

LEGAL NOTICE
BOROUGH OF RINGWOOD
COUNTY OF PASSAIC
NEW JERSEY

BH Ordinance No. 2014-#03

AN ORDINANCE CREATING BOARD OF HEALTH
ORDINANCE – CHAPTER 16, BARBERSHOPS,
BEAUTY PARLORS AND NAIL SALONS AND
ADOPTION OF CODE BY REFERENCE

NOTICE is hereby given that the ordinance published herewith was introduced and passed first reading at a Meeting of the Ringwood Board of Health, in the County of Passaic, New Jersey held at the Violet E. Bogert Municipal Annex, 60 Margaret King Avenue, Ringwood, New Jersey on Wednesday, October 1, 2014, and will be considered for final passage at a Meeting of said Ringwood Board of Health to be held on Wednesday, November 5, 2014 at 7:30 pm, or as soon thereafter as same can be considered, at the Violet E. Bogert Municipal Annex, 60 Margaret King Avenue, Ringwood, New Jersey, at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning same. During the week prior and up to the time of public hearing, copies of said Ordinance will be available to the members of the general public who request same.

SUSAN CALCAGNO
BOARD SECRETARY

1t: Sunday, October 19, 2014
Fees: \$
The Suburban Trends

BH Ordinance No. 2014-#03

AN ORDINANCE CREATING BOARD OF HEALTH
ORDINANCE – CHAPTER 16, BARBERSHOPS,
BEAUTY PARLORS AND NAIL SALONS AND
ADOPTION OF CODE BY REFERENCE

BE IT ORDAINED that the Board of Health of the Borough of Ringwood hereby creates Chapter 16, Barbershops, Beauty Parlors and Nail Salons as follows:

16-1 Definitions

As used in this Chapter, the following terms shall have the meanings indicated:

Barber Any person who is licensed to engage in any of the practices encompassed in barbering.

Barbering 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:

- A. Shaving or trimming of the beard, mustache or other facial hair;
- B. Shampooing, cutting, arranging, relaxing or styling of the hair;
- C. Singeing or dyeing of the hair;
- D. Applying cosmetic preparations, antiseptics, tonics, lotions or cream to the hair, scalp, face or neck;
- E. Massaging, cleansing or stimulating the face, neck or scalp with or without cosmetic preparations, either by hand, mechanical or electrical appliances; or
- F. 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.

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

Beautician Any person who is licensed to engage in any of the practices encompassed in Beauty Culture.

Beauty Culture 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:

- A. Shampooing, cutting, arranging, dressing, relaxing, curling, permanent waving or styling of the hair;
- B. Singeing, dyeing, tinting, coloring, bleaching of the hair;
- C. Applying cosmetic preparations, antiseptics, tonics, lotions, creams or makeup to the hair, scalp, face, neck or upper part of the body;
- D. Massaging, cleansing or stimulating the face, scalp, neck or upper part of the body, with or without cosmetic preparations either by hand, mechanical or electrical appliances;
- E. Removing superfluous hair from the face, neck, arms, legs or abdomen by the use of depilatories, waxing or tweezers, but not by use of electrolysis;
- F. Manicuring the fingernails, nail-sculpting or pedicuring the toenails;
- G. Cutting, fitting, coloring or styling of hairpieces or wigs to the extent that the services are performed while the wig is being worn by a person.

Board of Health The Borough of Health of the Borough of Ringwood.

Designee Any person designated by the Health Officer to act for him/her in the performance of his/her duties.

Disinfectant A product registered with the Environmental Protection Agency (EPA) or New Jersey Department of Environmental Protection, with demonstrated bactericidal, virucidal and fungicidal activity, used in accordance with manufacturer's instructions.

Foot spa/Water bath A basin, sink, plumbing fixture or other device used for the purpose of soaking or washing the feet.

Hairdresser/Cosmetician or Cosmetologist-Hairstylist Any person who is licensed by the New Jersey State Board of Cosmetology and Hairstyling to engage in the practices encompassed in cosmetology and hairstyling.

Hairdressing and Cosmetology Any one or combination of the practices as outlined in N.J.S.A. 45:5B-3(j) 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.

Hairdressing or Cosmetology Shops/Salon An establishment engaged in the practice of hairdressing, cosmetology or barbering for the public.

Health Officer The Health Officer of the Borough of Ringwood or his/her duly authorized representative.

Nail Salon/Shop Any establishment, which is licensed by the New Jersey State Board of Cosmetology and Hairstyling, engaged in the practice of cutting, shaping, polishing or enhancing the appearance of the nails of the hands or feet, including but not limited to the application and removal of sculptured or artificial nails.

