

## CHAPTER 3 LICENSING AND ISSUANCE OF PERMITS

### 001 LICENSING OF NEW BARBER SHOPS OR CHANGE OF LOCATION

**001.01 Application.** Before any person or persons may open a new barber shop or change the location of an existing barber shop, an application shall be made requesting an inspection and approval of the premises at least fifteen days in advance of the opening of that shop.

**001.02 Contents of Application.** Each application shall be made on a form provided by the Board and submitted with the fee set pursuant to the Barber Act, and shall provide the following:

**001.02A** Barber shop name.

**001.02B** Barber shop address.

**001.02C** Barber shop owner.

**001.02D** Owner's notarized signature and Social Security number.

**001.02E** Verification of incorporation if applicable.

**001.02F Booth Rental Information.**

**001.02F1 Rental Agreement.** If the applicant proposes to lease any portion of the shop to any independent contractor or self-employed person under a booth rental permit, applicant shall have available for inspection the proposed rental agreement, which shall:

**001.02F1a** contain notice that under Nebraska law no person shall lease space on the premises of the barber shop to engage in the practice of barbering as an independent contractor or self-employed person without obtaining and maintaining a booth permit as provided under the laws regulating practice of barbering.

**001.02F1b** identify the respective responsibilities of the shop owner and booth rental permit holder with regard to the booth and any common areas or other shop premises available to the booth rental permit holder consistent with the laws and rules and regulations governing requirements for barber shops; and

**001.02F1c** require that a key to a rental booth that is an enclosed suite be readily available to inspectors at any time during business hours as defined in these regulations, whether or not the permit holder is present or the booth is open for operation during such hours.

**001.02F2 Status of Barbers.** Applicant shall identify all barbers who will provide services in the shop as employees and those who will operate in the shop under a booth rental permit. Applicant shall provide proof of employment for all barber employees and, upon request, shall make available for inspection all rental agreements for those who will operate under booth permits.

**001.02G Description of the Premises.** The application shall describe the physical characteristics of the shop, including the information set forth below. If any portion of the shop is to be leased as a booth, the applicant shall identify those portions of the shop to be leased and shall provide the physical characteristics and other information required with respect to each booth.

**001.02G1** Room size.

**001.02G2** Type of floor.

**001.02G3** Type of wall

**001.02G4** Type of ceiling.

**001.02G5** Type of lighting.

**001.02G6** Methods of ventilation.

**001.02G7** Restroom facilities.

**001.02G8** Other rooms available and their usages, if applicable.

**001.02G9** Water supplies.

**001.02G10** Waste disposal.

**001.02G11** Hot water capacity/recovery rate.

**001.02G12** Number of barber chairs.

**001.02G13** Number of shampoo bowls.

**001.02G14** Number and description of immersion sterilizers.

**001.02G15** Trade names of germicidal solutions.

**001.02G16** Proposed opening date.

**001.02G17** Any other information the Board deems necessary.

### 002 BOOTH RENTAL PERMITS

**002.01 Application Required.** No person shall lease space on the premises of a barber shop to engage in the practice of barbering as an independent contractor or a self-employed person without obtaining a booth rental permit.

**002.02 Contents of Application.** An application for a booth rental permit shall be made on a form provided by the Board and submitted with the fee set pursuant to 71-219. The application shall include, but not be limited to:

**002.02A** Applicant's full name.

**002.02B** Barber license number.

**002.02C** Telephone, including work and any cell number.

**002.02D** Work address, including suite or booth number.

**002.02E** Whether the applicant is an independent contractor or a self-employed person.

**002.02F** Shop name for the booth, if different from that of the shop owner.

**002.02G** Days and hours of operation.

**002.02H** A description of where and/or with whom a key to the booth is to be found and made readily available to the inspector.

**002.02I** Such other information as the Board may require.

### 003 LIMITATION ON LOCATION AND USE OF ROOMS USED AS A BARBER SHOP.

**003.01** A barber shop in a place where food is prepared and served must be separated by a partition, ceiling height, of lath and plaster, glass or other solid material. If a door is cut through, it shall be hung with spring hinges or other self-closing appliances. If confectionery is sold in a barber shop, it must be in sealed packages.

**003.02** No room or rooms licensed as a barber shop shall be used as a sleeping room.

**003.03** A barber shop shall be a fixed, permanent structure or a part of one.

**003.04** In barber shop/cosmetology salons that occupy the same location, the barber practical work area shall be visually distinct from the other and shall be clearly identified as such to the public by a sign.

**003.05** A barber shop located in any private dwelling shall permit patrons to enter the shop directly from a public thoroughfare without passing through any other portion of the building. The barber shop area shall be separated from the living area by walls extending from floor to ceiling, except that there may be one connecting door to the private dwelling which shall be kept closed/locked while the shop is in actual operation, and shall not be for use by the general public. Such door into the private dwelling shall only be permitted where a toilet facility exists in that portion of the private dwelling licensed as a barber shop. Both the residence and the barber shop may be serviced by the same electric, gas, water and sewer facilities.

