

Ordinance No. 790

AN ORDINANCE to amend and reordain Chapter V of the Code of the City of Alexandria, Virginia enacted as a whole June 23, 1953, and made effective August 1, 1953, which said Chapter V relates to Barber Shops and Hairdressing or Manicure Parlors.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter V of the Code of the City of Alexandria, Virginia, enacted as a whole June 23, 1953 and made effective August 1, 1953, be and the same hereby is amended and reordained to read as follows:

CHAPTER V

BARBER SHOPS AND BARBERING

Sec. 5-1. **Definitions:** For the purpose of this chapter and unless otherwise required by the context:

A. "Board" shall mean the City of Alexandria Board of Barber Examiners.

B. "City Council" shall mean the City Council of the City of Alexandria, Virginia.

C. "Barber" shall mean any person engaged in the practice of barbering.

D. "Barber Shop" shall mean any place, shop, or establishment wherein the practice of barbering is engaged in or carried out and shall include all portions of the premises under the control of the owner or manager thereof, which portions are used in part or in whole for the conducting of the business.

E. "Manager" shall mean a registered barber having control of a barber shop and of the persons working or employed therein.

F. "Health Officer" shall mean the Health Officer of the City of Alexandria, Virginia, or his duly authorized agent or deputy.

G. "Certificate" shall mean a certificate of registration entitling the person to whom issued to practice, or a barber school or a barber shop to be operated.

H. "Barbering" shall mean any one or combination of the following practices (When done upon the upper part of the human body for cosmetic purposes and not for the treatment of diseases or physical or mental ailments, and when done for pay either directly or indirectly, or without payment, for the public generally both male and female); shaving or trimming the beard or cutting the hair; giving facial and scalp massage or treatments with oils, creams, lotions, or other preparations, either by hand or mechanical appliances; singeing; shampooing, waving or dyeing the hair, or applying tonics; applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to the scalp, face, neck or upper part of the body.

I. "Beauty Shop"—nothing herein contained shall be construed to regulate or affect the operation of Beauty Shops in the City of Alexandria, dealing exclusively with female customers.

Sec. 5-2. BOARD OF BARBER EXAMINERS

There is hereby created a Board of Barber Examiners consisting of five members to be appointed by the City Council, which shall be known as the City of Alexandria Board of Barber Examiners. Said Board shall at all times consist of two registered barbers duly licensed under this ordinance, who have engaged in the practice of barbering for a period of at least three years immediately prior to his appointment, and who shall be members of the Barber's Union, and the remaining two barber members shall be non-union. One member shall be the Health Officer. On or before Sept. 1, 1953, the barber members of the Board shall be appointed, one for the term of one year, one for the term of two years, one for the term of three years, and one for the term of four years. Thereafter one barber member of said Board shall be appointed each year for a term of four years, and shall hold office until his successor is appointed and qualified. All members of the Board shall be residents of the State of Virginia. A Board member may be removed by the City Council for any of the causes set forth in Subsection K of Section III of this Chapter. A simple majority of the Board shall govern its action.

B. Board Organization

The Board shall organize by election of a Chairman, Vice Chairman and Secretary-Treasurer from its members. The Board shall adopt and use a common seal for the authentication of its proceedings, a register of persons registered as barbers and apprentices, showing the name, place of business and residence of each and the date and number of his or her certificate and a record of all licenses or certificates issued, reviewed, renewed, suspended or revoked. The records of the Board shall annually, on or before the 1st day of July be presented by the Board to the City Council in a report of all its official acts during the preceding year and the Board shall make such recommendations as it may deem expedient.

C. Authority of Board

The Board shall have the power to conduct the examination and issue the certificate hereinafter mentioned. It may also issue reasonable regulations to help carry out the terms of this Chapter.

Sec. 5-3. LICENSING OF BARBERS AND APPRENTICES**A. Licensing of Barbers**

On and after the effective date of this ordinance it shall be unlawful:

1. To practice barbering in this City without a certificate of registration as a registered barber, issued pursuant to the provisions of this Chapter by the Board of Barber Examiners.