Nail Technician A person who is licensed by the New Jersey State Board of Cosmetology and Hairstyling and 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 A person who owns, leases or manages a shop/salon, or any licensed person performing barbering, hairdressing, cosmetology, manicuring or waxing.

Owner A person who owns a shop/salon establishment and is responsible for upholding the regulations of this Chapter in all areas of the establishment.

Person An individual, firm, partnership, company, corporation, trustee, association or any public or private entity.

Person in Charge The individual present in the barbershop or hairdressing and/or cosmetology salon/shop or nail salon/shop that is the apparent supervisor of the barbershop or hairdressing and/or cosmetology salon/shop or nail salon/shop at the time of inspection. If no individual claims to be a supervisor, then any employee present is deemed to be the person in charge for the purposes of this Chapter.

Sanitary Conditions Safe and clean shop/salon conditions that prevent the spread of communicable diseases and protect the public's health and welfare.

Waxing The temporary removal of superfluous hair from the hair follicle on any area of the human body through the use of a physical (wax) depilatory or by tweezing.

Working Area A separate room with more than one work station or a private room set aside to serve one customer at a time.

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.

16-2 General Requirements

Every barbershop, hairdressing or cosmetology salon/shop or nail salon/shop must comply with local planning and zoning regulations and all other applicable ordinances of the Borough of Ringwood.

16-3 Annual Inspections

- A. The Health Officer shall promulgate such rules and procedures as are necessary to ensure compliance with this Section.
- B. At least once a year, the Health Officer or his/her designee shall inspect each barbershop, hairdressing and/or cosmetology shop/salon and nail salon/shop and shall make as many additional inspections as are necessary for the enforcement of this Chapter.
- C. The Health Officer or his/or 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/shop for the purpose of making inspections to determine compliance with this Chapter.
- D. In the event that the Health Officer or his/her designee finds unsanitary conditions in the operation of the barbershop or hairdressing and/or cosmetology shop/salon or nail salon/shop, or if the violation or multiple violations occur, the Health Officer or his/her designee 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, a court summons may be issued.

16-4 Sanitation

- A. General cleanliness. Each shop/salon shall be maintained to provide a safe and sanitary environment. All facilities shall be kept clean, sanitary and in good repair.
- B. Disinfection of reusable equipment:
 - 1. After each use on a patron, any tool or part thereof which comes into contact with the head, face or neck of the patron, such as razors, scissors, tweezers, combs and part of vibrating trimmers, shall be thoroughly cleaned and disinfected.
 - 2. After each use on a patron, all electrical and nonelectrical instruments shall be thoroughly cleaned to remove foreign matter, treated with an approved disinfectant and stored in a protected manner until next use.
 - 3. Disinfectants shall be changed in accordance with the manufacturer's instructions to ensure complete disinfection. No sediment from the item being disinfected shall be allowed to remain in the bottom of the disinfection container.

C. Disposable and single-use equipment:

1. Disposable or single-use articles shall be disposed of in a waste receptacle after use on each patron unless stored in a separate closed clean container labeled with the patron's name and used only on that patron.
2. All disposable or single-use articles that come into contact with blood and/or body fluids shall be enclosed in sealable plastic bags prior to being placed in the waste receptacle.
3. All sharp or pointed articles shall be disposed of in a puncture proof container.

D. Sanitation of foot spas and water baths:

1. An antimicrobial additive shall be placed in each foot spa or water bath during use.
2. After each patron, the shop/salon shall drain all water and debris, properly disinfect and dry the foot spa or water bath.
3. At the end of each day, the shop/salon shall remove and immerse any filter in disinfectant and flush the foot spa or water bath with low-sudsing soap and water, and then disinfect and air dry the foot spa or water bath.

E. Towels:

1. Clean, properly laundered or disposable towels shall be used for each patron.
2. All linens and towels shall be deposited in a covered cleanable receptacle after use by a patron.
3. Clean towels and linens shall be stored off the floor in a clean, protected location.

F. 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 not to contaminate the remaining portion.
2. Multi-use of cosmetic applicators is prohibited. This includes the use of lipsticks, powder puffs, makeup brushes and sponges which are not disposable.
3. Lotions and powders shall be dispensed from a sanitary self-dispensing container.

