out-of-business.
- (2) Permits shall not be transferable from person to person, nor from location to location. The valid permit shall be posted in a location easily observed by patrons.

(b) Issuance of Permits

- (1) Any person desiring to operate a pool or bathing place shall make written application for a permit at least thirty days prior to opening on forms provided by the Aspetuck Health District.
- (2) Prior to approval of an application for a permit, the Aspetuck Health District shall inspect the pool or bathing place to determine compliance with the requirements of the code.
- (3) The Director of Health shall issue a permit to the applicant if its inspection reveals that the pool or bathing place complies with the requirements of the code.

(c) Permit Revocation/Nonrenewal

The Director of Health may revoke or refuse to renew the permit of any person for failure to comply with the provisions of this code. Written notice of such failure to comply, setting forth the violations and revocation (or nonrenewal) notice shall be delivered to the permit holder or person in charge forty-eight (48) hours prior to such revocation or non-renewal. A revoked permit shall be removed from the premises by the Director of Health.

(d) Permit Reinstatement

After a period of sixty days from the date of revocation or refusal to renew, a written application may be made for the issuance of a new permit.

## SECTION 7.3 CLOSURE

(a) Pools

The Director of Health may order a pool to cease operation when it is found that any one or several of the following conditions exist:

- (1) the required minimum disinfectant residual is not maintained:

Swimming Pools:

The free available chlorine residual is less than 0.8 mg/l or less than 1.5 mg/l when cyanuric acid or chlorinated isocyanurates are used.  
The bromide residual is less than 1.5 mg/l.

Whirlpool Spas:

The free available chlorine residual is less than 1.0mg/l. The bromine residual is less than 3.0 mg/l or greater than 5.0 mg/l.

- (2) the temperature of the whirlpool or spa water exceeds 104°F;
- (3) the drain covers or grates are not secure;
- (4) the clarity of the water does not comply with the provisions of Section 19-13B33b of the State Public Health Code;
- (5) there is a malfunction or nonfunction of the recirculating system or severe structural deficiencies that create a hazard to patrons;
- (6) the safety equipment required by Section 19-13B33b of the State Public Health Code is not provided;
- (7) such public pool is operating without a valid permit issued by the Aspetuck Health District.
- (8) Where severe structural deficiencies and/or disrepair of the public pool presents a substantial and imminent safety hazard to the pool patrons. This would include a non-functional water circulation/filtration system.

- (9) Where a discharge of fecal matter into the pool water has occurred.

(b) Bathing, Places

The Director of Health may order a bathing place to cease operation when it is found that any one or several of the following, conditions exist:

- (1) the microbiological quality of the bathing place water is below standards set by the Commissioner;
- (2) the safety equipment required by Section 19-13-B34 of the State Public Health Code is not provided;
- (3) such bathing place is operating without a valid permit issued by the Aspetuck Health District.

(c) Procedure For Closure

- (1) Closure under this section shall be effective immediately upon the delivery of written notice to the person in charge at the pool or bathing place by the Director of Health.
- (2) Pools and bathing places closed under this section shall remain closed until written approval to reopen has been issued by the Director of Health.

***ARTICLE 2 POOLS***

**SECTION 7.4 REQUIREMENTS**

Pools shall comply with Section 19-13-B33b of the State Public Health Code and as otherwise provided in this chapter.

**SECTION 7.5 POOL WATER TESTING**

- (a) Chemical tests for disinfectant residual and pH shall be performed at least three times a day during the operating season. Testing for alkalinity shall be performed weekly and within three hours of the addition of make-up water to the pool. Records of chemical test results shall be maintained at the pool site.
- (b) Testing equipment for measuring total alkalinity shall be available at each pool.

**SECTION 7.6 SAFETY AND INFECTION CONTROL**

- (a) Where there is a change in the slope of the pool bottom, a safety line shall be provided across the pool at the change in slope. This line shall be attached to the pool wall by recessed anchors and equipped with floats not more than five feet

apart. This safety line shall be kept in place at all times and in all areas of the pool except during competitive swimming events and in areas lane float lines are used.

- (b) No glass containers or glass objects, other than pool test equipment and eyeglasses, pets, or foods shall be permitted in the pool or on the pool deck.
- (c) No person having a skin eruption, open wound, sore, lesion or eye, ear or throat infection shall be permitted to use the pool.
- (d) There shall be a pool operator present at the pool site at all times that the pool is open for patrons. The pool operator shall be capable of performing safety inspections of the pool site and chemical tests of the pool water and is responsible for performing and recording the results of such inspections and tests.
- (e) All persons wearing diapers should wear swimsuit diapers or tight-fitting rubber or plastic pants.

## **SECTION 7.7 REQUIREMENTS**

Bathing places shall comply with Section 19-13-B34 of the Public Health Code of the State of Connecticut and as otherwise provided in this chapter.