**003.06** An application for a barber shop in a private dwelling in any village or city must be accompanied by a document from that government body stating that the new owner has complied with all laws, regulations and codes for that particular location.

## **004 FIXTURES REQUIRED (MINIMUM)**

**004.01 In general.** The minimum fixtures required for every barber shop are as follows:

**004.01A** Barber pole or barber sign.

**004.01B** Barber chair.

**004.01C** Back bar.

**004.01D** One shampoo bowl for every five stations.

**004.01E** Mirror.

**004.01F** Enclosure for clean towels and implements.

**004.01G** Containers for disposal of soiled towels and other waste materials.

**004.01H** Hot water system.

**004.01I** Restroom facilities.

**004.01J** Immersion sterilizer.

**004.01K** Approved germicidal solution.

### **004.02 Rental booths**

**004.02A Enclosed Suites.** Each booth rented by a barber shop that is an enclosed suite shall contain the minimum fixtures of 004.01, except that:

**004.02A1** One barber pole or barber sign is sufficient for the shop as a whole.

**004.02A2** Every suite shall contain at least one shampoo bowl.

**004.02A3** Separate toilet facilities for each suite are not required, provided that access is available to facilities as provided by section 005.07 of these regulations.

**004.02B Booths in Open Shops.** When rental booths are not enclosed suites, the minimum fixtures described in 004.01 shall be available without obstruction.

## **005 PROPER QUARTERS**

**005.01** All fixtures and equipment, including those in the waiting area, shall be kept in a clean, orderly and sanitary condition.

**005.02** Sanitized tools and implements shall be stored separately from all others.

**005.03** Storage drawers for sanitized tools and implements shall be clean, free of hair and used only for the sanitized tools and implements.

**005.04** All soiled tools and implements shall be deposited in a separate receptacle. Nail care and waxing implements that come into direct contact with a client and are not capable of being sanitized in accordance with Rule 8 shall be disposed of in a waste receptacle immediately after use. i.e., emery boards, spatulas, wax and waxing strips.

**005.05** Shampoo bowls located in common areas shall have access without obstruction.

**005.06** Each barber chair must be in good condition, mechanically sound and with acceptable covering of a material capable of being sanitized and free of tears. Barber chairs shall be placed at least four and one-half feet apart, center to center, and each chair must occupy not less than thirty-five square feet of floor space.

**005.07** A barber shop shall have toilet facilities which shall be located on shop premises, except for a barber shop located in a commercial building in which public toilet facilities are available and reasonably accessible directly from the public thoroughfare. All toilet facilities located on the shop premises shall be kept clean, sanitary and in working order at all times. Toilet facilities shall not be required in barber shops holding a valid barber shop license March 25, 1989.

**005.08** Floor surfaces in the work area of a shop shall be of washable, non-absorbent material and shall be kept clean and in good condition. Plastic floor mats or runners are required in shops with carpeted floor covering in the work area, holding a valid barber shop license prior to the effective date of this rule.

Wooden floors may be acceptable if they have a water-proof finish.

**005.09** Tanning areas, including tanning devices and equipment located on the licensed premises, shall be maintained in a clean and sanitary condition and operated in accordance with the manufacturer's instructions. Owners' request the manufacturer include in the purchasing agreement that their equipment, materials and advertising are in compliance with FDA laws and regulations. Tanning equipment shall be sanitized after each use, a sanitary towel provided to each client, a receptacle available for the disposal of all soiled towels and the client furnished with protective eye wear.

## **006 INSPECTION**

**006.01** An inspection of the new barber shop shall be conducted to determine compliance with sanitary requirements. The inspector shall file a report of his inspection. No barber shop license shall be issued until the shop has been inspected and deemed satisfactory.

**006.02** Every barber shop licensed by the Board is subject to entry for inspection at least once during each licensing period, at any time during business hours as defined in these regulations, to be eligible for renewal of certification or registration.

**006.02A Responsibilities of Shop and Booth Rental Permit Holders.** For purposes of inspection and compliance with laws and regulations, when a barber shop leases booths for practice of barbering by independent contractors or self-employed persons:

**006.02A1** The shop owner shall be responsible for compliance with all laws and regulations governing barber shops, except that the holder of a booth rental permit shall meet all sanitary and infection control requirements with respect to the premises covered under the booth permit and for his or her use of the premises consistent with the laws and regulations governing barber shops;

**006.02A2** It shall be the responsibility of both the shop owner and permit holder to insure that a key to the booth is readily available to inspectors at any time during business hours as defined in these regulations, whether or not the permit holder is present or the booth is open for operation during such hours.

## **007 CLOSING A SHOP**

**007.01** Shop owners closing their shop shall inform the Board office within thirty (30) days of closure. If the same owner re-opens the shop while the license is still current, the Board office must be notified prior to the opening.