

Introduced May 25, 2021

Public Hearing and adoption scheduled for June 22, 2021

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BOROUGH OF MAYWOOD
15 Park Avenue, Maywood, NJ 07607

ORDINANCE #9-21

AN ORDINANCE TO CREATE CHAPTER 293 OF THE BOROUGH OF MAYWOOD
CODE SO AS TO REGULATE TATTOOING AND BODY PIERCING PARLORS
WITHIN THE BOROUGH OF MAYWOOD, STATE OF NEW JERSEY

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MAYWOOD, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:

WHEREAS, the Mayor and Council of the Borough of Maywood wish to update Borough Code so as to provide regulations for Tattooing and Body Piercing Parlors that operate within the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Maywood, County of Bergen, as follows:

Section 1: Chapter 293 is created and shall read as

Title of Chapter § 293: Tattooing and Body Piercing Parlors

§ 293-1 Definitions.

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

BODY PIERCER:
One who engages in body piercing.

BODY PIERCING:
Refers to the piercing of any portion of the human body for placement of any type of jewelry or any other ornamentation, other than ear lobe piercing.

CERTIFICATE OF INSPECTION

Written approval from the Health Officer or his/her authorized representative that said tattooing or body piercing establishment has been inspected and meets all of the terms of this chapter.

ESTABLISHMENT

The premises wherein tattooing or body piercing is performed.

HEALTH OFFICER

The Maywood Borough Health Officer or his/her authorized representative.

OPERATOR

Any individual, firm, company, corporation or association that owns or operates an establishment where tattooing or body piercing is performed and any individual who performs or practices the art of tattooing on the person of another.

PERSONAL IDENTIFICATION

A document or other written or memorialized instrument setting forth the presenter's true name, address, correct age or other identifying data, examples of which include but are not limited to driver's license, credit card issued by a national company, birth certificate, passport, employment identification card or any instrument issued by a governmental agency setting forth the pertinent and required information.

SANITIZE

A bacterial treatment of cleaned surfaces by a process which is effective in reducing the number of microorganisms to a safe level.

SINGLE USE

Products or items that are disposed of after use on each client, including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary covering, razors, needles, scalpel blades, stencils and ink cups.

STERILIZATION

The destruction of all forms of microbotic life, including spores, through the use of a steam sterilizer or autoclave.

TATTOO, TATTOOED OR TATTOOING

Refers to any method of placing designs, letters, scrolls, figures, symbols or any marks under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instruments designed to puncture the skin.

TATTOO ARTIST

One who engages in tattooing.

§ 293-2 Licensing regulations.

- A. It shall be unlawful for any operator to engage in the business of operating an establishment where tattooing or body piercing is performed without first obtaining a license from the Maywood Board of Health to engage in such business in accordance with the provisions hereof.
- B. An application for an initial license shall be made to the Board of Health of the Borough of Maywood accompanied by a fee as provided in the Board of Health Fee Ordinance at §330-20.
 - i. Application for licenses under this chapter shall be made to the Maywood Board of Health, in writing, upon such printed forms as the Maywood Board of Health shall prescribe and prepare. Such forms as the Board of Health shall prescribe and prepare may be obtained from the Maywood Board of Health and shall be signed by the applicant under oath and shall contain the following information:
 - a. If an individual, the full name, age, sex and residence address at the time of application.
 - b. If a corporation, the full corporate name, the date and the state of incorporation, address of the place or places of business, the name and address of the registered agent and the name, address and age of any principal owning more than 10% of the stock
 - c. If a partnership, the information required by Subsection B(1)(a) above for each partner and the name under which the business is being conducted.
 - d. The apprenticeship, training and/or business experience of the applicant in the business or occupation for which the license is sought.
 - e. The length of time that the applicant has been engaged in such business or occupation.
 - f. Whether the applicant carries public liability insurance and, if so, the amount of said coverage and the company providing such liability insurance.
 - g. Name, address and age of every tattoo artist and/or body piercer to be initially employed to conduct the service. This shall be a continuing obligation for licensees to update once a year the list of tattoo artists and/or body piercers employed by the establishment.
 - h. State the date upon which Construction Official has approved the location for business.
- C. No ownership rights in any license or renewal thereof granted under the provisions of this chapter shall be assignable or transferable without the permission of the Board of Health whose permission shall not be unreasonably withheld. Any change of ownership shall require a new application and license with payment of fees.