2. To act or attempt to act as a barber apprentice without a certificate of registration as a registered apprentice, duly issued by the Board of Barber Examiners.

3. For any person, firm or corporation to operate a barber shop,

barber school or barber college unless it is at all times operated under the personal supervision and management of a registered barber.

4. For any person, firm or corporation to hire or employ any person to engage in the practice of barbering as hereinafter defined, unless such a person then holds a valid, unexpired and unrevoked barbers' or apprentices' certificate of registration.

5. For any person, firm or corporation to operate a barber shop in the City of Alexandria without having obtained an annual establishment license, which license shall at all times be posted in a conspicuous place in said shop, such license to be transferable in case of a sale of said shop or in case of the owners relocating.

6. For any person, firm or corporation to hereafter open or establish a barber shop in the City of Alexandria without first having had said shop inspected and approved by the City of Alexandria Board of Barber Examiners.

B. BARBER QUALIFICATIONS

Any person shall be qualified to receive a certificate of registration to practice as a registered barber:

1. Who is at least eighteen years of age.
2. Who has practiced as a registered apprentice for a period of three months under the immediate personal supervision of a registered barber, or
3. Who has completed a course in a school of barbering, or
4. Who has passed a satisfactory examination conducted by the Board to determine his fitness to practice barbering.

Any apprentice, registered under the provisions of this ordinance, who fails to pass satisfactory examination conducted by the Board, must continue to practice as an apprentice for an additional three months before he again is entitled to take the examination for a registered barber.

C. APPRENTICE QUALIFICATIONS

Any person shall be qualified to receive a certificate of registration as a registered apprentice:

1. Who is at least 16½ years of age.
2. Who has completed a course in a school of barbering.
3. Who has passed a satisfactory examination conducted by the Board to determine his fitness to practice as a registered apprentice.

No registered apprentice may independently practice barbering, but he may, as an apprentice, do any and all the acts constituting the practice of barbering under the immediate personal supervision of a registered barber.

D. BARBERS FROM OTHER STATES AND FROM COUNTIES AND CITIES WITHIN THE STATE OF VIRGINIA

Any person eighteen years of age, having a license or certificate of registration or other evidence proving that he has been practicing as a barber in any state or country, or from any county or city within the State of Virginia, which has substantially the same requirements for licensing or registering barbers as required by this ordinance, or who can prove by sworn affidavits acceptable to the Board that he has practiced as a barber in another state or country or in any county or city within the State of Virginia, for at least five years prior to making application in the State, shall, upon payment of the required fee, be granted permission to take an examination to determine his fitness to receive a certificate of registration to practice barbering.

E. REGISTERED APPRENTICES FROM OTHER STATES

Any apprentice, who is at least 16½ years of age, having a valid and unrevoked certificate of registration as an apprentice in a state or country, or any county or city within the State of Virginia, which has substantially the same requirements for registering an apprentice as is provided in this ordinance, shall, upon payment of the required fee, be granted permission to take an examination to determine his fitness to receive a certificate of registration as an apprentice. Should he pass the required examination, a certificate of registration as a registered apprentice shall be issued to him and the time he spent in such other state or country, or any county or city within the State of Virginia as an apprentice shall be credited upon the period of apprenticeship required by this Chapter as a qualification to take the examination to determine his fitness to receive a certificate of registration as a registered barber.

F. APPLICATION FOR CERTIFICATES

Applicants shall file with the Board of Barber Examiners, a written application on the form prescribed by the Board together with two 1½" by 2" signed photographs of the applicant. Applicants shall also furnish a certificate from a Virginia licensed physician showing that applicant is free from any contagious, infectious or communicable diseases which shall include tubercular and venereal disease tests, together with the laboratory report thereof; said certificate shall not be dated more than ten days prior to date of application for registration. Proof of payment of application fee of \$15.00 shall accompany the application, which fee is not refundable.

