

Chapter 5.24 - BARBERSHOPS, BEAUTY SALONS/SHOPS, AND NAIL SALONS/PARLORS

Footnotes:

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Editor's note— Ord. No. 4781, §§ 1—7, adopted December 13, 2016, repealed and reenacted chapter 5.24 in its entirety to read as herein set out. Formerly, chapter 5.24, sections 5.24.010—5.24.050 pertained to barbershops and beauty shops/salons, and derived from Ord. No. 3264, §§ 1—3, adopted October 10, 2000; Ord. No. 4188, § 1, adopted February 2, 2011, and Ord. No. 4149, § 10, adopted August 24, 2010.

5.24.010 - Definitions.

- A. "Barber" shall mean any person who is licensed by the New Jersey Board of Cosmetology, to or engages in any of the practices encompassed in barbering.
- B. "Beautician" shall mean any person who is licensed by the New Jersey Board of Cosmetology, to or engages in any of the practices encompassed in beauty culture.
- C. "Barbering" and "beauty culture" mean any one or combination of the following practices when done on the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when done for payment either directly or indirectly or when done without payment for the general public:
 - 1. Shaving or trimming of the beard, mustache or other facial hair;
 - 2. Shampooing, cutting, braiding, coloring, buzzing, razoring, arranging, relaxing or styling of the hair;
 - 3. Singeing or dying of the hair;
 - 4. Applying cosmetic preparations, antiseptics, tonics, lotions or creams to the hair;
 - 5. Massaging, cleansing or stimulating the face, neck or scalp, with or without cosmetic preparations, either by hand, mechanical or electrical appliances;
 - 6. Manicuring the fingernails, nail-sculpturing or pedicuring the toenails; or
 - 7. Cutting, fitting, coloring or styling of hairpieces or wigs, to the extent that the services are performed while the wig is being worn by the person.
- D. "Barbershop" and "beauty salon/shop" shall mean a place of business where the following practices take place:
 - 1. Shaving or trimming of the beard, mustache, or other facial hair;
 - 2. Shampooing, cutting, braiding, coloring, buzzing, razoring, arranging, relaxing or styling of the hair;
 - 3. Singeing or dying of the hair;
 - 4. Applying cosmetic preparations, antiseptics, tonics, lotions or creams to the hair;
 - 5. Massaging, cleansing or stimulating the face, neck or scalp, with or without cosmetic preparations, either by hand, mechanical or electrical appliances; or
 - 6. Cutting, fitting, coloring or styling of hairpieces or wigs, to the extent that the services are performed while the wig is being worn by the person.
- E. "Designee" is any person designated by the health officer to act for him/her in the performance of his/her duties.

- F. "Health officer" is one who holds a valid license as a health officer issued by the New Jersey Department of Health.
- G. "Manicurist/nail technician" shall mean any licensed 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.
- H. "Nail salon/parlor" shall mean a place of business engaged in the practice of manicuring the fingernails, nail-sculpturing or pedicuring the toenails; or cutting, shaping, polishing, or enhancing the appearance of nails of the hands or feet, including, but not limited to, the application and removal of sculptured or artificial nails.
- I. "Sanitary conditions" mean safe and clean salon/shop conditions that prevent the spread of communicable diseases and protect the public health and welfare in accordance with N.J.A.C. 13:28, et seq.
- J. "Working area" a separate room with more than one work station, or a private room set aside to serve one customer at a time.
- K. "Work station" a chair, countertop and floor space set aside for the purpose of serving a customer, including floor space for the operator to stand while serving the customer.
- L. "Chief license inspector" is the head of the central license bureau.

(Ord. No. 4897, §§ 1, 2, 9-12-2017; Ord. No. 4781, § 1, 12-3-2016)

5.24.020 - License requirements/fees.

- A. No person shall maintain or operate any barbershop, hairdressing, cosmetology salon/shop or nail salon/parlor without having a valid license issued by the health department/central license bureau of Elizabeth. Only a person who complies with the requirements of this chapter shall be entitled to receive or retain such a license. No person shall be granted a license to operate a barbershop or beauty salon/shop by the central license bureau of the City of Elizabeth, and no person shall be granted a license to operate a nail salon/parlor by the department of health of the City of Elizabeth, without first obtaining the requisite license from the New Jersey Board of Cosmetology.
- B. Every barbershop, hairdressing, cosmetology salon/shop or nail salon/parlor must comply with local planning and zoning ordinances and all other applicable ordinances before being issued a license.
- C. Application for a nail salon license shall be made on forms furnished by the health officer. Application for a barbershop, hairdressing, cosmetology salon license shall be made on forms furnished by the chief license inspector. All licenses are valid for one year beginning October 1 and ending September 30 of the following year and/or a portion thereof and must be renewed before October 1st.
- D. Every applicant for a license to operate a barbershop, beauty salon/shop and/or nail salon/shop shall pay an annual license fee due before October 1st of every year. The annual fee for licenses of the establishments regulated herein are fixed as follows:
 1. Beauty salons/parlors and barbershops shall be assessed one hundred seventy-five dollars (\$175.00) per licensing year paid to the central license bureau of the City of Elizabeth.
 2. Nail salons/parlors shall be assessed one hundred seventy-five dollars (\$175.00) per licensing year paid to the department of health of the City of Elizabeth.
 3. Establishments that provide multiple barbering and/or beauty culturing services shall be assessed