- D. The renewal license fee for engaging in the business of operating an establishment subject to this chapter within the Borough of Maywood shall be as provided in the Board of Health Fee Ordinance, §330-20. All licenses shall expire on the last day of each calendar year. All applications for renewal must be presented to the Board of Health in writing on a form prescribed by the Board of Health within 30 days of the end of the calendar year.
- E. All establishments existing at the time of the enactment of this chapter will be considered renewal applications, provided that they apply for renewal of said license within one month after the effective date of this chapter. Establishments failing to apply within the specified time period will be considered new applicants and will be subject to the provision of Subsection B of this section.
- F. If renovations of the tattoo or body piercing establishment occur, plans must be submitted to the Maywood Board of Health and the applicant will be required to comply with § 293-4, herein, as well as all other applicable codes, regulations or laws.
- G. In the event that an applicant fails to qualify for a license under this chapter, the fee herein shall not be refunded.
- H. The license issued pursuant to this section shall be posted conspicuously in the place of business or location named therein.
- I. All establishments shall manage contaminated (body fluids) contact waste materials as medical waste pursuant to N.J.A.C. 7:26-A.8. All establishments shall be licensed with the State of New Jersey as a medical waste generator, pursuant to N.J.A.C. 7:26-A.8, prior to approval from the Maywood Board of Health.
- J. Applicants must also have the following:
 - i. The applicant furnishes proof of having practiced the art of tattooing or body piercing as a full-time occupation, which may take the form of a letter from a tattoo and/or body piercing establishment representing that the applicant is/was employed by said establishment as a tattoo artist or body piercer, or that the applicant presently operates or had in the past operated a tattoo or body piercing establishment, or had in the past or presently maintains an ownership interest in a business, partnership or corporation which operates or operated a tattoo or body piercing establishment
 - ii. The applicant furnishes proof of having attended blood borne pathogen training which includes principles of disinfection and sterilization.
 - iii. The operator-applicant shall develop operating guidelines, in accordance with the Centers for Disease Control (CDC) and Occupational Safety and Health Administration (OSHA), that will reduce the likelihood of accidental needle sticks, and establish a monitoring system for those person(s) accidentally stuck by a needle. The guidelines shall be submitted to the Maywood Board of Health for approval prior to the issuance of a license and subsequent renewals of license
 - iv. The operator- applicant of a tattoo/body piercing establishment shall submit a written aftercare plan to the Maywood Board of Health. Body piercing establishments will submit an aftercare plan specific to each body site intended to pierce.

§ 293-3 General provisions.

- A. It shall be a violation of this chapter for anyone or any tattoo or body piercing business to tattoo or body pierce any individual under 18 years of age without authorization signed by the parent or legal guardian, witnessed and attested to by a notary public. The operator shall be responsible for maintaining the original consent form and copies of all consent information for a period of two years beyond the recipient's 18th birthday. The operator shall obtain a copy of a two forms of personal identification of such individual being tattooed and/or pierced.
- B. Each person wishing to receive a tattoo or body piercing must first sign a consent form presented by the operator, the content of which has been approved by the Maywood Board of Health. This form shall commence with the following statement: "I swear, certify or affirm under the penalties of false swearing or perjury the following information." The consent form shall contain language above the applicant's signature which shall read, "I have read and understand the contents of this form, and acknowledge that an operator of the above-named tattoo and/or body piercing establishment has reviewed the same with me. I have presented to the operator the following forms of identification which I represent, warrant and guarantee are truthful and correct and are identification that relates to me. I further represent that I am an adult over the age of 18, and am not currently intoxicated or under the influence of any narcotic substance, and make this statement entirely of my own free will and sound mind." The form shall also include a signature line for the operator above which the following language shall appear: "I have reviewed the language of this form with the applicant who has represented to me that he/she fully understands the contents of same, and that the information provided is truthful, in addition, I have reviewed the documentation presented by the applicant with respect to his/her age." If the applicant appears to be visibly intoxicated or disoriented, the operator must refuse the applicant.
- C. All records regarding tattoos or body piercing are to be maintained for a minimum of two years. Information required for each applicant referred to in § 293-3B is to include the name, age, date of birth, health history, including allergies and medical conditions, home address and telephone numbers of the applicant as well as the name of the person who did the tattoo or body piercing, the design, location and the date of the tattoo or type of body piercing done.