G. EXAMINATIONS

The Board shall conduct "regular" examinations for applicants for certificates of registration four times each year at such times and places as the Board shall determine. Such examinations shall include both a practical demonstration and written and oral tests of applicant's knowledge of hygiene and fundamentals of the vocation. The practical examination shall count for 60% and the written and oral examination shall count for 40%. A certificate to practice shall be issued to each applicant who shall satisfactorily pass an examination with an average grade of not less than 75% and shall possess the other qualifications required by law.

H. PRIOR LICENSES

Any person who, at the time of taking effect of this Ordinance, shall be actually engaged in the practice of barbering in the City of Alexandria and who has practiced for a period of one year preceding the effective date of this ordinance shall be entitled to a barber's license without submitting to the examination as prescribed in subsection G of this section, provided that he make application and pay the required renewal fee.

I. FEES

The City of Alexandria Board of Barber Examiners shall charge the following fees in advance which shall be payable to the City of Alexandria, Virginia.

1. For examination of an applicant to practice as a barber, Fifteen Dollars (\$15.00).
2. For issuance of a certificate to practice as a registered barber, Five Dollars (\$5.00).
3. For renewal of certificate to practice as a barber, Five Dollars (\$5.00).
4. For the restoration of expired certificate as a registered barber, Fifteen Dollars (\$15.00).
5. For the examination of an applicant for a certificate as a registered barber apprentice, Ten Dollars (\$10.00).
6. For the issuance of a certificate as a registered barber apprentice, Five Dollars (\$5.00).
7. For the restoration of an expired certificate as a registered barber apprentice, Ten dollars (\$10.00).

Any registered barber or apprentice whose certificate has been lost or destroyed shall, upon satisfactory proof to the Board of such loss or destruction and upon payment of the fee of \$2.00, be given a duplicate certificate.

J. RENEWAL OF CERTIFICATES

All certificates issued by the Board shall be renewed annually on or before the 1st day of July of each year upon payment of the required fee. Any certificate which has expired for want of renewal can be restored immediately upon payment of the required restoration fee provided, however, that any certificate holder who retires from the practice of barbering for not more than three years may renew the certificate of registration upon payment of the restoration fee.

K. SUSPENSIONS

The Board shall have power to refuse either to issue or renew or to suspend or revoke any certificate of registration for any one or combination of the following causes:

1. Affliction with an infectious or communicable disease.

2. Habitual drunkenness or habitual addiction to the use of morphine, cocaine, or other habit-forming drugs.
3. Wilful failure to display the rules and regulations as required under this ordinance.
4. Violation of any of the sanitary regulations of the Board.
5. Failure to comply with any of the provisions of this ordinance.

L. HEARINGS

The Board may neither refuse to issue nor renew, nor suspend, nor revoke any certificate of registration for any causes set forth in Subsection K of Section 3 of this ordinance unless the accused has been given twenty days notice in writing of the charges against him and has been given public hearing by the Board. Upon hearing of any such proceeding, the Board may administer oaths and may procure by its subpoena the attendance of witnesses and the production of relevant books and papers.

The Judge of the Corporation Court either in term time or in vacation upon application either of the accused or of the Board, may by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Board in any hearing relating to the refusal, suspension or revocation of certificates of registration.

The accused shall be entitled to representation by legal counsel.

Whenever a certificate of registration has been refused, suspended, or revoked the person aggrieved thereby may apply for re-instatement and such re-instatement shall be granted by the Board upon proper showing that the cause therefor no longer exists.

Sec. 5-4. SANITARY REQUIREMENTS FOR BARBER SHOPS

A. What Constitutes a Violation

On and after the effective date of this ordinance it shall be unlawful:

1. For any person, firm or corporation to engage in the barbering business or practice barbering in violation of any requirements or prohibitions set forth in this section or any regulation issued pursuant thereto.

