

SECOND AMENDED

Item No. 8
File No. 999

An Ordinance Regulating
Barbering, Hairdressing, Cosmetology, Nail, Tanning,
Tattoo and Body Piercing Salons

WHEREAS maintaining proper sanitary conditions at salons which offer barbering, hairdressing and cosmetology, nail technician, tanning, tattoo and/or body piercing services will protect and promote public health, safety, and welfare by preventing the spread of communicable disease, including, but not limited to, viral, bacterial, and fungal infections; and

WHEREAS various provisions of Connecticut law, including Connecticut General Statutes sections 7-148, 19a-92a, 19a-92g, 19a-206, 19a-231, 19a-232 and 19a-243 establish the authority of municipal health authorities to regulate and enforce the sanitary practices of these salons; and

WHEREAS there is currently no established, uniform practice for implementing these sanitary practices in West Hartford

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF WEST HARTFORD THAT the West Hartford Code of Ordinances is hereby amended by the addition of the following chapter thereto:

CHAPTER 145. SALONS

§145-1. Definitions.

For the purposes of this chapter, certain words and terms used herein are defined as follows:

Advanced practice registered nurse: A person licensed to perform advanced level nursing practice activities pursuant to subsection (b) of section 20-87a of the Connecticut General Statutes.

Authorized Agent: Any individual designated by the Director of Health to enforce the provisions of this ordinance.

Barbering: Any or all of those activities defined as part of the practice of barbering pursuant to CGS §20-234 as that section may be amended or recodified from time to time. At the time of adoption of this chapter said practices, when done upon the head, face and neck for cosmetic purposes and done for the public, with or without compensation therefore, include: Shaving or trimming the beard; cutting hair; styling or cutting hairpieces and wigs; giving facial and scalp massage or application of oils, creams, lotions or other preparations, either by hand or mechanical appliances; singeing, shampooing or dyeing the hair or applying hair tonic, and applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face or neck; provided nothing in this chapter shall permit any of the services or acts herein described to be used for the treatment or cure of any physical or mental disease or ailment.

Bloodborne Pathogens: Pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, Hepatitis B virus (HBV), Hepatitis C virus (HCV) and Human Immunodeficiency Virus (HIV).

Body Piercing: Any or all of those activities defined as body piercing pursuant to CGS §19a-92g as that section may be amended or recodified from time to time. At the time of adoption of this chapter said practices include: Piercing or creating a channel through any part of the body other than the ear lobe (i.e. lower portion of the auricle having no cartilage) for the purpose of inserting a decorative object.

Communicable Disease: A disease or condition, the infectious agent of which may pass or be carried directly or indirectly, from the body of one person or animal to the body of another person or animal.

Connecticut General Statutes: All references to the Connecticut General Statutes shall mean as that statute may be amended or recodified from time to time.

Director of Health: The Director of Health of the West Hartford-Bloomfield Health District, or his or her designee.

Disinfectant: An Environmental Protection Agency (EPA) registered product with demonstrated bactericidal, virucidal and fungicidal activity used in accordance with manufacturer's instructions.

Epidemic: The occurrence of cases of illness clearly in excess of normal expectancy over a specific time period in a community, geographic region, building or institution. The number of cases indicating an epidemic may vary according to the causative agent, size and type of population exposed, previous experience with the disease, and time and place of occurrence. An outbreak of disease is an epidemic.

Epidemiologic investigation: means an inquiry into the incidence, distribution and source of disease to determine its cause, means of prevention, and efficacy of control measures.

Fee schedule: The permit and associated fees established in the Annual Fiscal Year Budget adopted by the Board of Directors of the West Hartford Bloomfield Health District in accordance with the provisions of the Connecticut General Statutes.