G. Operators:

1. Operators shall thoroughly wash their hands with soap and water immediately after using the toilet, eating or smoking. Before serving each customer, operators shall thoroughly wash their hands with soap or hand disinfectant.
2. No operator shall remove warts or moles or treat any disease of a patron, nor perform any medical procedure, such as an injection, nor dispense any medical device.
3. All operators shall have an exclusion policy for people with a communicable disease that may be transmitted through the service of a barber, hairdresser, cosmetologist or nail technician.
4. No individual shall perform procedures requiring licensure by the New Jersey State Board of Cosmetology and Hairstyling without processing such a valid license.
5. No individual shall perform procedures requiring licensure by the New Jersey State Board of Cosmetology and Hairstyling without having such license visible and present on site.

H. Water and Plumbing:

1. Every shop/salon must have an approved water supply with sufficient hot and cold running water under pressure.
2. All plumbing fixtures must be protected against back-siphonage or backflow.
3. Plumbing fixtures shall be clean and free from defects.

I. Toilet and sink facilities:

1. Each shop/salon shall provide adequate toilet and hand-washing facilities for patrons and employees.
2. Toilet and hand-washing facilities shall be in working condition at all times and kept clean and sanitary.
3. Each hand-washing sink shall have a soap dispenser and disposable towels or an air dryer for hand drying.

J. Lighting and ventilation:

1. Lighting shall be sufficient to provide adequate illumination in the work area.
2. The shop/salon shall be properly and adequately ventilated to remove excess heat, vapors or odors.
3. Windows and doors shall be effectively screened against insects, rodents and other vermin. Insect and vermin entry must be otherwise precluded at all times.

K. Floors, walls and ceilings:

1. Floors, walls and ceilings shall be kept clean and in good repair.

16-5 Pools and Spas

Swimming pools and spas shall conform to municipal ordinance, State Statute and Chapter IX of the State Sanitary Code entitled "Public Recreational Bathing" (N.J.A.C. 8:26).

16-6 Sewage Disposal

All sewage shall be disposed of by means of a public sewerage system or, where a public sewerage system is not available, in accordance with the provisions of the Standards for the Construction of Individual Subsurface Sewage Disposal Systems (N.J.A.C. 7:9) and the New Jersey Water Pollution Control Act Regulations (N.J.A.C. 7:14), promulgated by the Department of Environmental Protection and any other applicable rules and regulations.

16-7 Food service, milk supply and water supply

A. Rules applicable to food service, milk and water supply include:

1. All food service and milk supply shall comply with Chapter XII of the State Sanitary Code (N.J.A.C. 8:21-2 and N.J.S.A. 26:1A-9).
2. The water supply shall comply with the provisions of the New Jersey Safe Drinking Water Act (N.J.S.A. 58:12A-1 et seq.).

B. Drinking fountains, if provided, shall be constructed of impervious material and have an angle jet with a nozzle above the overflow rim of the bowl. The nozzle shall be protected by a non-oxidizing guard. The bowl shall be of easily cleanable design, without corners and the bowl opening shall be equipped with a strainer. Wastewater from the bowl shall be discharged to a suitable drain by means of a pipe with a suitable air gap.

16-8 Enforcement

- A. This Chapter shall be enforced by the Health Officer of the Borough of Ringwood or his/her designee.
- B. Failure to comply with the provisions of this Chapter and applicable State regulations shall be grounds for the issuance of a court summons.
- C. If, in the opinion of the Health Officer, 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; or
 - (2) there is an absence of potable water, supplied under pressure, in a quantity which is capable of meeting the needs of the facility; or
 - (3) there is a sewage backup into the facility; or
 - (4) an unlicensed individual is performing procedures requiring a licensure by the New Jersey State Board of Cosmetology and Hairstyling; or
 - (5) any other violations of this Chapter which are deemed by the Health Officer to be an imminent hazard to public health, the Health Officer may present evidence thereof to the Borough Attorney, who may institute legal action to close the premises for business until such time as the hazard no longer exists and a reinspection can be conducted.

16-9 Violations and Penalties

- A. For any violation of any provision of this Chapter, the following shall apply:
 - 1. For any violation of any provision of this Chapter, the Health Officer or his/her designee or any other law enforcement officer may issue a summons and complaint, in usual form, returnable in the Municipal Court of the Borough of Ringwood or such other court as may be permitted by law.
 - 2. Upon conviction, any person who violates any provision of this Chapter shall be subject to a fine of not less than \$100.00 nor more than \$1,000.00 for the first offense and a fine of not less than \$100.00 nor more than \$2,000.00 and imprisonment for 90 days for the second and subsequent offenses, or the maximum penalties otherwise permitted by law.
- B. Each day (consisting of a twenty-four hour period beginning at 12:01 am) during which a continuing violation of this Chapter shall constitute a separate violation and shall incur the penalties set forth herein, at the discretion of the Health Officer or his/her designee.