B. General Requirements as to Equipment and Owner's Responsibilities.

1. It shall be the duty of the owner of each barber shop to register as such with the Health Officer to make certain that all barbers employed in the shop of which he is manager have health certificates to practice barbering; and to be responsible for the observance of these regulations, provided that each individual barber shall be responsible for the observance of these regulations insofar as they refer to his conduct and the care of his tools.

2. No barber shop shall be opened for business or licensed until

the application therefor has been approved as complying with these regulations by the Health Officer.

3. Plans and specifications for any barber shop hereafter established, removed to a new location, or remodeled shall be submitted to the Health Officer before such shop may be opened for business; such plans shall show all details as to entrances, partitions, windows, openings, ventilation, vestibules, toilets, water supply, waste connections, sanitary equipment and such other details as may be required by the Health Officer. Blank forms for detailing plans and specifications shall be furnished by the Health Officer.

4. No portion of any barber shop shall be used for sleeping purposes nor shall living quarters of any kind be directly connected with the barber shop, nor shall any cooking be permitted in a barber shop.

5. No barber shop shall be permitted to be connected with any other business or dwelling unless it be separated by a partition or wall constructed in accordance with the regulations of the City of Alexandria Building Code. Access to any dwelling or to any other place of business must not be through a barber shop, but must be by means of a separate entrance.

6. Each barber shop shall have the following equipment.

(a) For customer service a minimum of one lavatory with running hot and cold water and an additional lavatory with running hot and cold water for each two chairs beyond the first; provided that such lavatory or lavatories may not be located more than twenty feet from any barber chair which they are intended to serve, and may not be located within the same room. All water shall be from a public supply unless otherwise permitted by the Health Officer.

(b) At least one suitable plumbing fixture with running hot and cold water for custodial purposes and not for customer service, provided, however, that where a part of any premises is so used it shall be sufficient if the plumbing fixtures for custodial purposes are provided within the building if it can be reached by a line of travel not exceeding one hundred feet and without going outside of the building; provided, however, that barber shops now approved and in operation shall not be required to install additional plumbing fixtures to comply with this subparagraph and subparagraph 6 (a) until one year after the adoption of these regulations.

(c) Automatic lathering device or devices.

(d) Closed storage cabinet or cabinets for supplies, clean linens and other material used in the practice of barbering.

(e) Covered metal containers for all waste materials.

(f) Suitable storage space for custodial equipment and supplies.

(g) Supplies of disinfectant and fungicide approved by the Director of Health.

(h) Clean laundered towels, hair and chest cloths.

(i) Neck strips and suitable dispensers.

(j) Clean head rest covers and suitable dispensers.

7. Minimum equipment for each barber chair shall be as follows:

(a) Barber chair with head rest having a changeable cover.

(b) One or more covered containers for disinfecting and fungicidal solution.

(c) One closed cabinet for tools and clean linen.

(d) One closed container for soiled linen.

(e) One closed container for used papers.

C. Sanitation of Shop and Apparatus

1. The windows, floors, walls, and ceilings of all barber shops together with all the appurtenances therein, and all tools, appliances and other equipment used in connection therewith, shall be kept at all times in a clean and sanitary condition. The barber shop and all its parts shall be free of rodents and vermin.

2. All rooms used for the purpose of barbering shall be provided with artificial illumination reasonably uniformly distributed so as to give an illumination of an intensity of 30 foot candles at the working surfaces at each barber chair; such illumination shall be reasonably free from glare.

3. All rooms used for the purpose of barbering shall be provided with openable window area for ventilation purposes of at least 5% of the floor area, except that mechanical or positive ventilation systems may be substituted for, or supplement natural ventilation systems using openable windows. When such mechanical ventilation systems are used, rooms shall be provided with facilities for at least five air changes per hour.

4. To provide adequate working space, the barber chairs in every new or remodeled barber shop shall be spaced not less than five feet from center to center.