## **SECTION 7.8 BATHING PLACE OPERATOR**

At all times, the bathing place must be under the close supervision of a bathing place operator. A bathing place operator shall be at least 18 years of age and shall be present in the bathing area at all times when the bathing place is open to patrons. The bathing place operator shall be capable of performing safety inspections of the bathing place and is responsible for performing and recording the results of such inspections.

## **SECTION 7.9 PUBLIC BATHING ESTABLISHMENTS**

Public bathing establishments associated with bathing places shall comply with Section 19-13-B36 of the State Public Health Code.

## CHAPTER 8 BARBERSHOPS, HAIRDRESSING AND COSMETOLOGY SHOPS

### ARTICLE 1 GENERAL STANDARDS AND REQUIREMENTS

#### SECTION 8.1 DEFINITIONS

For the purpose of this chapter,

- (a) **"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, dying, coloring or styling of the hair.
- (b) **"Barbershop"** means any establishment engaged in the practice of barbering for the public.
- (c) **"Business"** means any commercial or industrial undertaking of any kind or nature to provide professional, personal, or other services for the purpose of gain or profit.
- (d) **"Changing Room"** means a separate and discrete area, not a toilet facility, where customers may change from their street clothes to a gown prior to receiving services.
- (e) **"Director of Health"** means the Director of Health for the towns that have joined the Aspetuck Health District, or his/her duly authorized representative.
- (f) **"Disinfect"** means to use a chemical or physical process to destroy harmful organisms, including bacteria, viruses, germs, and fungi.
- (g) **"Establishment"** means any premises, building, or part of a building, where any cosmetology activity permitted by the Aspetuck Health District, is practiced.
- (h) **"Hairdressing and Cosmetology"** shall have the meaning ascribed to it per Section 20-250 (4) of the Connecticut General Statutes
- (i) **"Hairdressing or Cosmetology Shop"** means any establishment engaged in the practice of hairdressing, cosmetology, or barbering for the public. For the purposes of this term, it also includes establishments performing esthetics, nail tech, eyelash tech, or any of the services noted under section 8.1(n)(2) of this code.
- (j) **"Independent Contractor"** means any person who follows an independent trade, business, or profession in which they offer their services to the public. They are generally **not** employees of the company and perform services for another person under an expressed or implied agreement.

- (1) Any rented "workstation" such as a barber chair, mobile manicure station, or mobile pedicure station, need not be separately permitted.
  - (2) All separate businesses or establishments, e.g., a "salon within a salon" shall be separately permitted.
- (k) **"Mobile Workstation"** means any modular space which can be used for multiple purposes through the use of mobile equipment.
- (l) **"Nail Technician"** means any person, who for compensation, cuts, shapes, polishes or enhances the appearance of the healthy nails of the hands and feet, including but not limited to, the application and removal of sculptured or artificial nails.
- (m) **"Operator"** means any person, including, but not limited to, a licensed hairdresser/cosmetician or barber, or unlicensed person who is performing tasks allowed under the scope of this Code and the Public Health Code of the State of Connecticut.
- (n) **"Other Services"**
- (1) The following described practices can be performed by an unlicensed individual:
    - (a) Shampooing of the hair
    - (b) Braiding hair
  - (2) Any establishment offering botox injections, tattooing, body piercing, laser treatments, or permanent make-up shall provide the following upon request:
    - (a) Name of licensed physician providing direct supervision.
    - (b) Copy of physician's current CT license.
    - (c) Letter of inspection dated and signed by physician (annually).
    - (d) Credentials and training certificate of individual providing procedures.
    - (e) Record of annual Blood Borne Pathogens Training.
    - (f) The procedure for removing sharps container from the premises.
    - (g) List of personal protective equipment used by provider.
    - (h) Procedure for decontamination and sterilization of equipment and surfaces.
    - (i) Procedure for handling contaminated linens.

- (o) **"Sanitize"** means to render free of visible soil, dust, foreign materials, and disease-causing agents, through the use of effective cleaning.
- (p) **"Shampoo Station"** consists of a shampoo sink (used for no other purpose) and a shampoo chair.
- (q) **"Working Area"** is defined as a separate room with at least one workstation, or a private room set aside to serve one customer at a time.
- (r) **"Workstation"** is defined as 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.

## **SECTION 8.2 PLAN REVIEW AND PRE-OPERATION INSPECTIONS**

- (a) Prior to any change of ownership, and prior to opening a new salon, a plan review application must be completed and the appropriate application fee paid.
- (b) No barbershop, hairdressing and/or cosmetology shop having a permanent location shall be relocated, constructed, remodeled or extensively altered, nor shall a structure be converted to use as a barbershop or hairdressing and/or cosmetology shop, except in accordance with plans and specifications approved by the Aspetuck Health District.
- (c) Two (2) sets of properly prepared plans drawn to a scale of not less than 1/4": 1', and specifications for such construction, remodeling or alteration shall be submitted to the Director of Health, or authorized agent, for review and approval **before** relocation, construction, remodeling, alteration, or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement and construction materials of work areas and the type and model of proposed fixed equipment, flooring material, and facilities. The Director of Health shall approve the plans and equipment specifications if they meet the requirements of this Code and the Public Health Code of the State of Connecticut.
- (d) Prior to the barbershop, hairdressing, and/or cosmetology shop's opening, the Director of Health, or authorized agent, shall conduct a pre-operational inspection to determine compliance with the approved plans and specifications and with the requirements of this Code and the Public Health Code of the State of Connecticut.