Hairdressing and cosmetology: Any or all of those activities defined as hairdressing and cosmetology pursuant to CGS §20-250. At the time of adoption of this chapter said practices include: The art of dressing, arranging, curling, waving, weaving, cutting, singeing, bleaching and coloring the hair and treating the scalp of any person, and massaging, cleansing, stimulating, manipulating, exercising or beautifying with the use of the hands, appliances, cosmetic preparations, antiseptics, tonics, lotions, creams, powders, oils or clays and doing similar work on the face, neck and arms, and manicuring the fingernails and, for cosmetic purposes only, trimming, filing and painting the healthy toenails, excluding cutting nail beds, corns and calluses or other medical treatment involving the foot or ankle, of any person for compensation, provided nothing

in this definition shall prohibit an unlicensed person from performing facials, eyebrow arching, shampooing or braiding hair.

Inspection Report: a form demonstrating the completion of a routine inspection which is to be issued by the Authorized Agent.

Nail technician: A person, who, for compensation, cuts, shapes, polishes or enhances the appearance of the nails of the hands or feet, including, but not limited to, the application and removal of sculptured or artificial nails.

Operator: Any person performing barbering, hairdressing, cosmetology, manicuring, tanning, tattoo and/or body piercing within a salon owned by themselves or another.

Osteopathic physician: A person licensed to practice osteopathy pursuant to chapter 370 of the Connecticut General Statutes.

Owner: A person who owns a salon and is responsible for upholding the regulations of this chapter in all areas of the establishment, including rented or leased work areas.

Parenteral: Piercing mucous membranes or the skin barrier through such events as needle sticks, cuts or abrasions.

Physician: A person licensed to practice medicine and surgery pursuant to chapter 370 of the Connecticut General Statutes.

Physician Assistant: A person licensed pursuant to section 20-12b of the Connecticut General Statutes.

Registered Nurse: A person licensed to practice nursing as that term is defined in subsection (a) of section 20-87a of the Connecticut General Statutes.

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

Salon: Any business, whether described as a shop, store, day spa, kiosk or other commercial establishment, at which the practice of barbering, hairdressing and cosmetology, or the services of a nail technician, tanning, tattoo, body piercing or any combination thereof, is offered and provided.

Sterilization: The process of destruction of all forms of microbial life by physical or chemical means.

Tanning Chemical: Sunless tanning through the use of chemical substances including spray tanning and air brush devices in which the application of chemicals to the skin produce an effect similar in appearance to a suntan.

Tanning Device: A tanning device as defined in CGS §19a-232.

Tanning Salon: Any place where a tanning device is made available to patrons for a fee, membership dues or other compensation.

Temporary Permit: A permit issued to conduct a public demonstration, fundraising event, public convention or other similar event for a period not to exceed fourteen days.

Tattooing: The process of marking or coloring, in an indelible manner, the skin of any person by pricking in coloring matter or by producing scars.

Unsanitary condition: Any unsafe and/or unclean salon condition which promotes the spread of infection, disease or other condition detrimental to the public health and welfare.

Work Station/Area: An area set aside for the purpose of serving a customer such as a tanning device, tattooing or treatment room, barber or hairdressing chair, including the associated countertop and floor space, including any floor space used by the operator while serving the customer.

Section 145-2. Establishment or Renovation of Salon: Pre-Permit Plan Review.

- A. Prior to establishing a new salon or renovating an existing salon, the owner shall submit a completed application for plan review to the Director of Health together with the applicable fee.
- B. The application for plan review shall be accompanied by properly prepared plans and specifications for the public health related aspects of such construction, remodeling or conversion. The plans and specifications shall include, but not be limited to:
 - (1) Description and location of work areas and equipment, sinks, counters, storage areas, toilet facilities, fixtures, waiting and viewing areas.
 - (2) Manufacturers' specification sheets shall be included in the plan submission for all equipment, floors, walls and ceilings.
- C. The Director of Health shall approve the plans and specifications only if they meet the requirements of this chapter, the Connecticut Public Health Code and all other applicable codes, regulations or statutes.
- D. Prior to any salon opening and receiving a license, the Director of Health shall conduct a pre-operational inspection to determine compliance with this section, the Connecticut General Statutes and the Connecticut Public Health Code.

