



Legislation Details (With Text)

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Title: AN ORDINANCE AMENDING TITLE VIII, BUSINESSES AND OCCUPATIONS, CHAPTER 3, BARBER SHOPS, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED BY ADDING PERSONAL SERVICE ESTABLISHMENT, DEFINITIONS AND HOURS OF OPERATION.
Sponsor(s): Council Member, Luis A. Quintana
Deferred 6PSF-f 100423

Sponsors: Luis A. Quintana, Council of the Whole

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Code sections:

Date	Ver.	Action By	Action	Result
10/18/2023	1	Municipal Council	Close on Public Hearing and Adopt	Pass
10/4/2023	1	Municipal Council	Maintained on Public Hearing and Deferred	Pass
9/20/2023	1	Municipal Council	Adopt on First Reading	Pass
9/7/2023	1	Municipal Council	Advance to First Reading	Pass

AN ORDINANCE AMENDING TITLE VIII, BUSINESSES AND OCCUPATIONS, CHAPTER 3, BARBER SHOPS, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED BY ADDING PERSONAL SERVICE ESTABLISHMENT, DEFINITIONS AND HOURS OF OPERATION.

**Sponsor(s): Council Member, Luis A. Quintana
Deferred 6PSF-f 100423**

WHEREAS, the City of Newark (the “City”) recognizes that its current regulations on the hours of operation of Barber Shops are hampering the economic growth of said businesses within the City; and

WHEREAS, the City recognizes that other large cities have updated their regulations in recent years to increase the hours of operation; and

WHEREAS, the City has determined that it is necessary to adjust the aforementioned regulations; and

WHEREAS, the Municipal Council finds and declares the following amendments to the Revised General Ordinances of the City of Newark, New Jersey, 2000, are deemed necessary for the prosperity of said businesses within the City of Newark.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF

NEWARK, NEW JERSEY, THAT:

Note: Deletions are indicated by ~~strikethrough~~, additions are indicated by **bold and underline**.

SECTION 1. Title VIII, Businesses and Occupations, Chapter 3 Barber Shops, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, is amended and supplemented, to read as follows:

CHAPTER 3, Barber Shops

§ 8:3-1 CLOSING ON SUNDAYS AND HOLIDAYS.

Every barber shop shall be closed all day on Sundays and on the following holidays: New Year's Day, Washington's Birthday, Memorial or Decoration Day, Independence Day, Labor Day, Presidential Election Day, Thanksgiving Day and Christmas Day.

In the event that any of the foregoing holidays fall on a Sunday, the barber shop shall be closed on the following Monday.

§ 8:3-2 CLOSING HOURS ON OTHER DAYS.

On any day of the week on which barber shops are not required, by the provisions of Section 8:3-1, to be closed all day, the barber shops shall be and remain closed on such days from 6:30 p.m. to 8:00 a.m. of the following morning, provided however, that when Washington's Birthday falls on a Saturday, the barber shops may be open for business from 8:00 a.m. to 1:00 p.m. on that day.

Nothing herein contained shall be held or construed to prohibit the rendering of service to any persons already within the barber shop before the hour fixed for closing.

§ 8:3-3 CLEAR VIEW OF PREMISES REQUIRED DURING NON-BUSINESS HOURS.

During the hours that the barber shops are required, by the provisions of this chapter, to be closed, all such barber shops shall be open to public view from the public street or public thoroughfare. During such period of time, a full view of the interior of such premises from the public street or public thoroughfare shall not be obstructed by the use of nontransparent glass, or of any shade, blind, shutter, screen, partition, curtain or any other article placed within or without the barber shop premises.

§ 8:3-4 PENALTY.

Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$25 or by imprisonment for a term not exceeding 10 days.

CHAPTER 3, Barbershop/Personal Service Establishment

§ 8:3-1 DEFINITIONS.

"Barbershop" an establishment where primarily male customers seek personal services of a Barber, who is licensed to engage in any of the practices encompassed in barbering.

"Personal Service Establishment" shall mean and include the provision of personal services, of a licensed person, to engage directly to the consumer, which shall include, but, not be limited to, beauty parlors, nail salons, braid salons, tanning salons, or day spas.

Personal service establishments shall not include body art studios, massage facilities, lounges and/or other businesses operating out of the establishment is strictly prohibited.

§ 8:3-2 HOURS OF OPERATION ON SUNDAYS AND HOLIDAYS.

Every Barbershop/Personal Service Establishment may be open on Sundays from 6:00 A.M. until 8:00 P.M. and on Sundays before a legal holiday from 6:00 A.M. until 10:00 P.M. Every Barbershop/Personal Service Establishment shall be closed all day on the following holidays: New Year's Day, Washington's Birthday, Memorial or Decoration Day, Independence Day, Labor Day, Presidential Election Day, Thanksgiving Day and Christmas Day.

In the event that any of the foregoing holidays fall on a Sunday, the Barbershop/Personal Service Establishment shall be closed on the following Monday.

§ 8:3-3 CLOSING HOURS ON OTHER DAYS.

On any day of the week on which a Barbershop/Personal Service Establishment are not required, by the provisions of Section 8:3-2, to be closed all day, the Barbershop/Personal Care Establishment shall be open and remain closed on such days from 10:00 P.M. until 6:00 A.M. of the following morning, provided however, that when Washington's Birthday falls on a Saturday, the Barbershop/Personal Service Establishment may be open for business from 6:00 A.M. until 1:00 P.M. on that day.

Nothing herein contained shall be held or construed to prohibit the rendering of service to any persons already within the Barbershop/Personal Service Establishment before the hour fixed for closing.

§ 8:3-4 CLEAR VIEW OF PREMISES REQUIRED DURING NON-BUSINESS HOURS.

During the hours that the Barbershop/Personal Service Establishment are required, by the provisions of this Chapter, to be closed, all such Barbershops/Personal Service Establishments shall be open to public view from the public street or public thoroughfare. During such period of time, a full view of the interior of such premises from the public street or public thoroughfare shall not be obstructed by the use of nontransparent glass, or of any shade, blind, shutter, screen, partition, curtain or any other article placed within or without the Barbershop/Personal Service Establishment premises.

The License Certificate shall be displayed in the Barbershop/Personal Service Establishment at all times in an area of the establishment that is conspicuous to the public.

§ 8:3-5 PENALTY.

Any person who violates any provision of this Chapter shall, upon conviction thereof, be punished by a fine not exceeding \$250.00 for the first offense and not more than \$500.00 for the second and each subsequent offense, or by imprisonment for a term not exceeding ten (10) days.

The license issuing authority or the Health Officer reserves the right to suspend or revoke a license to conduct a barbershop and may suspend the operation of a barbershop when such suspension is necessary and/or when a continuous violation of any provision of this Chapter exists, for the protection of the public health and welfare.

SECTION 2. Codification. This Ordinance shall be a part of the Code of the City of Newark as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Code. The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Newark in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

STATEMENT

This Ordinance Amends Title VIII, Businesses and Occupations, Chapter 3, Barber Shops, by adding Personal Service Establishment, Definitions and amending the Hours of Operation.