

ORDINANCE NO. 216

ORDINANCE ADOPTING CODE OF FAIR COMPETITION AND FIXING THE STANDARDS OF FAIR COMPETITION FOR BARBER SHOPS AND THE PRACTICE OF BARBERING IN THE CITY OF LODI, CALIFORNIA, PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH UNDER CHAPTER 814 OF THE CALIFORNIA STATUTES OF 1935 APPROVED BY THE GOVERNOR ON JULY 20, 1934.

Be it ordained by the City Council of the City of Lodi, California:

SECTION 1.

The existence of a national, state and local emergency productive of widespread unemployment and disorganization of trade and industry which affects the peace and welfare of all the people of this city, is hereby recognized, and among the trades and industries particularly affected are those in which service is rendered to the public without necessarily involving the sale, manufacture or transportation of merchandise or commodities. The practice of barbering is a trade so affected and in which there is a widespread unemployment and economic distress, and the owners, operators or managers of not less than eighty per cent of the barber shops in the City of Lodi, California, have applied to this Council for the establishment of a code of fair competition for barber shops and the practice of barbering in the City of Lodi, California. For the purpose of ameliorating such conditions it is necessary and desirable to establish a code of fair competition applicable to such barber shops and the practice of barbering in the City of Lodi, California,

SECTION 2.

As used herein, the practice of barbering is hereby defined to be any of or any combination of the following practices for hire or reward:

Shaving or trimming the beard or cutting the hair;

Giving facial and scalp massages or treatments with oils, creams, lotions or other preparations either by hand or mechanical appliances;

Singeing, shampooing, arranging, dressing, curling, waving or dyeing the hair or applying hair tonics; provided that the work "waving" as herein used does not include permanent waving;

Applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face or neck.

As used herein the term "barber-shop" is hereby defined to embrace and include any establishment or place of business wherein the practice of barbering as hereinabove defined is engaged in or carried on,

SECTION 3.

(a) It shall be unlawful for any person to operate or keep open any barber shop or to render any barbering service in any barber shop or to permit anyone to enter any barber shop for any barbering service except between the hours of eight o'clock A. M. and six o'clock P. M., of each day except Saturday and the day preceeding each of the holidays designated in Section 5 - b hereof and on Saturdays or on such days preceeding said holidays between the hours of eight o'clock A. M., and eight P. M., of such Saturday or of the day preceeding said holidays; provided that anyone rendering barbering service whose religious belief requires the observance of some other day except Sunday, as Sabbath, may observe that day, and as to all persons rendering barbering; service with such religious belief, said subdivision "a" shall read as follows:

It shall be unlawful for any person to operate or keep open any barber shop or to render any barbering service in any barber shop or to permit anyone to enter any barber shop For any barbering service except between the hours of Eight o'clock A. M., and Six o'clock P. M., of each day except Sundays and on the day preceeding each of the holidays designated in Section 5-b hereof, and on Sundays, or the day preceeding said holidays between the hours of Eight o'clock A. M. and Eight P. M., of such Sunday.

(b) This section shall not prohibit the rendering of any barber service to any person after the closing hour where the patron desiring such service was in the barber shop and waiting for such barbering service therein prior to said closing time,

SECTION 4.

(a) All barber shops in the City of Lodi, California, shall charge

and receive compensation for barbering services therein rendered, not less than the prices set forth in the following schedule:

Haircut: Fifty cents;

Shave : Twenty-five cents;

Shampoo: Fifty cents and up;

Massage: Fifty cents and up;

Tonic : Twenty-five cents;

Ladies Neck Trim: Twenty-five cents;

No service rendered for less than: Twenty-five cents;

(b) No combination of services mentioned in the foregoing schedule shall be rendered for a price less than the total of the minimum price which may be charged for each such service separately;

(c) The allowance of rebates, refunds or unearned discounts or the use of any method of subterfuge to defeat the prices specified in the foregoing schedule shall constitute a violation of this act;

(d) This section shall have no application to services rendered by student barbers in any regularly established barber school in this city;

SECTION 5.

(a) It shall be unlawful for any Journeyman barber or apprentice to engage in the practice of barbering in excess of eleven hours per day or more than fifty-six hours per calendar week.

(b) It shall be unlawful for any owner, operator, or manager of any barber shop to permit, authorize or employ any barber to engage in the practice of barbering in excess of said eleven hours per day and fifty-six hours per week in such shop, or on the following named holidays: the first of January, twenty-second day of February, thirtieth day of May, fourth day of July, first Monday in September, eleventh day of November, Thanksgiving Day and the twenty-fifth day of December.

SECTION 6.

(a) It shall be unlawful to pay a weekly wage less than the sum of \$20.00 and sixty-five per cent of all over \$30.00 taken in by each journeyman barber, or a weekly wage less than \$15.00 per week for each apprentice barber employed in any barber shop in the City of Lodi, California;

(b) It shall be unlawful for any barber employed in any barber shop to receive a lesser wage than the minimum wage per day or week hereinbefore mentioned.

(c) Every barber employed in any barber shop must be paid his wages at least once each calendar week.

SECTION 7.

A copy of schedule of hours and prices herein mentioned shall be kept posted in a conspicuous place in all barber shops in this city.

SECTION 8.

Every owner, operator, or manager of every barber shop shall keep a true and complete account book of all receipts and expenses of the barbering business conducted therein, including the hours and wages of all employees therein.

SECTION 9.

Any person, firm or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$25.00 nor more than \$100.00 or by imprisonment in the county jail for not more than thirty days or by both such fine and imprisonment. Each and every day's continuance of such violation shall constitute a separate offense.

SECTION 10.

All ordinances or part of ordinance in conflict herewith are hereby repealed,

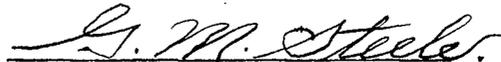
SECTION 11.

If *any* section, sentence, clause or part of this ordinance is for any reason held to be invalid, such decision shall not effect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, sentence, clause or part thereof, irrespective of the fact that one or more section, sentences, clauses or parts may be declared invalid or unconstitutional,

SECTION 12.

This ordinance shall be in effect thirty (30) days from and after its final passage and approval and shall be published one time in the "Lodi News-Sentinel", a newspaper of general circulation printed and published in said City of Lodi.

APPROVED :

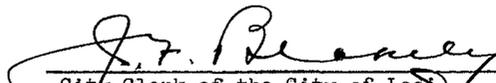

Mayor of the City of Lodi

DATED: March 16, 1936

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The foregoing Ordinance No **216** was regularly introduced in the City Council of the City of Lodi on Monday the 2nd day of March 1936 and was thereafter, on the 16th day of March 1936 finally passed, adopted and ordered to print by the following vote:

AYES: COUNCILMEN, GRAFFIGNA, WEIHE, CLARK and STEELE
NOES: COUNCILMEN, NONE
ABSENT: COUNCILMEN, SPOONER


City Clerk of the City of Lodi

SEAL :

DATED: MARCH 16th, 1936