145-3. Permit Required.

- A. It shall be unlawful for any owner to allow any activities regulated under this chapter to occur within a salon within the Town of West Hartford without a valid permit issued by the Director of Health.
- B. No permit shall be issued or renewed until:
 - (1) A completed application has been submitted to the Director of Health;
 - (2) The applicable fee has been paid;
 - (3) If applicable, a plan review has been conducted and approved as required pursuant to §145-2 and the Director of Health has physically inspected the salon to determine compliance with the approved plan; and
 - (4) The salon meets the requirements set forth in this chapter and all other applicable federal, state and local laws.
- C. Permits shall be valid for one year from the date of issue unless suspended or revoked by the Director of Health or until such earlier time as the salon changes ownership or ceases operation.
- D. Permits are not transferable between salon owners or salon locations.
- E. A valid salon permit and a State of Connecticut operator's license for each operator working in the salon must be displayed in prominent locations where they can be observed by patrons. Operators shall only perform those services for which they hold valid State of Connecticut licenses.

Section 145-4. Fee Schedule

The fee schedule shall be determined by the West Hartford-Bloomfield Health District Board of Directors. Fees shall be subject to any applicable limits set forth in state law.

Section 145-5. Inspections and Violations

- A. Subject to the requirements of Chapter 34 of this Code of Ordinances, the Director of Health may promulgate such rules and regulations as are necessary to ensure compliance with this chapter.
- B. The Director of Health shall inspect and re-inspect each salon as necessary to enforce any applicable law, but no less frequently than once per year.

- C. The Director of Health after offering proper identification, shall be permitted to enter any salon during any hours when said salon is open to the public or has employees present for the purpose of making an inspection to determine compliance with these regulations.
- D. The Director of Health shall be permitted to examine records of the establishment, to obtain demographic and service rendered information pertaining to persons tattooed and/or pierced and equipment, excluding financial records. There shall be a person knowledgeable of these records in the establishment during all hours of operation.
- E. Upon completion of any inspection, the owner of the salon shall post the inspection report in a prominent location where it can be observed by patrons.
- F. The inspection report shall not be defaced, marred, camouflaged, hidden, or removed. It shall be unlawful to operate a salon unless the inspection report is posted as required. Removal of the inspection report is a violation of this chapter and may also result in the suspension or revocation of the license, in addition to any other remedies, penalties, and/or fines permitted by law.
- G. In the event that the Director of Health finds unsanitary conditions in any salon, he or she may immediately issue a written notice to the owner describing such conditions, specifying the corrective action to be taken and a time frame within which such action shall be taken. If correction is not made within the specified time, the owner may be subject to a citation or the permit may be suspended or revoked.

Section 145-6. Sanitation

A. General Cleanliness:

Each salon shall be maintained to provide a safe and sanitary environment. All salons shall be kept clean, sanitary and in good repair.

B. Disinfection of Reusable Equipment:

- (1) Any chair, seat or table to be utilized by the person receiving a tattoo or piercing shall be smooth, easily cleanable and nonabsorbent. All chairs, seats, or tables must be cleansed prior to use by the next client.
- (2) All equipment shall be maintained in good repair.
- (3) After each use on a patron, all electrical and non-electrical instruments shall be thoroughly cleaned to remove foreign matter, treated with an approved disinfectant, and stored in a protected manner until their next use. Each hair cutting station shall be provided with a container of sanitizing solution.
- (4) Cleaned and sanitized implements shall be stored in a clean drawer or in sanitary covered containers containing a disinfectant.