After receiving approval from the Aspetuck Health District, the owner/operator must obtain a Certificate of Occupancy (CO) from the Building Department, and a Zoning Certification of Compliance (ZCC) from the Planning and Zoning Department, if applicable. Upon receipt of the CO and ZCC, and a completed cosmetology application and appropriate fee, a valid permit will be issued by the Aspetuck Health District.

## **SECTION 8.3 PERMITS**

- (a) No barbershop or hairdressing and/or cosmetology establishment shall operate without a valid permit issued by the Director of Health. Only an establishment that complies with the requirements of this Code shall be entitled to receive or retain such a permit.

- (b) Every application for a permit must be accompanied by an annual permit fee as determined by the Aspetuck Health District. No fees will be prorated.
- (c) Applications for a permit shall be made on the appropriate forms furnished by the Director of Health. The owner shall provide his/her name, address, business address, and other pertinent information required, including copies of current Connecticut licenses and a valid form of government-issued photo identification (ID) for all employees performing services requiring licensure, and affix his/her signature to the application. All permits are valid for one (1) year or a portion thereof and are renewable on or before September 30 of each year. The chief corporation officers shall be designated as owners in the event of a corporation.
- (d) No permit shall be issued or renewed until a completed application has been submitted, the appropriate permit fee has been paid, and the barbershop or hairdressing and/or cosmetology shop meets the requirements set forth in this Code and all other applicable state and local regulations.
- (e) Permits shall be valid until the expiration date indicated on the permit unless suspended or revoked by the Director of Health or until such time as the facility changes owners or closes.
- (f) Permits are not transferable from owner to owner or from location to location.
- (g) The Director of Health, or authorized agent, after proper identification, shall be permitted to enter, during normal operating hours, any portion of any barbershop or hairdressing and/or cosmetology shop for the purpose of conducting inspections to determine compliance with this Code and the Public Health Code of the State of Connecticut.
- (h) Upon change of ownership, a temporary permit to operate a barbershop or hairdressing/cosmetology shop may be granted for a period to be determined by the Director of Health, or authorized agent. A temporary permit would also be required for conducting a public demonstration, a fund-raising event, or public convention.

#### **SECTION 8.4 INDEPENDENT CONTRACTORS**

- (a) Any barbershop, hairdressing, or cosmetology shop owner renting a chair, "workstation", or floor space shall state such on the permit application form.
  - (1) The renter must comply with all regulations set forth in this Code as well as the Public Health Code of the State of Connecticut.
  - (2) The shop owner will ensure that the renter safely performs his/her duties within their scope of practice.

## **SECTION 8.5 ANNUAL INSPECTIONS**

At least once a year, the Director of Health, or authorized agent, shall inspect each barbershop, hairdressing and/or cosmetology shop 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. Any shop offering pedicures as a service will be inspected at a minimum of twice a year.

## **SECTION 8.6 PERMIT SUSPENSIONS AND REVOCATION**

- (a) Failure to comply with the provisions of this Code and applicable State regulations shall be grounds for revocation or suspension of any permit issued under the provisions of this chapter.
- (b) In the event that the Director of Health, or authorized agent, finds unsanitary conditions in the operation of a barbershop or hairdressing and/or cosmetology shop, or if a violation or set of violations appears on more than one (1) consecutive inspection report, the Director of Health may immediately issue an Order to Correct to the permit holder or person in charge, as well as the renter (if applicable), 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 revoked or suspended.
- (c) The Director of Health may suspend, without warning, prior notice or hearing, any permit to operate a barbershop or hairdressing and/or cosmetology shop:
  - (1) if the operation constitutes an imminent hazard to public health, or
  - (2) if the owner, operator or person in charge has interfered with the performance of the Director of Health's duties,
  - (3) if there are unlicensed individuals performing services requiring licensure
- (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 sanitizer/disinfectant is not being used properly to thoroughly clean implements and equipment after each client; or
  - (3) the absence of potable water, supplied under pressure, in a quantity which, in the opinion of the Director of Health, is capable of meeting the needs of the facility; or
  - (4) the absence of adequate hot water supply (water to be maintained at 105°-115° F.), or