§ 293-4 Sanitary requirements; design and layout specification.

- A. Each tattoo or body piercing facility shall have a bathroom accessible to the public and staff and a stainless steel sink in a separately designated sterilization room which is to be used by staff only as required by Subsection I of this section. The sink in the sterilization room shall be connected to hot and cold running water. Each bathroom shall be equipped with a commode and a sink, with the sink being connected to hot and cold running water. Soap and sanitary towels, or other approved hand drying devices, shall be available at the sink in the bathroom(s) and sterilization room at all times. Common towels are prohibited. Employee hand washing signs shall be posted in each

- bathroom and sterilization room. There shall be no door requiring the use of a tattoo artist/body piercer's hand in going from a hand-washing area to a work area.
- B. The chair or seat reserved for the person receiving the tattoo or body piercing shall be a material that is smooth and easily cleanable and constructed of material that is nonabsorbent. Any surface on the chair that becomes exposed to blood or body fluids must be cleaned and sanitized prior to use by the next customer.
 - C. The worktable or counter used by the tattoo artist or body piercer shall be smooth and easily cleanable and constructed of material that is nonabsorbent. There shall be a nonpermeable juncture between a table/counter and a wall if the table/counter is to be placed against a wall. This table/counter must be cleaned and sanitized (utilizing a method approved by the Maywood Board of Health) between customers.
 - D. The walls in the tattooing or body piercing area shall be smooth and easily cleanable and constructed of a nonabsorbent material.
 - E. The floor in the tattooing or body piercing area shall be of durable material that is nonabsorbent and is smooth and easily cleanable. Floors shall be kept clean.
 - F. Lighting within the tattoo or body piercing area shall be adequate so as to provide a minimum of 100 foot candles in all areas. Such illumination shall be reasonably free from glare and distributed to avoid shadows.
 - G. Each establishment must contain at least one enclosed privacy room so as to protect the confidentiality of the applicant and revelation of the service provided. The privacy room must be used when tattooing or body piercing is to be performed on either female breasts or the buttocks or groin areas of males or females. The privacy room shall have a swinging-type door for ingress and egress and be separated from other areas of the establishment by either walls or durable partitions, or other materials able to be sanitized, extending at least six feet in height and so designed to prevent visual observation of the customer and the tattoo artist from any other area by any persons other than the customer and the tattoo artist or body piercer.
 - H. Any surfaces in the establishment that become exposed to blood or body fluids must be cleaned and sanitized, utilizing a method approved by the Maywood Board of Health.
 - I. Cleaning, disinfection and sterilization activities must be conducted in a physically separate work area. This area should have a clearly defined work pattern from soiled to clean in order to prevent cross-contamination. All sterile equipment must be stored in enclosed cabinets outside of the processing room. All containers, regardless of size, must be clearly marked with the name of the product.
 - J. Proper waste receptacles shall be provided, and waste shall be disposed of at appropriate intervals.
 - K. The use of tobacco in any form in the establishment is prohibited.
 - L. The consumption of food or drink shall be prohibited in the tattoo/body piercing work areas of the parlor.
 - M. Only articles considered necessary for the routine and customary operation and maintenance of the tattoo/body piercing business shall be permitted in the tattoo or body piercing establishment.
 - N. No live bird, turtle, snake, dog, cat or other animal shall be permitted in any area used for the conduct of tattooing and/or body piercing operations or in the immediate open,

- adjacent areas, including the main waiting area and the public access to the toilet room, with the exception of animals utilized for the assistance of the blind and/or deaf.
- O. Effective measures shall be taken to protect the entrance into the parlor and the breeding or presence on the premises of insects and rodents.
 - i. Anyone using pesticides must be certified by the State of New Jersey for application of same.
 - ii. The use of pesticides shall not result in the contamination of dyes, inks, ink reservoirs, needles, jewelry or gloves or any equipment used in connection with the operation.
 - P. Proper ventilation and exhaust will be provided.