- (5) Disinfectants shall be changed in accordance with manufacturer's instructions to ensure complete disinfection. No sediment from the item being disinfected shall be allowed to remain in the disinfection container.
- (6) Ultraviolet disinfection is prohibited.
- (7) Acceptable disinfectants include the following or their functional equivalent if approved by the Director of Health in advance:
 - (a) Quaternary ammonium compounds (*1:1000 dilution for 30 seconds*)
 - (b) Alcohol (*3 minutes*)
 - (c) Lubricant sanitizer (*10 second contact time, 10-minute drain time*)
 - (d) Disinfectant spray (*see manufacturer's instructions*)
 - (e) Commercial formalin (*10% solution for 1 minute*)
 - (f) Bleach (*see manufacturer's instructions*)
 - (g) Lysol, compound cresol solution, phenolic compound (*5% solution for 3 minutes or 2% solution for 10 minutes*)
 - (h) Anti-microbial additive (*see manufacturer's instructions*)
 - (i) Boiling water (*5 minutes*)
 - (j) Autoclave (*see manufacturer's instructions*)

C. Disposable and Single-Use Equipment:

Disposable or single-use articles shall be disposed of in a waste receptacle after use on a single patron unless stored in a separate closed, clean container labeled with the patron's name and used only on that patron.

- (1) All disposable or single-use articles that come into contact with blood and/or body fluids shall be enclosed in sealed plastic bag before being placed in the waste receptacle.
- (2) All sharp or pointed articles shall be disposed of in a puncture-proof container.

D. Disinfection of Foot Spas and Water Baths:

- (1) An antimicrobial additive shall be placed in each foot spa or water bath during use.
- (2) The foot spa or water bath shall be drained of all water and debris, properly disinfected, and dried after each patron. The device must be turned on during the disinfection process and allowed to run for at least 10 minutes.
- (3) The filter of the foot spa or water bath shall be removed and immersed in disinfectant and flushed with soap and water at the end of each day unless it is replaced entirely. Each salon must have the proper tool(s) to remove all filters from their associated devices.

E. Prohibited Equipment and Products:

The following items may not be used or stored in any salon:

- (1) A lancet or any other device intended to be used to break the skin, except for those devices used by licensed operators to perform tattooing or body-piercing.
- (2) Razor blade-type callus shaver (Credo blade)
- (3) Shaving brushes, shaving mugs, and brush neck dusters
- (4) Any substance banned by the Food and Drug Administration, including liquid methyl methacrylate monomer (MMA) and methylene chloride
- (5) Ultraviolet disinfection
- (6) Formalin sanitizers

Materials to stop the flow of blood may be used only in liquid or powdered form.

F. Towels and Linens:

- (1) Unused disposable towels or fresh, clean and properly laundered towels shall be used for each patron.
- (2) All reusable linens and towels shall be deposited in a covered cleanable receptacle after use on each patron.
- (3) Clean towels and linens shall be stored off of the floor in a clean, protected location.

G. Head/Neck Protection and Capes:

- (1) Capes shall be cleaned and disinfected between each use or a sanitary neck strip or clean towel shall be placed around a patron's neck so that the cape does not come in contact with the skin of the neck.
- (2) Neck strips shall be discarded after use on each patron.
- (3) Capes shall be cleaned as often as necessary to ensure their sanitary condition and shall be stored off the floor between uses.
- (4) Chair headrests shall be covered with a clean towel or paper sheet for each patron or shall be disinfected after each use.

H. Operators:

- (1) Operators shall thoroughly wash their hands with soap and hot water immediately after using the toilet, eating or smoking. Before serving each customer, operators shall utilize proper hand washing procedures.
- (2) No operator shall smoke or eat at the work station.
- (3) Operators shall wear clean, washable garments.
- (4) Combs and other instruments shall not be placed or carried in the pockets of the operator.
- (5) No operator shall remove a wart or a mole or treat any disease of a patron, nor perform any medical procedure, such as an injection, nor dispense any medical device.
- (6) No operator shall knowingly serve any patron who is afflicted with impetigo, barber's itch, lice, nits, or ringworm.
- (7) All salons shall have and follow a written communicable disease policy which prohibits or restricts employees from working and prohibits patrons from being served if they are visibly discharging bodily fluids, have open wounds, sores or lesions on any exposed portions of their bodies or are known to be suffering from a communicable disease that may be transmitted through the services provided in the salon.