5. No person shall use any building or part of any buildings as a barber shop unless such building or part thereof be provided with separate water closet facilities for male and female employees; provided, however, that where a part of any premises is so used it shall be sufficient if the water closet facilities are provided within the building if they may be reached by a line of travel not exceeding 100 feet and without going outside of the building. Water closets shall be provided with an adequate supply of toilet tissue, paper towels and soap.

6. Floors and walls of toilet rooms and water closet compartments shall be of non-absorbent materials. All toilet room and water closet compartment doors shall be self-closing. Toilet rooms and water closets shall be kept in a clean and sanitary condition at all times. Signs requiring personnel to wash their hands immediately after each use of the water closet shall be posted in each toilet room and water closet compartment.

D. HEALTH AND PERSONAL HYGIENE OF BARBERS

1. Every attendant or employee in a barber shop shall cleanse his or her hands thoroughly with soap and hot running water immediately before serving each patron.

2. All employees performing work upon the public shall at all times be attired in clean uniforms.

3. No person shall engage in the practice of barbering who is afflicted with epilepsy or when suffering from any disease in a communicable form.

4. All persons employed in barber shops are required to have a health certificate to be issued by the Health Officer, and these certificates will be valid for six months. These certificates shall be issued upon such conditions as the Health Officer may deem reasonable and proper under this Chapter.

E. SANITATION OF BARBER TOOLS

1. Every barber shop shall be provided with and shall use proper facilities for the disinfection and fungicidal treatment of all instruments and implements employed in the practice of barbering. Containers for disinfecting and fungicidal solutions shall be provided with covers and shall be of such size as will accommodate all instruments and implements to be disinfected or treated as against mycotic organisms. A sufficient amount of disinfectant solution must be provided in the containers at all times for the proper disinfection of all instruments and implements. Specimens may be taken from time to time by the Health Officer to determine whether or not the instruments and implements so used in such shops are free from pathogenic organisms and fungi; and whether or not the disinfecting and fungicidal materials are suitable for their purposes.

2. All razors, scissors, combs, tweezers, blackhead removers, and other tools, except clippers, used in the practice of barbering shall be thoroughly washed with soap and water to remove all film and debris, and effectively disinfected immediately after use on each patron and before being used for the service of any other patron. Clippers shall be kept clean at all times and hair and debris shall be removed with a clean, dry cloth, clean disposable tissue or clean brush used for this purpose only, after the service of each patron. The clipper blades must be effectively treated to remove all pathogenic organisms and fungi after use on each patron and before being used for the service of any other patron.

3. The Health Officer shall, within thirty days from the effective date of this ordinance, and from time to time thereafter, publish a list of approved disinfectants and fungicides for use in barber shops, together with detailed instructions for the proper and effective use of said disinfectants and fungicides, as he may deem adequate and proper in accord with the purposes and requirements of this ordinance. The aforesaid list shall have the effect of regulations published under this ordinance, and at least one copy of same shall be distributed by the Health Officer to each barber shop to be posted therein.

4. No tools shall be left exposed on the work stands, but shall be cleaned, disinfected and placed in a clean closed drawer or cabinet.

5. Razor straps shall be kept clean at all times.

F. SANITIZATION OF LINENS AND DISPENSABLE ARTICLES

1. No barber or employee in any barber shop shall use for the service of a patron any headrest cover, neck strip, towel or wash cloth that has been used for any other patron unless the same shall have been laundered since last used.

2. When a hair cloth is used in serving a patron, a neck strip, a freshly laundered towel or other suitable protection shall be placed between the hair cloth and the neck of the patron so as to prevent the hair cloth from touching the skin. Soiled or unclean hair cloths shall not be used.

3. Cotton pads, absorbent cotton and other single service or dispensable toilet articles shall not be used on more than one patron and must be placed in a proper waste receptacle immediately after such use.