one hundred seventy-five dollars (\$175.00) for the first license and fifty dollars (\$50.00) per additional license per licensing year, paid to the central license bureau of the City of Elizabeth if the services provided are that of a barbershop and/or beauty salon/shop, as defined in subsection 5.24.010 D., or paid to the department of health of the City of Elizabeth if the services provided are that of a nail salon/parlor, as defined in subsection 5.24.010 H.

4. Where an applicant holds a valid massage license issued pursuant to chapter 5.56 of this Code, all licenses issued pursuant to this chapter shall be fifty dollars (\$50.00) per licensing year paid to the central license bureau of the City of Elizabeth if the services provided are that of a barbershop and/or beauty salon/shop, as defined in subsection 5.24.010 D., or paid to the department of health of the City of Elizabeth if the services provided are that of a nail salon/parlor, as defined in subsection 5.24.010 H.
 5. No license fee shall be prorated.
- E. No license shall be issued or renewed until a completed application has been submitted, the license fee has been paid and the applicant's barbershop or hairdressing and/or cosmetology salon/shop or nail salon/parlor meets the requirements set forth in this chapter and all other applicable state and local regulations.
 - F. Licenses shall be valid until September 30th of each year as noted on the city license unless the license issued by the New Jersey Board of Cosmetology and Hairstyling is suspended by the state.
 - G. Licenses shall not be transferable from person to person or from location to location. Any planned change in ownership of a facility for nail salons/parlor must be reported promptly to the health department and such changes must be approved by the health department prior to the issuance of an operating license.
 - H. Licenses shall not be transferable from person to person or from location to location. Any planned change in ownership of a facility for barbershops/beauty salons must be reported promptly to the central license bureau and such changes must be approved by the central license bureau prior to the issuance of an operating license.
 - I. Licenses must be displayed in a prominent location within the establishment where patrons can observe it.
 - J. It is unlawful for any person to open or keep open prior to 8:00 a.m. and after 10:00 p.m. any barbershop, beauty shop/salon and/or nail salon/parlor where barbering and/or beauty culturing take(s) place with the exception of Saturdays and Sundays, where opening time may be 6:00 a.m.
 - K. A special hours of operation permit can be obtained to operate from 10:00 p.m. until 12:00 midnight. The fee for such permit shall be fifty dollars (\$50.00) per licensing year. The permit shall be valid for one year, beginning October 1st and ending September 30th the following year, and must be renewed before October 1st of the following year. Conditions for a special hours of operations permit shall be as follows:
 1. No alcoholic beverages on the premise.
 2. No gambling on the premise.
 3. No loitering on the premise. Only clients that are receiving services may be on the premise during special hours of operation.
 4. No playing of music or TV that would interfere with the public during special hours of operation.
 5. No selling of food.

6. No illegal drugs or illegal drug paraphernalia.
7. No smoking.
- L. Violations of any law/condition for special hours of operation permit will result in revocation of the special hours of operation permit.

(Ord. No. 4897, §§ 3—6, 9-12-2017; Ord. No. 4781, § 2, 12-3-2016)

5.24.030 - Nail salon/parlor requirements.

A. Standards and Requirements for Nail Salons/Parlors.

1. Each nail salon/parlor must contain:
 - a. At least one sink in the work area with hot and cold running water;
 - b. An area for disinfecting implements and tools;
 - c. An ultrasonic unit for cleaning metal implements and tools;
 - d. A clean, closed receptacle for storage of sanitized implements and tools at each work station;
 - e. A closed container for clean linens;
 - f. A closed container for soiled linens;
 - g. A closed waste container for each work station; and
 - h. Dispensary or place where supplies are prepared and dispensed.
2. Each nail salon/parlor must be properly lit and ventilated in accordance with N.J.A.C. 13:28-3.1.
3. Every cosmetology and/or nail salon/parlor and all equipment therein shall be kept in a clean and sanitary condition at all times in accordance with N.J.A.C. 13:28-3.2.

B. Requirements of Nail Salon/Parlor Attendants.

1. All employees in nail salons/parlors are required to wear gloves when
 - a. Cleaning and disinfecting work stations;
 - b. Transferring chemicals from different containers; and
 - c. When performing any nail service that has a risk of breaking the customer's skin.
2. A sufficient number of gloves must be supplied so that each nail technician has access to and must use a new pair of gloves for each customer.
3. All technicians shall be required to wash hands when finished with each customer.

(Ord. No. 4781, § 3, 12-3-2016)

5.24.040 - Regulatory requirements/compliance.

