

TATTOOING AND BODY PIERCING

Chapter 78¹

TATTOOING AND BODY PIERCING

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[HISTORY: Adopted by the Mayor and Common Council of the City of Gloucester City 6-3-1999 by Ord. No. 12-1999. Amendments noted where applicable.]

GENERAL REFERENCES

Licenses, permits and certificates — See Ch. 59, Art. I.

¹ Editor's Note: Former Ch. 78, Subdivision of Land, adopted 7-5-1962, readopted 1-17-1977 by Ord. No. 3-1977, as amended, was repealed 1-2-1997 by Ord. No. 36-1996. Ordinance No. 36-1996, entitled "Ordinance To Adopt Gloucester City Development Ordinance (Zoning and Land Use Ordinance) Pursuant to the City's Master Plan and To Repeal the Existing Zoning Ordinance and Land Use Ordinance," and any amendments thereto, can be viewed, inspected and purchased from the office of the City Clerk of Gloucester City.

§ 78-1. Definitions:

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

BODY BRANDING — Placing a mark or design on the skin with a hot iron.

BODY PIERCING — Piercing the skin for the express intention of insertion of any object, including but not limited to jewelry; provided, however, that the piercing of the lobes of the ears shall be specifically excluded from the purview of this ordinance.

CERTIFICATE OF INSPECTION — Written approval from the County Health Officer or his authorized representative that said tattooing and/or body piercing establishment has been inspected and meets all of the terms of this ordinance.

CERTIFICATE OF REGISTRATION — The certificate held by an operator upon registration with Camden County Health Department by meeting the required provisions of this ordinance.

COUNTY HEALTH OFFICER — The Camden County Public Health Coordinator or his authorized representative of the Camden County Department of Health and Human Services.

ESTABLISHMENT — The premises wherein tattooing or body piercing is performed.

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 above on the person of another.

TATTOO, TATTOOED, or TATTOOING — Refers to any method of placing designs, letters, scrolls, figures, symbols or any marks under the skin with ink dye 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.

§ 78-2. Requirements of business licensing and operator registration.

- A. It shall be unlawful for any person to engage in the business of operating an establishment where tattooing or body piercing is performed without first obtaining a license from the City Clerk to engage in such business in accordance with the provisions hereof. Also, it shall be unlawful for any operator to engage in the practice of tattooing or body piercing without first obtaining a certificate of registration from the Camden County Health Department.
- B. Persons applying shall submit to the Camden County Health Department a medical certificate issued by a physician duly licensed to practice medicine and surgery in the State of New Jersey stating that the prospective licensee or registrant is free from all contagious or communicable diseases or conditions which may endanger the health of the client.
- C. Municipal license:
 - (1) The annual license fee for engaging in the business of operating a tattooing and/or body piercing establishment within the City of Gloucester City shall be \$50 per year. Any person, firm or corporation desiring to engage or presently engaged in the tattooing or body piercing business shall first apply to the Clerk of the City of Gloucester City, in writing, on forms supplied by this municipality, for said purposes. The application to the municipality shall be accompanied by the license fee and shall set forth the following.
 - (a) Name and address of the applicant.

- (b) Local and permanent addresses and telephone number of the applicant.
 - (c) Name, local address and telephone number of the manager of the business if different from applicant.
 - (d) If the applicant is a corporation, the name and address of its registered agent.
 - (e) Federal employer identification number if applicant is a corporation, partnership or firm; social security number if applicant is a sole proprietorship.
 - (f) Certificate of inspection and certificate of operator registration issued by the Camden County Health Department as parts of the application documents.
- (2) All licenses shall expire on the last day of each calendar year. Any change of ownership shall require a new application and license with payment of fees therefore.
- (3) Each tattooing and body piercing business license issued by the Clerk of the City of Gloucester City shall contain a license number, and no such license shall be transferable. If a renovation of the tattooing or body piercing establishment is anticipated after acquisition of the annual license, plans must be submitted to the Camden County Health Department, and the applicant will be required to comply with the provisions of this ordinance.
- D. Operating registration. An applicant shall submit a floor plan of the establishment to the Camden County Health Officer prior to initiation or construction and shall receive a preopening inspection. All establishments shall be subject to a periodic compliance and/or annual inspection by the Camden County Health Department. Every operator shall be registered with the Camden County Health Department and shall acquire a

certificate of registration upon payment of a fee prior to business operation or practice. Fees for a plan review, inspections and operator registration shall be payable to the county and established by the Camden County Board of Chosen Freeholders. These fee schedules are available from the office of the County Health Officer.

- E. Nothing in the foregoing shall be construed so as to affect the practice of medicine and surgery or any other recognized profession or occupation by a person duly licensed by the State of New Jersey to engage in such practice, profession or occupation and whose license would lawfully authorize the tattooing or body piercing.