- (5) a sewage backup into the facility.
- (e) Suspension shall be effective **immediately** upon documentation of imminent public health hazard and/or interference with the Director of Health's duties per items (c) and (d) of this section. A written order to cease and desist to the permit holder of the facility from the Director of Health will follow within 24 hours. When a permit is suspended, all cosmetology operations within the establishment shall cease immediately and shall not resume until written approval to resume has been issued by the Director of Health. The Director of Health, or authorized agent, shall remove a suspended permit from the premises.
- (f) When a permit is suspended, the holder of a permit, or the person in charge, shall be notified in writing of the suspension, and an opportunity for a hearing will be provided if a written request for a hearing is filed with the Director of Health by the holder of the permit within seventy-two (72) hours. The Director of Health may end the suspension at any time by giving written notice to the permit holder if reasons for suspension no longer exist.
- (g) The permit holder who is aggrieved by such action of the Director of Health may, within seventy-two (72) hours after the making of such decision, appeal to the State Health Commissioner who shall thereupon immediately notify the authority from whose order the appeal was taken and examine the merits of such suspension and may vacate, modify, or affirm such suspension.

#### **SECTION 8.7 PERMIT REVOCATION/NONRENEWAL**

- (a) The Director of Health, after providing an opportunity for a hearing, may revoke or refuse to renew the permit of any establishment for serious or repeated violations of any of the provisions of this Code, or for interference with the Director of Health in the performance of official duties, or for cases where the permit to operate has been obtained through nondisclosure, misrepresentation or intentional misstatement of a material fact.
- (b) Prior to revocation or non-renewal, the Director of Health shall notify the permit holder, or person in charge, of the specific reason(s) for such revocation or non-renewal. The permit shall be revoked or not renewed at the end of ten (10) calendar days following the service of such notice.

#### **SECTION 8.8 PERMIT REINSTATEMENTS**

(a) Suspension

Whenever a permit has been suspended, the holder of the suspended permit may request a hearing with the Director of Health for permit reinstatement. Within five (5) working days following the receipt of a 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 Director of Health, or authorized agent determines that the applicant

has complied with the requirements of this Code and the State Public Health Code, the permit shall be reinstated and returned to the permit holder.

(b) Revocation/Non-renewal

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

## SECTION 8.9 HEARINGS

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

## SECTION 8.10 SERVICE OF NOTICE OR ORDERS

A notice or order provided for in this Code is properly served when it is delivered to the permit holder, or person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit. A completed and signed inspection report shall constitute a written notice.

## *ARTICLE 2 STANDARDS AND REQUIREMENTS*

## SECTION 8.11 EQUIPMENT AND FACILITIES

(a) Water Supply

An adequate supply of hot (minimum 105°F.) and cold running water, at proper temperatures, from a municipal or approved private source shall be provided for service for customers, cleanliness of employees and for washing floors, walls, ceilings and equipment. All sinks in the establishment must have hot and cold running water at all times. **Hot water at any faucet shall not exceed 115°F.**

(b) Equipment

Equipment used in the establishment must be commercial grade and designed for such purpose. Homemade equipment or equipment not designed for such purpose is prohibited.

(c) Waste Disposal

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

(d) Plumbing Fixtures

- (1) Plumbing fixtures shall be of impervious material and of a type that is easily cleanable. They shall be free from cracks and from parts that are not readily accessible for cleaning. They shall be of a type that does not constitute a hazard to a public water supply through back siphonage or cross-connection.
- (2) All plumbing installations and fixtures shall conform to applicable building and plumbing codes.
- (3) Shampoo sinks shall be used for barbering, hairdressing and cosmetology work only.
- (4) There shall be one (1) shampoo sink for every three (3) workstations, or any part thereof. Ex: Four (4) workstations would require two (2) shampoo sinks, ten (10) workstations would require four (4) shampoo sinks.
- (5) A **separate** and **designated** utility sink shall be provided for the following:
  - proper cleaning of surfaces, such as walls and floor
  - proper cleaning of equipment and implements
  - mixing of chemicals
- (6) At least one (1) hand wash sink shall be located in each work area, private treatment room and mixing area. Hand wash signs shall be posted at all hand sinks designating sinks as such.
- (7) A mop and mop sink must be provided for cleaning the floor and emptying the mop bucket.

(e) Floors

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

(f) Cove Base

Any cosmetology shop that offers hair dressing or barbering shall have properly fitted sanitary cove base installed (see Diagram 8c).

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

(h) Ventilation

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

(i) Cabinets

Cabinets shall be provided for storage of chemicals, clean linens, towels, blankets and gowns. Cabinets storing chemicals shall have tight-fitting doors that shall be kept closed at all times. Linens, towels, blankets and gowns are **not** to be stored on the floor or in a coat/utility closet.

(j) Receptacle for Used Towels and Gowns

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

(k) Refuse

(1) Refuse containers inside the establishment shall consist of an adequate number of covered garbage containers for hair droppings, paper and other waste material. The refuse containers shall be emptied daily and maintained in a sanitary manner.

(2) Refuse containers stored outside the establishment shall consist of an adequate number of approved garbage receptacles that have tight fitting lids which are kept closed at all times. The garbage receptacle area and property must be maintained in a clean manner, and free of litter at all times.