I. Animals:

- (1) No animal, fowl, or reptile shall be allowed in the salon except for service animals permitted pursuant to CGS §46A-44.
- (2) Pedicure fish are prohibited.

J. Cosmetics:

- (1) When only a portion of a cream, liquid, powder or other cosmetic preparation is to be removed from the container, it shall be removed in such a way as to avoid contaminating the remaining portion.
- (2) Use of cosmetic applicators, including lipsticks, powder puffs, makeup brushes and sponges, on multiple patrons is prohibited.
- (3) Lotions and powders shall be dispensed from sanitary self-dispensing containers.
- (4) Eyebrow pencils shall be sharpened after each use.

- (5) Makeup brushes may be allowed for use if it can be demonstrated that the brushes are being effectively sanitized between uses.

K. Water and Plumbing:

- (1) Every salon must have an adequate supply of potable, running water with sufficient hot (minimum 105° F) and cold running water under pressure. Hot water at any faucet shall not exceed 115 ° F.
- (2) All plumbing fixtures must be protected against back-siphonage or backflow. The plumbing installation and fixtures shall conform to applicable building and plumbing codes.
- (3) Waste water shall be discharged only into municipal sewers, where available, or into an approved on-site subsurface sewage disposal system.
- (4) Plumbing fixtures shall be clean and free from defects.

L. Toilet and Sink Facilities:

- (1) Adequate toilet and hand washing facilities for patrons and employees shall be provided.
- (2) Toilet and hand washing facilities shall be in working condition at all times and shall be kept clean and sanitary.
- (3) At each handwashing sink, liquid antibacterial soap and single-use disposable towels shall be provided at all times. Common towels are prohibited.
- (4) At least one hand washing facility shall be located in each treatment room and work area. Each work area shall have a handwashing sink for the exclusive use of washing his or her hands and prepping clients.
- (5) Shampoo bowls shall be used for barbering, hairdressing and cosmetology work only.
- (6) There shall be at least one shampoo station for each three work stations.
- (7) A utility sink shall be provided for proper cleaning of surfaces and equipment.

M. Lighting and Ventilation:

- (1) Lighting shall be sufficient to provide adequate illumination in the work areas.
- (2) Overhead lights shall be shielded against breakage.

- (3) The salon shall be properly and adequately ventilated to remove excess heat, vapors, and odors. The salon shall be free from excessive odors and not cause a nuisance odor to indoor air of adjacent premises. Ventilation shall comply with applicable codes.
- (4) Windows shall be effectively screened against insects, rodents, and other vermin.

N. Floors, Walls, and Ceilings:

- (1) Floors and walls in work areas must have non-porous, easily cleanable coverings and shall be kept clean and in good repair.
- (2) Hair clippings shall not be allowed to accumulate on floors or chairs but shall be removed to a covered receptacle after serving each patron.
- (3) Ceilings shall be kept clean and in good repair.
- (4) Cracks in floors, walls and ceilings shall be sealed in so as to prevent the harboring of insects and/or rodents.

O. Foods and Beverages:

- (1) Foods and beverages shall not be prepared, stored or sold in any salon, except with a valid Food Permit from the West Hartford Bloomfield Health District. Coffee and tea may be prepared and kept for the convenience of employees and patrons, but no charge is to be made to patrons who are served. Food and nonalcoholic beverages may, however, be brought into the permitted premises, from an approved source, for immediate consumption and also may be dispensed by means of automatic vending machines on the premises.
- (2) Complimentary beverages provided to patrons shall be provided outside the work area and in disposable containers.

P. Refuse and Refuse Containers:

- (1) All garbage, rubbish and refuse shall be kept in leak-proof, nonabsorbent, easily cleanable, covered containers which must be kept clean.
- (2) All garbage, rubbish and refuse shall be disposed of with sufficient frequency and in such a manner as to prevent a public health nuisance.
- (3) Infectious wastes shall be disposed of in compliance with the regulated and infectious waste requirements of these regulations.

