

Amended 8/23/2017

ORDINANCE NO. 4897

AN ORDINANCE TO AMEND ORDINANCE NO. 4781, WHICH ESTABLISHED CHAPTER 5.24 OF THE CODE OF THE CITY OF ELIZABETH, SPECIFICALLY TO AMEND LICENSE REQUIREMENTS, LICENSE FEES, AND HOURS OF OPERATION FOR BARBERSHOPS, BEAUTY SALONS/SHOPS, AND NAIL SALONS/PARLORS.

WHEREAS, the City Council of Elizabeth has expressed the desire to address the concerns of owners of barbershops, beauty salons/shops, and nail salons/parlors, as well as patrons of such establishments, and the citizens of Elizabeth; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH:

SECTION 1. Ordinance No. 4781, Section 1. Definitions, subsection D., shall be amended and replaced with the following:

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.

SECTION 2. Ordinance No. 4781, Section 1. Definitions, subsection H., shall be amended and replaced with the following:

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.

SECTION 3. Ordinance No. 4781, Section 2. License Requirements/Fees, subsection A., shall be amended to include the following:

A. 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.

SECTION 4. Ordinance No. 4781, Section 2. License Requirements/Fees, subsection D., shall be amended and replaced with the following:

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:

PRESENTED to the Mayor for
APPROVAL or DISAPPROVAL on
SEP 13 2017

City Clerk

1. Beauty salons/parlors and barbershops shall be assessed \$175 per licensing year paid to the Central License Bureau of the City of Elizabeth.
2. Nail salons/parlors shall be assessed \$175 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 \$175 for the first license and \$50 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 Section 1., subsection 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 Section 1., subsection 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 \$50 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 Section 1., subsection 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 Section 1., subsection H.
5. No license fee shall be prorated.

SECTION 5. Ordinance No. 4781, Section 2. License Requirements/Fees, subsection J., shall be amended and replaced with the following:

- 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.

SECTION 6. Ordinance No. 4781, Section 2. License Requirements/Fees, subsection K, shall be amended and replaced with the following:

- 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 \$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.

SECTION 7. Ordinance No. 4781, Section 4. Regulatory Requirements/Compliance, subsection B, shall be amended and replaced with the following:

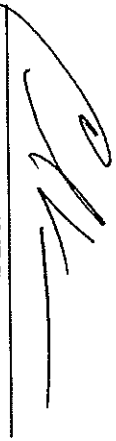
The Health Officer, Chief License Inspector, or any of their designees shall inspect every barbershop, beauty salon/parlor, nail salon/parlor, and any other place of business governed by this ordinance at least once a year, and shall make as many additional inspections as necessary for the enforcement of this chapter.

SECTION 8. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

SECTION 9. If any portion or clause of this ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this ordinance.


SECTION 10. The effective date of this ordinance shall be twenty (20) days after its final passage by City Council and approval by the Mayor at the time and in the manner provided by law.

PASSED: 9-13-17



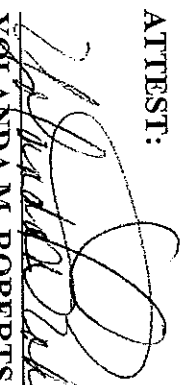
CARLOS TORRES
PRESIDENT OF CITY COUNCIL

APPROVED: 9-13-17



J. CHRISTIAN BOLIVAGE
MAYOR

ATTEST:



YOLANDA M. ROBERTS, R.M.C.
MUNICIPAL CLERK