(l) Toilet Facilities

(1) Toilet facilities with hand wash sinks must be provided for customers and employees. Such facilities and washbasins shall be kept clean and in working order.

(2) Mechanical ventilation or an operational window is required.

- (3) Each bathroom facility shall provide a hand sink with hot and cold running water, a sanitary soap dispenser, toilet paper, and single-use paper towels and/or hand dryers for customers and employees.
- (4) The use of common soap for more than one (1) person is prohibited.
- (5) A covered refuse receptacle shall be provided in the ladies' room and/or unisex bathroom.
- (6) The door to the toilet room must be able to close properly and securely from the inside.

(m) Workstations

- (1) All products not stored in the original container **must be clearly labeled** at all stations.
- (2) A container with a sufficient amount of disinfectant, such as Barbicide, shall be located within easy access of all nail and pedicure stations. Hair salons may keep a container of disinfectant for brushes and combs at their stations or near the utility sink.
- (3) Chairs in workstations shall be at least fifty-four (54) inches apart, center to center.
- (4) A two (2)-foot wide workspace shall be maintained behind each operator's chair. A minimum of one and one-half (1 1/2) foot space shall be maintained between pedicure chairs.
- (5) Three (3)-foot wide aisles that are separate and discreet from work areas shall be maintained throughout the shop.
- (6) No hair dryers shall be placed in any waiting room or encroach on the required three (3)-foot wide aisle space.
- (7) Diagrams 8a and 8b (see end of this chapter) provide a schematic example for the proper design of the floor space.
- (8) Cleaning and disinfecting products shall be stored separately from cosmetology products.

(n) Barbershop or Hairdressing and/or Cosmetology Shop in Residence

- (1) A barbershop or hairdressing and/or cosmetology shop located in a residence must be confined to a separate room, separated with ceiling-high partitions and provided with a door to be closed and all times.
- (2) The area within a home operated as a barbershop or hairdressing and/or cosmetology shop must be equipped with all the facilities and instruments required in all such establishments and in conformance with all sections of this Code.

- (3) A bathroom must be located in the hair and/or nail salon which would be separate from the residence.

## SECTION 8.12 INFECTION CONTROL

### (a) OSHA Guidelines

In accordance with the Occupational Safety and Health Administration Blood Borne Pathogen Standard 29 CFR 1910.1030 established in 1992, each employer **must** ensure that housekeeping procedures are developed and implemented. These procedures should include the appropriate methods of decontamination and disinfection.

- (1) All surfaces or implements that have come in contact with blood and/or body fluids shall be thoroughly cleaned with warm, soapy water prior to disinfection. An **appropriate** disinfectant includes an EPA-approved tuberculocide or products registered against HIV/HBV (Hepatitis B Virus), or household bleach.
- (2) Following cleaning, surfaces shall be sprayed with an appropriate disinfectant and let stand for ten (10) minutes.
- (3) All implements that have come in contact with blood and/or body fluid shall be thoroughly cleaned and **completely** immersed in an appropriate disinfectant for ten (10) minutes.
- (4) All disposable materials that come in contact with blood and/or bodily fluids shall be double-bagged in sealable plastic bags and placed in the normal trash.
- (5) Items used to clean up minor cuts should be doubled-bagged and placed in normal trash.
- (6) All contaminated sharps (i.e., needles or broken glass) must be disposed of in a covered, puncture-proof and leak-proof "sharps" container that is labeled with the biohazard symbol.
- (7) All biohazard containers shall be properly removed and disposed of according to OSHA guidelines.
- (8) All contaminated laundry shall be placed in a leak-proof container or bag and laundered with soap and bleach as soon as possible.

### (b) Universal Precautions

Blood Borne Pathogens such as Human Immunodeficiency Virus (HIV) and Hepatitis B (HBV) can be transmitted by sharp objects or materials contaminated by blood and/or body fluids. It is prudent to treat all blood and potentially infectious body fluids **as though they are infectious**. Latex or hypoallergenic gloves **must** be worn during all clean-up procedures.

## SECTION 8.13 MAINTENANCE AND OPERATION

### (a) Licenses and Permits

- (1) The Health Department permit must be posted at the entrance of the establishment.
- (2) The establishment must keep a copy of full and part-time hairdresser's licenses at the front desk at all times for inspection by the Health Department.

### (b) General Cleanliness

- (1) Workstations must be kept clean of filing dust, nail clippings, and hair.
- (2) Cloth towels must be cleaned and disinfected after each customer.
- (3) Paper towels must be disposed of after each customer at nail/pedicure stations.
- (4) The permittee of every barbershop or hairdressing and/or cosmetology shop shall keep it in a clean and sanitary condition at all times.
- (5) No hair droppings or nail clippings shall be allowed to accumulate on the floor. Hair droppings and nail clippings should be removed frequently and as soon as possible, in such a manner as not to cause objectionable conditions.
- (6) Sleeping quarters shall not be located in any part of the establishment.

