

**CITY COUNCIL**

**The City of Orange Township, New Jersey**

DATE \_\_\_\_\_

NUMBER 61-2023

**TITLE:** AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF ORANGE TOWNSHIP, ESSEX COUNTY, NEW JERSEY, AMENDING CHAPTER 60 OF THE MUNICIPAL CODE OF THE CITY OF ORANGE TOWNSHIP, CURRENTLY ENTITLED "BARBERSHOPS AND BEAUTY PARLORS" TO INCLUDE REGULATIONS GOVERNING BODY ART ESTABLISHMENTS LOCATED WITHIN THE CITY OF ORANGE TOWNSHIP.

WHEREAS, the Municipal Code of the City of Orange Township currently has no regulations in place regarding body art establishments that are located within municipal limits; and,

WHEREAS, the Municipal Council now wishes to amend the Municipal Code to include such regulations and establishing fees associated with same.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ORANGE TOWNSHIP, ESSEX COUNTY, NEW JERSEY as follows:

**SECTION 1 Amendment to Municipal Code.**

Part II (General Legislation) of the Municipal Code, as amended, is hereby further amended as follows:

**Chapter 60 Barbershops~~{and}~~, Beauty Parlors and Body Art Establishments**

**§ 60-1 Definitions.**

A barbershop, hair salon, nail salon or hair braiding shop shall be defined as any place, premises, building, part of building, cellar or basement, apartment or room occupied or used therein for providing services to the public for cleansing, beautifying, promoting attractiveness or altering appearance, and promoting comfort governed by the New Jersey State Board of Cosmetology and Hairstyling.

Body art shall refer to the practice of physical body adornment in permitted establishments by operators utilizing, but not limited to, the following techniques: body piercing, tattooing; and permanent cosmetics.

A body art establishment shall refer to any place or premises, whether public or private where the practices of body art, are performed.

**§ 60-2 Permitted hours of operation.**

No body art establishment, barbershop, hair salon, nail salon or hair braiding shop, on weekdays (Sunday — Wednesday), shall be open for business before 8:00 a.m. or remain open for business after 8:00 p.m. On Thursday, Friday and Saturday and the day preceding legal holidays, it may remain open for business until 10:00 p.m. Nothing contained in this section shall be held or construed to prohibit the rendering of services to any person already within such barbershops, hair salons, nail salons or hair braiding shops before the hour fixed for closing. However, all service shall terminate one hour after the time designated for closing.

(UNDERScores ARE ADDITIONS, ~~{BRACED STRIKEOUTS}~~ ARE DELETIONS)

  
A. M. RATH

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§ 60-3 License required.

It shall be unlawful for any person ~~{or anybody to conduct}~~ to operate a body art establishment, barbershop, hair salon, nail salon or hair braiding shop without first obtaining a license from the ~~{Orange Department}~~ City's Division of Health.

Temporary body art establishments, barbershops, hair salons, nail salons and hair braiding shops are prohibited. Temporary establishments shall be defined as any establishment not intended to permanently operate at a particular location.

No ownership rights in any license or renewal thereof granted under the provisions of this Chapter shall be assignable or transferable without the approval of the Division of Health. Any change of ownership shall require a new application and license with payment of fees.

§ 60-4 Application for license.

An application for a license shall be made to the ~~{Department}~~ Division of Health, upon forms provided by the Health Officer. The application shall include, in addition to the information:

- A. If the applicant is not the owner of the premises, the interest of the applicant shall be stated.
- B. A copy of the Manager's license/certificate shall be attached to application.

§ 60-5 Fee schedule.

The yearly license fees for establishments shall be as follows:

All fees shall be due prior to the opening of the establishment and thereafter by January 1 of every year. The annual fee for a license for a body art establishment, barbershop, hair salon, nail salon or hair braiding shop shall be ~~{one hundred fifty dollars (\$150.)}~~ \$300.00. The license shall be displayed in a conspicuous place in the ~~{shop}~~ place of business.

§ 60-6 Late fee.

~~{Those applicants for}~~ Body art establishments, barbershops, hair salons, nail salons or hair braiding shops that have not renewed their licenses by the first day of March each year shall pay a late fee of ~~{one hundred dollars (\$) \$100.00{}}~~ in addition to the annual license fee.

§ 60-7 Inspection of premises; compliance.

Every body art establishment, barbershop, hair salon, nail salon and hair braiding shop in the ~~{township}~~ City shall be subject to inspection by the ~~{Board}~~ Division of Health at any time and comply with the provisions of this ~~{e}~~ Chapter.