- A. The health department and/or central license bureau of the city shall promulgate such rules and regulations as are necessary to ensure compliance with this chapter.
- B. The health officer, chief license inspector, or any of their designees shall inspect every barbershop, beauty salon/parlor, nail salon/parlor, and any other place of business governed by this ordinance at least once a year, and shall make as many additional inspections as necessary for the enforcement of this chapter.
- C. The health officer or his/her designee, after proper identification, shall be permitted to enter, during

normal operating hours, any portion of any barbershop or hairdressing and/or cosmetology shop/salon or nail salon/parlor for the purpose of making inspections to determine compliance with this chapter.

- D. In the event that the health officer/chief license inspector or his/her designee finds conditions inconsistent with this chapter in the operation of cosmetology salon/shop, hair salon, barber shop, or nail salon/parlor, or if a violation or multiple violations occur, the health officer may immediately issue a written notice to the license holder, or person in charge, citing such conditions, specifying the corrective action to be taken and time frame within which such action shall be taken. If corrective action is not made in the allotted time, the licensee may be fined and the establishment will be reported to the New Jersey State Board of Cosmetology and Hairstyling for further investigation and possible license suspension.

(Ord. No. 4897, § 7, 9-12-2017; Ord. No. 4781, § 4, 12-3-2016)

5.24.050 - Reinspection fees.

- A. An inspection fee, in addition to the annual license fee, shall be imposed upon any barbershop or hairdressing and/or cosmetology shop/salon or nail salon/parlor as follows:
1. For each reinspection carried out pursuant to a complaint when such inspection results in a determination that said barbershop or hairdressing and/or cosmetology shop/salon or nail salon/parlor is in violation of any of the provision of this chapter.
 2. For each reinspection carried out after either a failure of the regular inspection.
 3. There shall be a fee of one hundred dollars (\$100.00) for each reinspection as set forth in subsection 1. and/or 2.

(Ord. No. 4781, § 5, 12-3-2016)

5.24.060 - Suspension/revocation.

- A. Failure to comply with the provisions of this chapter and applicable state regulations shall be grounds for suspension of any license issued under the provisions of this chapter.
- B. The health officer/chief license inspector may suspend/revoke, without warning, prior notice or hearing, any license to operate a barbershop or hairdressing and/or cosmetology shop/salon or nail salon/parlor if the operation constitutes an imminent hazard to public health including, but not limited to, any one of the following:
1. There is an outbreak of an infectious, pathogenic or toxic agent capable of being transmitted to consumers.
 2. There is an absence of potable water, supplied under pressure, in a quantity which, in the opinion of the health officer, is capable of meeting the needs of the facility.
 3. There is a sewage backup into the facility.
 4. An unlicensed individual is performing procedures requiring licensure by the New Jersey State Board of Cosmetology.
 5. Unsanitary conditions.
- C. Suspension shall be effective immediately upon delivery of the written order to the license holder or person in charge of the facility by the health officer/chief license inspector or his/her designee. When a

license is suspended, all barbershop, hairdressing and/or cosmetology shop or nail salon/parlor operations shall cease immediately and shall not resume until written approval to resume has been issued by the health officer/chief license inspector. The health officer/chief license inspector or his/her designee shall remove a suspended license from the premises.

- D. When a license is to be suspended for a reason other than set forth in subsection B., the holder of a license, 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 hearing is filed with the health officer/chief license inspector by the holder of the license within two (2) business days. If no written request for a hearing is filed within two (2) business days, the suspension is sustained. The health officer/chief license inspector may end the suspension at any time by giving written notice to the license holder if reasons for suspension no longer exist.
- E. Upon receiving a request for a hearing, the health officer/chief license inspector shall schedule a hearing not later than ten (10) business days from the date of actual receipt of the request to afford the owner the opportunity to present evidence and argument on all facts or issues involved and to examine the merits of such suspension.
- F. The health officer/chief license inspector shall examine the merits of such suspension and render a decision in writing to vacate, modify, or affirm such suspension within ten (10) business days of the date of the hearing held under this section.
- G. Whenever a license has been suspended, the holder of the suspended license may make written request for license reinstatement. Within ten (10) business days following receipt of a written request, including a statement signed by the applicant that, in his or her opinion, the conditions causing the suspension have been corrected, the health officer/chief license inspector or his or her designee shall make a re-inspection. If the health officer/chief license inspector or his or her designee determines that the applicant has corrected the violations, the license shall be reinstated and returned to the license holder.

(Ord. No. 4781, § 6, 12-3-2016)

5.24.070 - Violation penalties.

- A. Any person who shall violate any provision of this chapter or any provision of any rule, or regulation or order promulgated by the health officer/chief license inspector pursuant to the authority granted by this chapter shall, upon conviction, in the municipal court of Elizabeth or other court of competent jurisdiction be punished by a fine of not less than three hundred fifty dollars (\$350.00) and not more than two thousand dollars (\$2,000.00) or community service for a period of not more than ninety (90) days or imprisonment for a term not exceeding ninety (90) days, and each day's failure to comply with any provision, rule or order shall constitute a separate and distinct offense.

(Ord. No. 4781, § 7, 12-3-2016)