### (c) Walls, Ceilings and Fixtures

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

### (d) Sanitary Services

- (1) A towel shall not be used for more than one (1) customer without being properly laundered before each use.
- (2) A sanitary paper strip or clean towel shall be placed completely around the neck of each customer before an apron or any protective device is fastened around the neck.
- (3) A commercial linen service shall be used for laundering if not done on the premises. Clean towels shall be delivered in a closed container and kept in a clean, cabinet or closet. A copy of the laundering bill shall be made available to the health inspector upon request. Washing and/or drying of towels in one's private home is **prohibited**.

- (4) An EPA (Environmental Protection Agency) approved sanitizing and disinfecting agent shall be used when washing towels and linens on the premises.
  - (5) No person affected with any infectious disease shall be serviced.
  - (6) An adequate amount of clean towels/linens capable of meeting the needs of the establishment must be on site at all times.
- (e) Sanitation of Equipment and Implements
- (1) All equipment and implements coming in contact with a customer must be washed with a detergent (soap) product, rinsed, and then disinfected with a disinfectant such as Barbicide after each customer. Per the manufacturer's label, the contact time of Barbicide must be a minimum of ten (10) minutes on implements or equipment. Contact time less than ten (10) minutes does not qualify as disinfecting. The Barbicide solution must be diluted to the correct concentration, one (1) part Barbicide to sixteen (16) parts water, or, in accordance with the manufacturer's label. The solution must be changed daily or when visibly dirty.
  - (2) After **each** customer, the pedicure basins shall be cleaned in the following manner:
    - (aa) Scrub the basin using warm water, detergent or soap, and scrub brush.
    - (bb) Rinse thoroughly with warm water.
    - (cc) Spray with an EPA-approved disinfectant, e.g., Barbicide or Clorox solution.
    - (dd) Let stand for ten (10) minutes (use egg timer).
    - (ee) Rinse thoroughly with warm water.
  - (3) At the **end of each day**, the pedicure basins shall be cleaned in the following manner:
    - (aa) Remove screen and all debris trapped behind screen (each establishment must have the proper tool to remove the screen).
    - (bb) Scrub screen with a brush using warm water and detergent or soap, then immerse screen in an EPA-approved disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity.
    - (cc) Wash and scrub pedicure basin with warm water and detergent or soap; then rinse.
    - (dd) Fill pedicure bowl with warm water and add eight (8) ounces of Barbicide for each gallon of water that the pedicure bowl holds, or one (1) teaspoon 5.25% bleach per gallon of water. Example: 2 gallons of water = 16 ounces of Barbicide.
    - (ee) Turn on pedicure whirlpool jets.

(ff) Let whirlpool jets run for ten (10) minutes (minimum).

(gg) Rinse unit thoroughly with clean water and drain.

(4) **Twice weekly**, the pedicure basins shall be cleaned in the following manner: \*

(aa) After routine cleaning, completely fill the pedicure basin with warm water and one (1) teaspoon 5.25% bleach per one (1) gallon of water, or eight (8) ounces of Barbicide per gallon of water.

(bb) Flush the spa system with the sanitizing solution for ten (10) to fifteen (15) minutes.

(cc) Turn jets off and let solution stand for six (6) to eight (8) hours, or overnight.

(dd) Drain.

(ee) Thoroughly flush system with clean water and dry with a clean towel prior to use.

\*Refer to the Operator's Manual for cleaning instructions of pedicure equipment. Some cleaning products containing harsh abrasives should be avoided as they could damage the finish on the pedicure bowl and/or components.

(5) Hairbrushes, combs and all other implements used on a customer shall be kept clean and sanitary at all times and shall undergo thorough cleansing and disinfecting after serving each customer, otherwise single-service disposable implements shall be used.

(6) Cleaned and sanitized implements shall be stored and fully immersed in sanitary covered containers that contain a disinfectant. Cleaned, disinfected and dried implements may be stored and covered in a clean drawer or UV cabinet.

(7) Salons should have at least three (3) sets of manicure implements per station and two (2) sets of pedicure implements per station.

(8) Shaker-top and pump containers must be provided for dispensing lotions and powders.

(9) Single-service towels, papers, emery boards, orange sticks, buffing blocks, waxing sticks, cosmetic sponges, and other materials shall be disposed of in the proper receptacle **immediately** after use on each customer and shall not be used again.

(10) Paper sheets on treatment tables must be changed after each client.

(11) All articles that come into direct contact with the customer's skin, nails, or hair that cannot be effectively cleaned and sanitized shall be disposed of in a covered waste receptacle immediately after use.

Exception: orange sticks, emery boards, buffing squares, cosmetic sponges and disposable nail bits may be kept for the **original customer** if kept in a **covered** container labeled with the customer's name.

**Clients who store their own multi-use (non-disposable) implements on the premises should be encouraged to bring them home monthly for proper cleaning and disinfecting.**

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

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

(g) Alum and Other Astringents

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

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

The use of brush neck dusters, powder puffs, makeup brushes and sponges is prohibited unless they are single-use disposable implements that are disposed of after each use.

