

TOWN OF MARKHAM
ONTARIO



BY-LAW 2002-291

**A BY-LAW TO PROVIDE FOR THE LICENSING
AND REGULATION OF
BARBER AND HAIRDRESSING SHOPS**

This By-law is printed under and
by authority of the Council of
the Town of Markham

(Consolidated for convenience only
to December 14, 2007)

Amended by:

By-law 2007-282 – December 11, 2007

BY-LAW 2002-291

To provide for the Licensing and Regulation
of Barber and Hairdressing Shops

WHEREAS the *Municipal Act, 2001* provides that the Council may by by-law license and regulate Barber and Hairdressing Shops and for revoking any such license;

AND WHEREAS the Town of Markham deems it advisable to enact a by-law to license and regulate barber and hairdressing shops for health and safety reasons;

THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF
MARKHAM ENACTS AS FOLLOWS:

1. In this by-law:
 - (a) "owner" means person who has in respect to premises an estate for life, or greater estate, legal or equitable or a leasehold estate;
 - (b) "premises" means any premises licensed or required to be licensed under this by-law and includes any trade or calling required to be so licensed;
 - (c) "licensing officer" means the person or persons authorized by the council to act on their behalf in all matters relating to this by-law.
2. No person shall conduct any business in or upon any premises or part thereof, or carry on any trade or calling in the Town of Markham for which a license is required under Section 4 hereof unless he/she holds a license issued therefor by the licensing officer.
3. Every application for a license shall be accompanied by:
 - (a) a statement on the form provided by the municipality giving particulars as to the location of the premises together with such other information as may be required to determine the compliance of the use with all applicable by-laws and regulations;
 - (b) the appropriate fee as specified in By-law No. 2002-284.
4. A license shall be obtained for each barber or hairdressing shop and the issue of such license shall be subject to the following:

- (a) the Licensing Officer or other person so authorized may enter any premises at all reasonable times in order to inspect such premises and to enforce the provisions of this by-law;
- (b) each license when issued shall be posted in a conspicuous place on the premises so licensed;
- (c) the license granted for any premises may be revoked whose owner or licensee does not comply with the provisions of this by-law or where such license has been issued through error or contrary to the provisions of any by-law or regulation;
- (d) licenses issued under the provisions of this by-law unless otherwise expressed to be granted for a shorter period, shall expire on the 31st day of December in the year in which they are issued;
- (e) no person licensed as the owner of a Barber or Hairdressing Shop shall actively engage in or permit or employ any person to engage in the trade of a barber or hairdresser therein unless such person is,
 - (i) the holder of a current certificate of qualification as a barber or hairdresser pursuant to Regulations made under The Apprenticeship Act; or
 - (ii) registered with the Director of Apprenticeship as an apprentice barber or hairdresser under the Apprenticeship and Tradesmen's Qualification Act;
- (f) Every person licensed as the owner of a barber shop or hairdressing shop shall comply with the following regulations in respect to the operation of such shop or establishment:
 - (i) Adequate facilities shall be provided for a continuous supply of hot water.
 - (ii) All razors, scissors, combs and other instruments shall be properly cleaned and disinfected by immersion in water heated to the boiling point or in a solution of a suitable and efficacious recognized germicide before being used on a customer and shall not be used on any other customer without being disinfected again.
 - (iii) All hair brushes shall be immersed in a strong solution or a recognized disinfectant or water heated to the boiling point, rinsed in clear water and properly dried before being used on any customer, and all shaving brushes shall be cleansed in the same manner as hair brushes and shall be rinsed in very hot water or disinfected in such a manner as is approved by the appropriate Medical Officer of Health before each and every use.

- (iv) For shaving purposes, only powdered or liquid soap, shaving cream or other lathering appliances approved by the appropriate Medical Officer of Health shall be used and, if prepared in a shaving mug, such mug shall be thoroughly cleansed each time before using.
- (v) On the back of every chair used for the purposes of his business, there shall be placed a roll of clean paper in such a way as to provide a cover for the head rest. A fresh clean section of the said roll of paper shall be used for each customer.
- (vi) Fresh, separate, individual, clean neck bands or clean towels shall be placed around the neck of each customer immediately under the hair cloth.
- (vii) Each towel or steamer used shall be individual, fresh and clean, and after being used, such towel or steamer shall immediately be deposited in a receptacle reserved for the purpose and shall not again be utilize for any purpose before being freshly laundered.
- (viii) No caustic or styptic pencils, powder puffs or sponges shall be used.
- (ix) Alum or other astringent may be applied but only when in liquid or powdered form.
- (x) No customer shall be shaved whose neck or face is broken out with a rash, and no customer shall be served when the surface which is to be treated is inflamed or broken out with a rash.
- (xi) No sink or basin used for domestic purposes shall be used in connection with any barber shop or hair dressing establishment.
- (xii) No food or soft drinks, except small wrapped articles of confectionery such as chocolate bars, or chewing gum, shall be for sale or sold on the premises and no food or beverages shall be served on the premises free of charge.
- (g) Every person licensed as aforesaid under this By-law shall, in his/her licensed premises, to the satisfaction of the Medical Officer of Health:
 - (i) provide proper lighting and ventilation
 - (ii) keep the furnishings in a sanitary condition at all times
 - (iii) keep an ample supply of running hot and cold water
 - (iv) have available proper sanitary conveniences for all employees.
- (h) Every person licensed under this By-law as the owner of a barber or hairdressing shop shall when actively engaged in such shop as a barber or hairdresser
 - (i) wear a light coloured coat or smock of washable material which shall be kept clean and worn only in such establishment
 - (ii) wash his/her hands with hot water and soap and scrub them carefully before attending to each customer
 - (iii) satisfy the said Medical Officer of Health as to his/her freedom from communicable or transmissible disease and submit to such tests as the said Medical Officer of Health may require
 - (iv) every person licensed under this By-law as the owner of a barber or hairdressing shop shall require every employee actively engaged in such shop as a barber or hairdresser to comply with the regulations set

out is section 4(h) and shall not employ or continue to employ any person who does not comply.

5. No license issued under the provisions of this by-law shall be transferred.
6. No license shall be issued contrary to the provisions of any applicable zoning by-law.
7. Where any licensee is convicted of an offence under this by-law the license shall be suspended forthwith and shall not be reinstated until the licensing officer certifies in writing that the conditions resulting in the charge and conviction have been remedied and that the premises and its proposed operation comply with this by-law.
8. Any person who contravenes any provision of this By-law is guilty of an offence. Pursuant to this Provincial Offences Act, and upon conviction is liable to a fine of not more than five thousand dollars (\$5,000) for each offence committed.
9. By-law No. 2001-34, "A By-law to provide for the licensing and regulation of barber and hairdressing shops" shall be repealed effective January 1, 2003.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 10TH
DAY OF DECEMBER, 2002.

"Sheila Birrell"

TOWN CLERK

"Don Cousens"

MAYOR