§ 293-5 Regulation of tattoo or body piercing parlors.

- A. Before working on each patron, each tattoo artist or body piercer shall scrub and wash his/her hands thoroughly with hot water and antiseptic soap. Fingernails shall be kept clean and short.
- B. Disposable vinyl or latex gloves shall be worn by the tattoo artist or body piercer during tattoo preparation and application to prevent contact with blood or body fluids. Universal precautions described by the Centers for Disease Control and Prevention (CDC) shall be followed. All materials shall be disposed of in accordance with § 293-5E of this chapter after contact with each patron. Hands shall be washed immediately after removal of gloves. Any skin surface that has contact with blood shall be washed immediately.
- C. Immediately after tattooing or body piercing a patron, the tattooist or body piercer shall advise the patron on the care of the tattoo or body piercing in a written form and shall instruct the patron to consult a physician at the first sign of infection of the tattoo or body piercing. Printed instructions regarding these points shall be given to each patron.
- D. All medically diagnosed infections resulting from the practice of tattooing or body piercing which become known to the operator shall be promptly reported to the Health Officer by the person owning or operating the tattoo or body piercing establishment or by the tattoo artist or body piercer within 24 hours.
- E. Employee health.
 - i. The establishment shall comply with all the current OSHA requirements applicable to its operation.
 - ii. No person affected with infected wounds, open and infected sores and acute respiratory infection shall work in any area of a tattoo or body piercing establishment in any capacity in which there is a likelihood of contaminating tattoo or body piercing equipment, supplies or work surfaces.
- F. Skin preparation.
 - i. Tattooing or body piercing shall be done only on normal, healthy skin surface that is free of moles or infection.
 - ii. Only safety razors with disposable blades shall be used for the skin preparation. Blades shall be disposed of according to § 293-5E of this chapter after each use, and new blades shall be used for each patron.

- iii. Following shaving, the area shall be thoroughly cleansed and scrubbed with tincture of green soap or its equivalent and warm water. Before placing the design or body piercing on the patron's skin, the area shall be treated with 70% alcohol and allowed to air dry. Piercing of mucous membranes (i.e., oral, nasal, vaginal, etc.) shall be treated with an industry appropriate and medically indicated antiseptic solution prior to the procedure.
- iv. Only petroleum jelly (United States of America or National Formulary) or antiseptic ointment shall be applied to the tattoo area prior to tattooing or body piercing. The ointment shall be applied in a sanitary manner, disposing of the utensil after spreading. Collapsible tubes of ointment or jelly may also be used.

G. Tattooing or body piercing.

- i. The use of single-service hectographic stencils shall be required for applying a tattoo outline to the skin. Multi-use stencils shall be prohibited.
- ii. Only nontoxic dyes or pigments may be used. Premixed sterile materials are preferred. Premixed dyes shall be used without adulteration of the manufacturer's original formula. The operator shall represent to the Maywood Board of Health, at the time of license application and renewal, that to the best of his/her knowledge the dyes and pigments used in tattoo applications are of nontoxic origins and shall submit supporting documentation on same. The operator shall also present to the Maywood Board of Health labels or manufacturer's data sheets relating to dyes and pigments or such other written documentation as is applicable to the dyes and pigments that they are non-toxic or nonhazardous to human health.
- iii. Single-service or individual containers of dye or ink shall be used for each patron and the container disposed of immediately after completing work on each patron.
- iv. The completed tattoo shall be washed with sterile gauze or single-use paper tissue and a solution of tincture of green soap or its equivalent, then disinfected with 70% alcohol. The area shall be allowed to air dry and antiseptic ointment shall be applied and spread with sterile gauze and sterile dressing attached.
- v. Upon completion of piercing of the mucous membranes, the area shall be disinfected with the industry appropriate and medically indicated solutions.

