

## ORDINANCE 15 - 18

### AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF MOUNT ARLINGTON TO ADD A NEW CHAPTER 180, TATTOO AND BODY PIERCING ESTABLISHMENTS

**WHEREAS**, the Borough of Mt. Arlington Board of Health Department reviewed the Borough Code and determined that in order to protect its residents, and for the general safety of the community, that an ordinance regulating Tattoo and Body Piercing Establishments should be added to the Borough Code; and

**WHEREAS**, the State of New Jersey requires body art establishments to be licensed or permitted to operate with approved practitioners by local health departments, which also conduct inspections of establishments. The General Sanitation Project of the New Jersey Department of Health (NJDOH) facilitates rule development and interpretation and assists local health authorities with investigations of reported infections. The Body Art Procedures Rules are set forth in N.J.A.C. 8:27-1, et seq. and these rules pertain to procedures involving body piercing, tattooing, permanent cosmetics and ear piercing; and

**WHEREAS**, the Mayor and Council for the Borough of Mount Arlington reviewed the Borough Code and desires to amend and supplement the Borough code by adding a new Chapter 180, Tattoo and Body Piercing Establishments in accordance with N.J.A.C. 8:27-1; and

**BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris and State of New Jersey that the Borough code be amended and supplemented to add a new Chapter 180, Tattoo and Body Piercing Establishments.

**SECTION 1.** Chapter 180, Tattoo and Body Piercing Establishments is set forth in its entirety as follows:

#### **§ 180-1. Compliance Required.**

No person shall engage in the business of tattooing or body piercing or shall conduct any business where tattooing or body piercing is performed or shall perform tattooing or body piercing on any other person, without complying with the requirements of this chapter.

#### **§ 180-2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

##### **BODY PIERCING**

The piercing or puncturing of the skin, cartilage, bone or other tissue of the body of a person.

##### **PERSON**

Any individual, corporation, partnership, sole proprietorship or other form of business entity which is created pursuant to Title 14 of the New Jersey Statutes.

## TATTOOING

The placing of an indelible mark or figure fixed upon the body of a person by the insertion of pigment under the skin.

### **§ 180-3. Permit Required; Application.**

No person shall engage in the business of or practice of tattooing or body piercing of other people within the Borough without first obtaining a permit from the Borough Health Department. Such an application shall be made on an application form provided by the Borough.

### **§ 180-4. Permit Fee; Expiration of Permit.**

The permit fee shall be one thousand two hundred and fifty dollars (\$1,250.00) for a one (1) year licensing period from January 1 to December 31. All permits issued during the course of a calendar year shall expire on December 31 of that year, regardless of the date issued.

### **§ 180-5. Medical Certificate.**

Every person engaged in the practice of tattooing or body piercing shall submit a medical certificate to the Health Department, with the application signed by a physician duly licensed to practice medicine in the State of New Jersey, stating that the prospective licensee is free from all contagious or communicable diseases or conditions which may jeopardize the health of clients, and shall submit proof to the Health Department that he or she has been vaccinated for hepatitis B and has had a PPD skin test for tuberculosis.

### **§ 180-6. Requirements for Establishments.**

Every person engaged in the practice of tattooing or body piercing shall at all times comply with the following requirements:

A. All tattoo and body piercing related procedures are to be carried out in a clean, safe, and sanitary manner as approved by the Borough Health Department so as to minimize the potential of disease transmission.

B. All areas of the tattoo or body piercing establishments shall be constructed and maintained in a clean, safe and sanitary manner in compliance with all applicable statutes, laws, regulations, codes and ordinances of the Borough and the State of New Jersey.

C. All walls, ceilings and floors shall be smooth and easily cleaned. Walls and ceilings are to be painted a light color. Walls, ceilings and floors shall be kept clean and free from dust and debris. The floors shall be swept and mopped daily. The walls, ceilings or floors shall not be swept or cleaned while tattooing or body piercing services are occurring.

D. Adequate light and ventilation shall be provided.

E. Adequate toilet and hand washing facilities shall be available in the establishment separate and isolated from the business area in which tattooing or body piercing is performed, for the use of customers and personnel of the establishment. Toilets and washing facilities shall be maintained in a sanitary condition at all times.

F. Separate areas must be maintained for tattooing and body piercing. Only tattooing shall be permitted in the tattoo area and only body piercing shall be permitted in the body piercing area.

G. All areas of the establishments are to be accessible for inspection by the Borough Health Department and its authorized representatives.

H. Only Food and Drug Administration (FDA) approved dyes shall be used in the tattooing process and no homemade dyes may be used. All such solutions shall be maintained in a sterile condition by methods approved by the Borough Health Department prior to use.