Q. Regulated Waste:

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

R. Other:

- (1) Safety Data Sheets (SDS) for all products in use at the salon shall be made available to the Director of Health upon request.
- (2) All products not stored in the original container must be clearly labeled at all stations.
- (3) Only poisonous and toxic materials that are required to maintain sanitary conditions and utilized in sterilization may be stored in the establishment. These materials shall be labeled and stored in such a manner as to not constitute a hazards to clients, employees or equipment.

Section 145-7. Tattooing and Body Piercing

- A. In accordance with the Connecticut General Statutes, section 20-266o, no person shall engage in tattooing without a license to do so except a physician, an advanced practice registered nurse rendering service in collaboration with a physician, a registered nurse executing the medical regimen under the direction of a licensed physician, dentist or advanced practice registered nurse, or a physician assistant rendering service under the supervision, control and responsibility of a physician.
- B. No person shall practice the art of tattooing or body piercing without first obtaining a bloodborne pathogen certificate. Equivalent training such as, "Preventing Disease Transmission" (American Red Cross) and "Bloodborne Pathogen Training" (U.S. OSHA), training/course provided by professional body art organization or associations or by equipment manufacturers may also be submitted to the department for approval.
- C. The bloodborne pathogen certificate shall be posted in a prominent area where it can be observed by patrons.
- D. No person shall:
 1. buy, sell or fraudulently obtain or furnish any diploma, certificate, license, record or registration purporting to show that any person is qualified or authorized to

practice tattooing, as provided in section 20-266o, or participate in buying, selling, fraudulently obtaining or furnishing any such document;

2. practice or attempt or offer to practice tattooing under cover of any diploma, certificate, license, record or registration illegally or fraudulently obtained or signed, or issued unlawfully or under fraudulent representation or mistake of fact in a material regard;
3. practice or attempt or offer to practice tattooing under a name other than such person's own name or under a false or assumed name;
4. aid or abet practice by a person not lawfully licensed to practice tattooing within this state or by a person whose license to practice has been suspended or revoked or that has expired;
5. use in such person's advertising the word "tattoo", "tattooing" or any description of services involving marking or coloring, in an indelible manner, the skin of any person, without having obtained a license under the provisions of section 20-266o;
6. tattoo or perform body piercing on any unemancipated minor under eighteen years of age without the written permission of the minor's parent(s) or legal guardian(s). Permission forms shall be retained for a minimum of 30 calendar days.
7. practice or attempt or offer or advertise to practice tattooing or be employed by, work with or assist, in any way, any person licensed to practice tattooing during the time such person's license as a tattoo technician is revoked or suspended.

E. All reusable equipment that comes into contact with blood must be properly sterilized by thoroughly cleaning with an ultrasonic machine or other approved method. Single use and disposable needles are recommended.

F. After care instructions shall be provided after each session.

G. Body piercing needles and equipment:

- (1) Ear piercing guns are prohibited for use.
- (2) All body piercing needles are for single use only.
- (3) All instruments to be used during the body piercing procedure which will come in contact with a body or bodily fluids must be sterilized and kept in a sterile manner prior to use.

Section 145-8. Tanning

A. It is the responsibility of the tanning salon owner to:

- (1) Assure that the applicable Food and Drug Administration (FDA) & Federal Trade Commission (FTC) regulations are adhered to; and
 - (2) Prominently display signage with warning/danger statements regarding ultraviolet light exposure, protective eyewear and substances that may increase photosensitivity to ultraviolet radiation.
- B. No person under the age of seventeen (17) shall be permitted to use a tanning device under any circumstances.
- C. Manufacturer's label (describing production date, serial & model #), factory installed timer and electrical testing label must be permanently affixed to all tanning devices. Owner's manual must also be on the premises of the salon.
- D. Protective eyewear must be worn during the use of tanning devices. Disposable protective goggles must be available for patron use.
- E. Tanning devices must be cleaned and sanitized after each use in a manner appropriate for each type of device. Sanitizing solution must be readily available for patron use.
- F. Tanning chemical applications must have instructions on the premises of the salon detailing the type of hand-held sprayer utilized. Material Safety Data Sheets (MSDS) shall be made available to the Director of Health upon request.