§ 78-3. General provisions.

- A. It shall be a violation of this ordinance for anyone or any tattooing or body piercing business to tattoo or pierce the body of an individual under 18 years of age without written authorization signed by the parent or legal guardian as witnessed by the operator. The operator shall be responsible for maintaining the original consent form for a period of two years beyond the recipient's eighteenth birthday.
- B. If the applicant is suspected to be under the influence of alcohol, drugs or any other behavior modifying substance, the operator must refuse the applicant.
- C. Inquiry shall be made for anyone with a history of recent jaundice, hepatitis B or HIV/AIDS, and the person shall not be tattooed or body pierced.
- D. Each person wishing to be tattooed or pierced must fill out an application which will include the name, date of birth, address and telephone number of the client, as well as the design and location(s) of the tattoo(s) or piercing(s). The operator shall verify applicable information from a valid photo identification of the applicant and so noted on the application. All records

regarding tattooing or body piercing are to be maintained for a minimum of two years.

- E. No person or operator shall state or imply in any advertisement that the tattooing or body piercing establishment is endorsed or approved by the Camden County Health Department in compliance with terms of this ordinance.
- F. The piercing of the tongue, breast or any part of the genitalia shall not be permitted.
- G. The practice of body branding shall not be permitted within this municipal jurisdiction.

§ 78-4. Sanitary requirements of facility.

No person, partnership, firm nor corporation engaged in the tattooing or body piercing business shall be issued with a municipal license to engage in such activity unless the premises at which such activity is to be conducted and the equipment to be utilized in conjunction therewith meet the following standards and inspected/approved by the Camden County Health Department.

- A. Each tattooing and/or body piercing facility shall have a bathroom accessible to the client and staff. 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 at all times. Common towels are prohibited. In addition to the above, each tattooing or body piercing cubicle or work station must be provided with a sink connected to hot and cold running water. This area shall also be provided with soap and appropriate hand drying-devices.
- B. The chair, seat or exam table reserved for the person receiving the tattooing or body piercing shall be of a material that is smooth and easily cleanable and constructed or material that is nonabsorbent. Any

surfaces on the chair, seat or exam table that become exposed to blood or body fluids must be cleaned and sanitized prior to use by the next customer.

- C. The work table or counter used by the operator shall be smooth and easily cleanable and constructed of material that is nonabsorbent. There shall be a covered junction between the table/counter and the wall if the table/counter is to be placed against the wall. This table/counter must be cleaned and sanitized or use single-use disposable sheets, utilizing a method approved by the Camden County Health Department, between customers.
- D. The walls in the tattooing or body piercing area shall be smooth and easily cleanable and constructed of nonabsorbent materials. Floors shall be kept clean.
- E. Lighting within the tattooing or body piercing area shall be adequate so as to provide a minimum of 100 foot candles in all areas.
- F. The work area reserved for the tattooing or body piercing shall be not less than 100 square feet and shall be separated from other areas of the establishment by walls or durable partitions extending at least six feet in height.
- G. Any surfaces in the establishment that become exposed to blood or body fluids must be cleaned and sanitized using a method approved by the Camden County Health Department.
- H. Products used in the cleaning, sanitizing and sterilizing procedures must be clearly marked and stored in an acceptable manner. Smaller working containers filled on-site from larger containers must be clearly marked with the name of the product.
- I. Proper waste receptacles shall be provided and waste disposed of at appropriate intervals.

§ 78-5. Requirements of tattooing and body piercing practices.**A. Tattooing or body piercing operators.**

- (1) All operators, while performing services, shall neither be under the influence of alcohol or drugs nor be infected with hepatitis B, HIV/AIDS, contagious dermatitis or any other communicable disease.
- (2) Hepatitis B preexposure vaccination or proof of immunity is required for all operators. If a person cannot obtain the vaccination for medical reasons, he/she shall submit to the Camden County Health Department a letter from his/her physician certifying that the individual does not have hepatitis B and vaccination is contraindicated. This certification shall be annually renewed. Any accidental needle stick injury shall be immediately reported to the Camden County Health Department.
- (3) All tattooing or body piercing operators shall attend a training program sponsored by the Camden County Health Department to assure basic knowledge on sterile technique and universal precautions.
- (4) Before working on each patron, each operator shall scrub and thoroughly wash his/her hands with hot water and antiseptic soap. The hands shall be dried with individual, single-use towels. Fingernails shall be kept clean and short.
- (5) Disposable vinyl or latex gloves shall be worn by the operator during tattooing or body piercing preparation and application to prevent contact with blood or body fluids. Universal precautions as described by the US Centers for Disease Control and Prevention (CDC) shall be followed. All materials shall be disposed of in accordance with waste disposal provisions of this ordinance after contact

with each person. Hands shall be washed immediately after removal of gloves. Any skin surface that has contact with blood shall be washed immediately.