(h) Food and Beverages

Food and beverages shall not be prepared, stored or sold in the permitted premises, except with a valid Food Permit from the Aspetuck Health District as provided for in the Aspetuck Health District Sanitary Code, Chapter 2, Section 2.2(a)(1).

Coffee and tea may be prepared and kept for the convenience of employees and customers, but no charge is to be made to customers who are served.

(j) Animals, Pets or Live Birds

No animals, pets or live birds shall be kept in any barbershop or hairdressing and/or cosmetology shop. This prohibition does not apply to service animals (or service animals in training).

## **SECTION 8.14 HYGIENE OF OPERATORS AND CUSTOMERS**

(a) No person known to be affected with any communicable disease in an infectious stage shall engage in barbering, hairdressing or cosmetology, and no person so affected shall be employed as a barber, hairdresser or cosmetician.

(b) No client affected with any infectious disease shall be attended.

- (c) The hands of the operator shall be thoroughly washed with soap and warm water and dried on a single use paper towel before serving each customer and immediately after using the toilet, or after eating. Any open wounds or breaks in the skin must be covered with a waterproof dressing.
- (d) Clients must wash hands thoroughly with soap and warm water and dry on a single use towel before receiving manicure services from operators.
- (e) Operators shall not eat or drink while providing services to a customer.

#### **SECTION 8.15 SMOKING PROHIBITED**

Establishments must adhere to Connecticut Statutes regarding smoking in public places.

#### **SECTION 8.16 PROPER ATTIRE**

Operators shall wear, while attending any client in a barbershop or hairdressing or cosmetology shop, clean, and washable garments.

#### **SECTION 8.17 RECOMMENDED DISINFECTANTS/SANITIZERS**

- (a) Barbicide disinfectant constitutes a satisfactory sanitation and disinfection of implements. Manufacturer's specifications must be followed. No method is considered effective without prior thorough cleaning with detergent (soap, trisodium phosphate, etc.) and warm water.
- (b) All other chemical methods of sanitizing and disinfecting must have prior approval in writing by the Director of Health.
- (c) Non-chemical methods of sanitizing and disinfecting must have prior approval in writing by the Director of Health. Equipment specifications shall accompany requests for approval.
- (d) Chemicals suitable for low temperature washing (less than 158°F) of towels and linens shall be used. Lysol or household bleach (for whites) shall be used to manufacturer's specifications. Color safe bleach **may not** be used.

<b>Disinfectant</b>	<b>Type of Use</b>	<b>Comments</b>
Quaternary ammonia compounds, ex. Barbicide	1:16 dilution x 10 min	Odorless, non-toxic, highly stable and non-corrosive
Sodium Hypochlorite (household bleach)	5.25% 1:10 dilution x 10 min. or 1/4 cup per gallon of water	For use on implements or surfaces that come in contact with blood or bodily fluids. Make a new batch every one to two days
Boiling water	5 minutes	The addition of 1% sodium carbonate will prevent rusting
Compound cresol or phenolic compound solution, ex. Lysol	5% solution x 3 min.	For use on colored gowns or towels, floors, sinks and bathrooms. *Can cause skin irritations
Alcohol	70% ethyl alcohol or 99% isopropyl 20-30 min.	Corrodes tools/implements and dulls sharp edges
Lubricant/sanitizer	Combination	Recommended for electric clippers

### **SECTION 8.18 ELECTRIC CLIPPER SANITIZING TECHNIQUES**

(a) Detachable Head-Type:

- (1) Detach blades.
- (2) Clean thoroughly with brush, soap, and warm water.
- (3) Submerge in effective disinfectant for required time.

(b) Non-detachable Head-Type:

- (1) Place covered shallow glass jar at workstation opposite every barber chair.
- (2) After use, brush out excess hair and grease, and wipe cutting blades clean.
- (3) While clipper is running, immerse blade in a combination lubricant-sanitizer for ten seconds.
- (4) Remove clipper and allow blades to drain for ten (10) minutes on a clean towel or tissue. Wipe blades clean with a fresh disposable tissue or paper towel and store in a cabinet reserved for tools already disinfected and ready for use.

### **SECTION 8.19 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 hairdressing or cosmetology shops. 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 as deemed necessary from time to time by the Director of Health. Failure of a hairdressing or cosmetology shop operator to achieve and maintain minimum requirements of these technical standards shall constitute a violation of this chapter.

## CHAPTER 9 LEAD POISONING PREVENTION

### SECTION 9.1 SCOPE, PURPOSE AND AUTHORITY

- (a) The provisions of this Regulation shall be known as the “Lead Poisoning Regulation,” hereinafter referred to as “this Regulation.”
- (b) The purpose of this Regulation is to protect and promote public health within the Aspetuck Health District and assist in enforcement of the Regulations of Connecticut State Agencies, Section 19a-111-1 *et seq.*, referred to herein as the “RCSA Lead Poisoning Prevention and Control Regulations.
- (c) This Regulation is enacted pursuant to Connecticut General Statutes §19a-243(a).