4. No used towel or other soiled linens shall be washed, ironed, rinsed, boiled or laundered in any barber shop.

G. HYGIENE PRACTICES OF BARBERING

1. All towels, barber tools and other implements or materials used in the service of a patron shall be removed from the work stand and from the wash basin immediately after the service of each patron and shall be placed in their proper containers. Hair cloths, chest cloths, hot towels shall not be left on chairs or work stands, except where a place is especially provided for that purpose on the chair. Jars containing creams or pomades shall be kept covered at all times.

2. The common use of hair brushes, neck dusters, shaving mugs and shaving brushes is prohibited.

3. The making of shaving lather in a wash basin or lavatory for use in serving a patron is prohibited.

4. Alum or any material used to stop the flow of blood must be used only in the form of a powder or liquid, and applied only with a clean towel or sterile absorbent cotton.

5. The use of powder puffs, finger bowls, sponges, lump alum and styptic pencils in serving a patron is prohibited.

6. The use of brushes for shampooing is prohibited.

7. No soap in cake or stick form shall be used, except where packaged for individual uses and used for one patron only.

8. Paper used for wiping razors shall be clean; no printed paper is allowed.

9. No barber shall use on any patron, or display in his work shop any hair tonic or any liquid preparation for use on the hair or scalp unless such tonic or preparation is contained or displayed in a bottle or container clearly labeled with the name and address of the manufacturer, together with the chemical contents of such preparation.

10. No barber shall remove or attempt to remove a wart or mole, or treat any skin disease of a patron.

H. INFECTED PATRONS

1. No barber shall serve any patron when the skin of a patron's face, neck, or scalp is inflamed, contains pus, or is erupted unless such patron submits a certificate from a duly licensed physician or the Health Officer stating that such inflammation or eruption is not communicable. The barber then may serve such patron subject to such regulations as may be imposed by the Health Officer.

2. No barber shall knowingly serve any patron who is afflicted with impetigo, sycosis vulgaris (barber's itch), pediculosis (lice and nits), fungus infection of the face and scalp (ringworm); nor shall he serve any patron whom he suspects with being infected with any communicable disease or any venereal disease, except that such service may be rendered in a hospital or home or other place than a barber shop, subject to such regulations as may be imposed by the Health Officer.

Sec. 5-5. ENFORCEMENT PROVISIONS

A. Power of Entry

1. For the purpose of carrying the regulations of this Ordinance into effect, the Health Officer and Members of the Board are hereby authorized to enter upon and into any barber shop in the City of Alexandria, Virginia, during all reasonable hours to inspect the same. No person shall hinder, interfere with, or prevent any inspection authorized by these regulations.

B. Posting of Ordinance, Regulations and Certificates

1. A copy of this ordinance shall be kept posted in a conspicuous place not more than five feet above the floor of every barber shop for the information and guidance of patrons and of persons employed therein.

2. Any regulations issued by the City of Alexandria Board of Barber Examiners or the Health Officer pursuant to this ordinance shall be kept posted in every barber shop along with the copy of this ordinance.

3. Each holder of any certificate issued pursuant to this ordinance shall post the same in a conspicuous place in front of his working chair where it may be readily seen.

C. Saving Clause

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by the courts, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

D. Nothing in this Chapter shall be construed to require "Union

Membership," violate the "Virginia Right to Work Laws," or prohibit or stifle competition.

E. Penalties

The violation of any of the provisions of this ordinance shall constitute a misdemeanor punishable upon conviction by a fine of not less than Twenty-five Dollars (\$25.00) and not more than Three Hundred Dollars (\$300.00), or by imprisonment in the City Jail not less than ten days nor more than ninety (90) days, or both, in the discretion of the Court.

Section 2. That this ordinance shall be published in a newspaper of general circulation in the City not later than five days following its introduction together with a notice containing the time and place for a public hearing. The Clerk of the Council shall note the date of introduction and first reading, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

MARSHALL J. BEVERLEY,
Mayor

Final Passage:
July 20, 1953