H. Needles, instruments and dyes.

- i. Only single-service sterilized needles and needle bars shall be used for each patron.
- ii. If solder is used in manufacturing needles, needle bars or needle tubes, it must be free of lead.
- iii. Any needle that penetrates the skin of the tattoo artist or body piercer shall be immediately disposed of in accordance with § 293-5E of this chapter.

- iv. Needle tubes shall be ultrasonically cleaned in a solution which is alconox or its equivalent, then scrubbed with a clean brush, then rinsed clean. Needle tubes shall be sterilized in accordance with § 293-5D(5), stored in sterile bags and maintained in a dry, closed area.
 - v. Each item to be sterilized shall be individually wrapped using chemical indicator bags or chemical indicator strips. Sterilization shall be by steam sterilization/autoclave. The autoclave shall be well maintained with a tight-fitting gasket and clean interior. The manufacturer's operating instructions and sterilization specifications shall be at hand. The sterilizer shall conform to the manufacturer's specifications with regard to temperature, pressure and time of sterilization cycle. Proper functioning of sterilization cycles shall be verified by the monthly use of biologic indicators (i.e., spore tests). A record of these monthly test results shall be available, and a test may be required to be done during any inspections. Establishments are required to maintain an autoclave on site, with a minimum interior chamber that is no less than seven inches in diameter and 15 inches in depth.
 - vi. If the primary source of sterilization malfunctions, the Maywood Board of Health shall be notified no later than four hours after the deficiency. In an emergent situation, the Maywood Board of Health may approve alternate sterilization techniques.
 - vii. Needles and bars shall not be bent or broken prior to disposal. Tattoo artists or body piercers shall take precautions to prevent injuries from contaminated needles or tubes.
 - viii. All dyes and inks shall be from a source of supply which complies with applicable United States Food and Drug Administration regulations when available. Dyes and inks are to be used in accordance with the manufacturer's directions and are not to be adulterated with any substance not recommended by the manufacturer.
 - ix. Immediately before applying a tattoo, the quantity of dye to be used for the tattoo shall be transferred from the dye bottles and placed into sterile, single-use paper cups or plastic caps. Upon completion of the tattoo, these single-use cups or caps and their contents shall be discarded.
 - x. Excess dye or ink shall be removed from the skin with a single-service wiping tissue or sterile gauze which shall be discarded after each use.
- I. Disposal of waste. All used needles, needle bars or other disposable tools used in the tattooing process, as well as gloves, gauze and other materials saturated with blood or body fluids, shall be removed through the use of a licensed medical waste hauler.

§ 293-6 Prohibitions.

Temporary tattoo/body piercing establishments are prohibited.

§ 293-7 Violations and penalties.

- A. Any person or entity who or which violates any section of this chapter shall be subject to the following penalty: a fine not to exceed \$1,000; imprisonment not to exceed 90 days in the county jail; community service not to exceed 90 days; or any combination thereof in the discretion of the Municipal Court Judge. Each day that the violation exists is considered to be a separate offense.
- B. After due notice and hearing, the Board of Health may suspend or revoke any license issued under this chapter for violation of the provisions of this chapter.

Section 2: All ordinances of the Borough of Maywood which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 3: If any section, subsection, sentence, clause or phrase of this ordinance if, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

Section 4: This ordinance shall take effect upon passage and publication according to law.

Date:

APPROVED: _____
Richard Bolan, Mayor

ATTEST: _____
Barbara L. Dispoto, RMC
Borough Clerk

Introduction-1st Reading

Date: May 25, 2021

	Moved	Seconded	Ayes	Nays	Abstain	Absent	Recuse
Mayor Bolan							
Councilwoman DeMuro		X	X				
Councilwoman Flynn			X				
Councilman Herrick			X				
Councilman Roer			X				
Councilman Ullman			X				
Council President Bennin	X		X				

Adoption-2nd/Final Reading**Date: June 22, 2021**

	Moved	Seconded	Ayes	Nays	Abstain	Absent	Recuse
Mayor Bolan							
Councilwoman DeMuro							
Councilwoman Flynn							
Councilman Herrick							
Councilman Roer							
Councilman Ullman							
Council President Bennin							