### SECTION 9.2 DEFINITIONS

For the purposes of this Regulation:

**Authorized Agent** means a person designated by the Director of Health to act for the Director of Health in enforcement of this Regulation.

**Health District** means the Aspetuck Health District.

**Director of Health** means the Director of Health of the Aspetuck Health District or an Authorized Agent.

**Public Health Code** means the Public Health Code of the State of Connecticut.

### SECTION 9.3 TERMS DEFINED IN OTHER REGULATIONS.

The terms utilized in this Regulation that are undefined herein but defined in the Regulations of Connecticut State Agencies, Section 19a-111-1, shall have the same definition as set forth in that section, and those definitions are incorporated herein by reference. To the extent terms are not defined in this Regulation or Section 19a-111-1, or elsewhere in the Connecticut General Statutes or Regulations of State Agencies, then they shall have ascribed to them their ordinarily accepted dictionary meanings as the context may herein imply.

### SECTION 9.4 GENERAL REQUIREMENTS

- (a) Lead Based Paint Testing

The Director of Health may order the owner of a dwelling where lead hazards have been identified or verified by an Authorized Agent or the Director of Health to engage the services of a State of Connecticut Licensed Lead Consultant Contractor at the expense of the owner.

The licensed Lead Consultant Contractor shall utilize a State of Connecticut Certified Lead Inspector or Lead Inspector Risk Assessor to conduct comprehensive paint testing, document paint conditions and evaluate compliance with the requirements of the provisions of the Connecticut General Statutes §19a-111c, the RCSA Lead Poisoning Prevention and Control Regulations, and other applicable Connecticut General Statutes and regulations.

Where a Child is in residence, a comprehensive lead inspection that will include comprehensive paint testing, dust testing, testing of bare soil areas, and potable water testing shall be performed by the Licensed Lead Consultant Contractor. The owner shall provide a copy of the report that is generated by the Licensed Lead Consultant Contractor to the Director of Health or Authorized Agent within a time frame that is specified by the Director of Health or Authorized Agent that is consistent with the RCSA Lead Poisoning Prevention and Control Regulations.

(b) Lead Abatement, Lead Hazard Remediation, and Lead Management Plans

Whenever the lead inspection report identifies lead hazards or intact painted surfaces that contain a toxic level of lead, the Director of Health or Authorized Agent shall order the owner to appropriately abate, remediate, and/or manage the condition(s) and may order the owner of the property to engage the services of a Licensed Lead Consultant Contractor. The Licensed Lead Consultant Contractor shall utilize a Certified Lead Planner – Project Designer to design a Lead Abatement Plan and/or a Lead Management Plan in accordance with the requirements of the RCSA Lead Poisoning Prevention and Control Regulations. The Lead Abatement and Lead Management Plans shall be submitted to the Director of Health or Authorized Agent within a time frame that is specified by the Director of Health or Authorized Agent that is consistent with the RCSA Lead Poisoning Prevention and Control Regulations.

(c) Post Abatement and Lead Hazard Remediation Inspection

A Post Abatement Inspection including clearance dust wipes must be conducted by a Certified Lead Inspector or Lead Inspector Risk Assessor following completion of the lead abatement/hazard remediation work.

The report shall be submitted to the Director of Health or Authorized Agent within a time frame specified by the Director of Health or Authorized Agent that is consistent with the RCSA Lead Poisoning Prevention and Control Regulations.

The Director of Health or Authorized Agent must approve the post abatement/hazard remediation inspection report and conduct a visual assessment prior to re-occupancy of areas that have been abated or remediated.

## **SECTION 9.5 LEAD ABATEMENT**

The Director of Health may order the owner of a dwelling to engage the services of a State of Connecticut Licensed Lead Abatement Contractor at the expense of the owner to ensure compliance with standards established in the RCSA Lead Poisoning Prevention and Control Regulations and to abate and eliminate lead hazards in accord with an approved Lead Abatement Plan.

## **SECTION 9.6 SEVERABILITY**

If any provision or application of this Regulation is held invalid for any reason, that invalidity shall not affect other provisions of this Regulation.

## **SECTION 9.7 APPEAL RIGHTS**

Any person or persons aggrieved by an order of the Director of Health or Authorized Agent may appeal to the Commissioner of Health of the State of Connecticut from such order, pursuant to Section 19a-229 of the Connecticut General Statutes, as amended or as hereafter amended. The right of appeal notice and information must be included in any order issued by the Director of Health or Authorized Agent in conjunction with this Regulation.

## **SECTION 9.8 PENALTIES**

- (a) Unless otherwise provided, any person who violates any provision of this Article shall be fined not more than one hundred dollars (\$100.00) for each violation.
- (b) It shall be the responsibility of the offender to abate the violation as ordered by the Director of Health. Each day's violation shall be deemed a separate offense and violation.

Revised/Adopted 10/16/2023