It shall be a violation of this Chapter for any body art establishment to provide any service to an individual under 18 years of age without authorization signed by the parent or legal guardian, witnessed and attested to by a notary public. The body art establishment shall be responsible for maintaining the original signed consent form and copies of all consent information for a period of 2 years beyond the body art recipient's 18th birthday. The body art establishment shall obtain a copy of 2 forms of personal identification of the individual receiving the service, which shall be retained with the signed consent form.

§ 60-8 Sanitary regulations.

The regulations pertaining to sanitation as prescribed by *N.J.S.A. 26:1A-41*, { and } *N.J.S.A. 45:5B-1* (Board of Cosmetology & Hairstyling) and *N.J.A.C. 8:27* shall apply to all body art establishments, barbershops, hair salons, nail salons and hair braiding shops within the ~~{township}~~ City. It shall be unlawful for any person to violate such regulations.

§ 60-9 Violations and penalties.

Any person who violates any of the provisions of this chapter shall be subject to a fine between ~~{fifty dollars (\$) \$50.00(>}~~ and ~~{one thousand dollars (\$) \$1,000.00(>}~~, or imprisonment for a period not to exceed ~~{ninety (90)}~~ days, or both.

§ 60-10 Location of barbershops, hair salons, nail salons and hair braiding shops.

~~{A. Location.}~~ No body art establishment, barbershop, hair salon, nail salon or hair braiding shop shall be located within ~~{one thousand (1,000)}~~ feet of an existing same business. The distance between same businesses shall be measured from the nearest entrance of the existing establishment to the newest entrance of the proposed establishment, along the route that a pedestrian would normally walk.

§ 60-11 Plan review fee-major alteration.

Any person who wishes to construct a proposed new ~~{salon}~~ establishment governed by this Chapter within the City { of Orange Township}, and/or who wishes to make any major alterations to the establishment, shall prior to obtaining any permits to commence construction or make alterations, submit to the Division of Health ~~{Department}~~ for review a plan as required by the Board of Cosmetology and Hairstyling. There shall be a ~~{one hundred dollar (\$) \$100.00(>}~~ plan review fee payable to the City ~~{of Orange Township}~~ and no construction may commence or alterations made until a license is issued by the Division of Health ~~{Department}~~.

This review fee shall be in addition to any other fees required by the City ~~{of Orange Township}~~ or the State of New Jersey.

A major alteration shall be any alteration {;}, remodeling or restructuring ~~{whose}~~ with a total costs that exceeds ~~{two thousand five hundred dollars (\$) \$2,500.00(>}~~.

§ 60-12 Compliance with standards required.

These regulations are promulgated to standardize the practice of professional body, hair and nail enhancement in order to protect the health of body art establishments, barbershops, hair salons, nail technicians, hair braiding shops, clients and visitors of nail salons from the risk of injury or infection due to unsanitary conditions and exposure to hazardous chemicals. These regulations are intended to ensure that establishments that provide professional hair and nail enhancement service to the public meet and maintain standards of cleanliness, safety and sanitation.

§ 60-13 Access by Health Officer.

The person operating any licensed establishment, business or facility shall permit access to all parts of license, establishment, business or facility. No person shall unlawfully hinder, obstruct, delay, resist or prevent the Health Officer or his authorized agent regarding inspections related to this ~~{e}~~ Chapter.

Public posting of inspection reports:

- A. An inspection report shall be presented to the owner or person in charge or in their absence, any employee of the establishment, licensee, business or facility at the completion of each inspection.
- B. The most recent report shall be maintained by the operator of each establishment, licensee, business or facility on the premises for review by the public, upon request. Inspection reports and other applicable records shall be maintained on the premises for review for a minimum of ~~{two (2)}~~ years.
- C. Every licensee shall display such license in a conspicuous place near the public entrance of the establishment in such a manner that the public may view said license.

(UNDERSCORES ARE ADDITIONS, {BRACED STRIKEOUTS} ARE DELETIONS)

**SECTION 2 Severability of Ordinance Provisions.**

Each Section of this Ordinance is an independent Section and any part hereof found unconstitutional, void or ineffective for any cause shall not affect the validity or constitutionality of any other parts hereof.

**SECTION 3 Conflicts and Inconsistencies.**

All other Ordinances and parts of Ordinances that conflict or are inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency.

**SECTION 4 Effective Date.**

Following final passage, this Ordinance shall take effect upon the expiration of 20 days after publication, unless otherwise provided by the Municipal Council.

**PURPOSE:** To regulate licensure and operation of body art establishments.

**FISCAL IMPACT:** None.

Adopted:

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Joyce L. Lanier  
City Clerk

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Tency A. Eason  
Council President

Approved:

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Dwayne D. Warren, Esq., Mayor