Section 145-9. Permit Suspension/Revocation/Nonrenewal

- A. Suspension.
- (1) Without warning, prior notice or a hearing, the Director of Health may suspend any permit to operate a salon if the operation constitutes an imminent hazard to public health due to the presence of any unsanitary condition such as, but not limited to:
 - (a) Failure to comply with the provisions of this chapter and/or any other applicable laws.
 - (b) As part of an epidemiologic investigation of an infectious or communicable disease, pathogenic or toxic agent capable of being transmitted to a consumer or worker.
 - (c) An 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 salon.
 - (d) A sewage backup into the salon.

- (e) An unlicensed individual performing procedures requiring licensure pursuant to the Connecticut General Statutes or the Public Health Code.
- (2) Following suspension, operation of salon shall not resume until written approval has been issued by the Director of Health. The Director of Health, physically remove a suspended permit from the premises.
- (3) Whenever a permit is suspended, the holder of the permit may make written request for permit reinstatement, provided that such request includes a statement signed by the applicant that, in his or her opinion, the conditions causing the suspension have been corrected. Within ten (10) business days following receipt of such a written request the Director of Health shall make a re-inspection. If the Director of Health 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/Nonrenewal.

The Director of Health may revoke or refuse to renew the permit of any person for:

- (1) Serious and/or repeated violations of any provision(s) of this chapter;
- (2) Interfering with the Director of Health in the performance of his or her official duties;
- (3) Improperly attempting to influence the Director of Health in the performance of his or her official duties; or
- (4) Obtaining said permit through nondisclosure, misrepresentation or intentional misstatement of a material fact.

Revocation of a permit shall be effective 7 calendar days following delivery of a written notice to the operator and shall not resume until a new permit has been issued by the Director of Health. A permit may be suspended pursuant to subsection A pending completion of a revocation proceeding. The Director of Health shall physically remove the revoked permit from the premises when the revocation becomes effective.

- C. No new permit shall be issued to any owner who has been denied a renewal or whose permit has been revoked, whether for the same location or a different location, until sixty (60) calendar days have passed since the effective date of the nonrenewal or revocation.
- D. It shall be a separate violation of this chapter for any owner or operator to post a duplicate of any license which has been revoked or suspended and removed from the premises.

Section 145-10. Appeals.

- A. Any owner or operator aggrieved by the denial of a permit, permit suspension, or permit revocation may appeal to the Director of Health, at which time such person shall be afforded the opportunity to present evidence and argument on all facts or issues involved before the Director of Health. The request for a hearing must be filed with the Director of Health, in writing, within 7 calendar days of the denial, suspension or revocation.
- B. The Director of Health may make such procedural rules as are necessary to conduct hearings.
- C. During the process of any appeal, the salon shall be allowed to remain in operation until such time as a hearing has been held and a decision rendered by the Director of Health. However, if the Director of Health finds that the operation constitutes an imminent hazard to public health, the operation will be suspended pending a hearing.
- D. The Director of Health shall, upon receiving an appeal, schedule a hearing no later than 5 business days from the date of actual receipt of the appeal and shall promptly notify all parties of the time and place thereof.
- E. The Director of Health shall render a decision within 5 business days of the date of the hearing held under this section.

Section 145-11. Penalties for Violations

In addition to the permit suspension, nonrenewal and revocation authorized by section 145-9, any provision of this chapter may be enforced by the issuance of an infraction citation issued pursuant to state law; or by a citation in the amount set forth in section 1-8, subject to the appeal procedure set forth in section 1-10.

Section 145-12. Unconstitutionality Clause

Should any section or part thereof of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected.

9-26-16
Van Winkle