I. All instruments used in connection with the preparation for or process of tattooing and body piercing shall be sterilized by a sterilizer (autoclave) or an alternate sterilization method which has been approved by the Mount Arlington Board of Health before each use. Sterilization of equipment will be accomplished by exposure to live steam for a least sixty (60) minutes at a minimum pressure of fifteen (15) pounds per square inch and temperatures of not less than two hundred and fifty (250°) degrees Fahrenheit if an autoclave is used. The owner or person in charge of the establishment shall be responsible for maintaining a log which indicates that the autoclave has been checked during each cycle, and meets the aforementioned standards. All cleaned and ready-to-use needles and instruments shall be stored in a protective manner to prevent subsequent contamination. If disposable instruments are used, those instruments shall be disposed of in accordance with applicable laws.

J. Permanent records for each patron shall be maintained by the owner of the tattoo establishment or body piercing establishment. These records shall be maintained for a minimum period of four (4) years except if the patron is under eighteen (18) years of age in which event these records shall be maintained a minimum of four (4) years from the eighteenth (18<sup>th</sup>) birthday of said patron and shall include the following information:

- (1) Name, address, sex and age of the person tattooed or body pierced.
- (2) Date of tattoo and date of body piercing.
- (3) Physical location and description of tattoo and physical location and description of body piercing.
- (4) Name, address and other information about the manufacturer of the dyes used as well as information about the dye solutions and types of dyes used. If a customer has a need for this information, then the establishment must release it to the customer.
- (5) Name, address and telephone number of the person applying the tattoo and name, address and telephone number of the person performing the body piercing.
- (6) Parent or legal guardian written consent form for minors.
- (7) At such time when the tattoo establishment or body piercing establishment ceases doing business or is removed from the Borough or changes its name or has a change in management or ownership, all such records shall be turned over to the Borough Health Department.

K. More than one set of sterilized needles, tubes and tips or alternate approved sterilization method shall be kept on the premises at all times.

L. No person, customer or patron having any skin infection or other diseases of the skin or any communicable disease shall be tattooed or have body piercing performed. All infections resulting from the practice of tattooing or body piercing which become known to the owner or person in charge of the tattooing establishment or body piercing establishment shall promptly be reported to the Borough Health Department by the person owning or in charge of the tattoo or body piercing establishment and the infected client shall be referred to a physician.

M. It shall be unlawful to tattoo any person or perform body piercing on any person under the age of eighteen (18) years without written consent of his/her parent or guardian, and such written consent shall be kept on file for at least four (4) years at the establishments where the tattooing or body piercing is performed from the eighteenth birthday of the minor. Where there is doubt about such an age, the person in charge of the

establishment shall obtain written proof thereof before the tattooing or body piercing is done. Written proof of age must be photocopied and kept by the owner or person in charge of the establishment. All customers under eighteen (18) years of age must be accompanied by a parent or legal guardian. Both customer and parent or guardian must sign a consent form and a driver's license or other appropriate form of identification shall be photocopied and attached to the consent form.

N. No person shall state or imply in an advertisement or in any other way that the tattooing or body piercing establishment is endorsed, regulated or approved by the Borough or by any of its departments or is conducted in compliance with the terms of this chapter.

O. Immediately after tattooing or body piercing a patron, the person who performed the procedure shall advise that patron of the care of the tattoo or body pierced area and shall instruct the patron to consult a physician at the first sign of infection.

P. The person applying the tattoo or performing the body piercing shall wear protective, disposable latex or vinyl gloves while applying the tattoo or performing body piercing.

Q. The name, address and telephone number of the establishment must be on the heading of all waivers, care sheets, consent and other forms utilized by the establishment.

R. Information pertaining to employees.

(1) The establishment must file with the Health Department annually with the license application and any renewal thereof a list of the following information for each employee:

- (a) Name.
- (b) Home address.
- (c) Home phone number.
- (d) Position or job title.

(2) The owner or person in charge of the establishment shall amend the list accordingly and submit it to the Health Department immediately upon the addition of an employee or termination of an employee.

#### **§ 180-7. Violations and Penalties.**

Any person violating any of the provisions of this chapter shall, upon conviction, be subject to a fine not exceeding two thousand dollars (\$2,000.00) as follows: first offense two hundred and fifty dollars (\$250.00); second offense five hundred dollars (\$500.00); and third offense and above between one thousand dollars (\$1,000.00) to two thousand dollars (\$2,000.00) and/or imprisonment not to exceed ninety (90) days and/or community service not to exceed ninety (90) days; or all of the above at the discretion of the court.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

**SECTION 3.** If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable.

**SECTION 4.** This Ordinance shall take effect upon final publication as provided by law.

**I HEREBY CERTIFY** this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, adopted on October 2, 2018 and will be further considered after a Public Hearing held on November 7, 2018 at the Municipal Building at 7:00 P.M.

INTRODUCED:  
PUBLISHED:  
ATTEST:

BOROUGH OF MOUNT ARLINGTON  
COUNTY OF MORRIS  
STATE OF NEW JERSEY



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Linda DeSantis, RMC, Borough Clerk



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Michael Stanzilis, Mayor