- (6) Immediately after tattooing or piercing a patron, the operator shall advise the patron on the care of the site tattooed or pierced and shall instruct the patron to consult a physician at the first sign of infection. Printed instructions regarding these points shall be given to each patron by the operator.
- (7) All infections resulting from the practice of tattooing or body piercing which becomes known to the operator shall be promptly reported to the County Health Officer by the person owning or operating the body piercing establishment or by the operator.

B. Skin preparation.

- (1) Tattooing or body piercing shall be done only on normal healthy skin surface that is free of cuts, wounds, rashes, boils, pimples, moles or infection or any evidence of unhealthy conditions.
- (2) Only safety razors with disposable blades shall be used for the skin preparation. Blades shall be disposed of according to the waste disposal procedure of this ordinance after each use and a new blade used for each patron.
- (3) Following shaving, the tattooing area shall be thoroughly cleansed and scrubbed with tincture of green soap or its equivalent and warm water. Before placing the tattoo design or body piercing on the patron's skin, the area shall be treated with 70% alcohol and allowed to air dry. A single-use sponge shall be used to scrub the area.
- (4) Only petroleum jelly (U.S.P. or National Formulary) or antiseptic ointment shall be applied to the tattoo area prior to tattooing. 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.

- (5) Design stencils shall be thoroughly cleansed and rinsed in an approved germicidal solution for at least 20 minutes or disposed of following each use.
- (6) 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. It shall be the responsibility of the operator to provide certification to the Camden County Health Department of the nontoxicity of the dyes or inks at the time of license application and renewal.
- (7) No skin area shall be penetrated, abraded or treated with chemicals for the purpose of removing, camouflaging or altering any blemish, birthmark, scar or tattoo.
- (8) Ear piercing guns may not be used for body piercing, but may only be used for piercing of the ear lobes.

C. Needles, instruments and supplies:

- (1) All clean and ready-to-use needles, gloves, gauze and instruments shall be kept in a closed glass or metal case or storage cabinet while not in use. Such cabinet shall be maintained in a sanitary manner at all times.
- (2) Single-service sterilized needles shall be used.
- (3) If needles and needle bars are to be reused, these items shall be steam sterilized (autoclave) before reuse on any customer. Any other method of sterilization shall be approved by the County Health Officer.
- (4) The sterilizer shall be well-maintained with a tight-fitting gasket and a clean interior.

- (5) The manufacturer's operating instructions and the sterilization specification shall be at hand. The operation of the sterilizer shall conform to the manufacturer's specifications with regard to temperature, pressure and time of the sterilization cycle.
- (6) Proper functioning of sterilization cycles shall be verified.
- (7) Each item to be sterilized shall be individually wrapped using a chemical indicator or strip to verify steam exposure.
- (8) Any needle that penetrates the skin of the operator shall be immediately disposed of in accordance with the waste disposal procedure of this ordinance.
- (9) If the primary source of sterilization malfunctions, the County Health Officer shall be notified within 24 hours. In an emergency situation, the Camden County Health Officer may approve alternate sterilization techniques.

D. Disposal of wastes.

- (1) Needles shall not be bent or broken prior to disposal. Operators shall take precautions to prevent puncture injuries from contaminated needles. Needles shall be disposed of directly into a solid puncture-resistant container.
- (2) These medical wastes shall be disposed of by an authorized contractor as per the New Jersey Department of Environmental Protection's regulation.
- (3) If blood-contaminated gloves, gauze and other materials are sterilized by autoclaving, these wastes can be placed for off-site waste collection.

§ 78-6. Imminent closure.

When it appears to the County Health Officer that the operation of the tattooing or body piercing establishment poses an immediate and imminent threat to the public health and safety such that irreparable harm will occur if the tattooing or body piercing establishment is not immediately closed, the County Health Officer shall have the power to order the immediate closure of the tattooing or body piercing establishment until such time that the violations complained of have been corrected.

§ 78-7. Violations and penalties; counsel fees; revocation.

- A. Any person, partnership, firm or corporation who violates any section of this ordinance shall be subject to a fine of not less than \$250 nor more than \$1,000 for each violation of this ordinance or imprisonment in the county jail up to 90 days, or both. Each day that the violation exists is considered to be a separate offense.
- B. Reasonable counsel fees incurred by the Camden County Health Department in the enforcement of this ordinance shall be paid by the defendant. The amount of such reimbursable fees and costs shall be determined by the court hearing the matter.
- C. In addition to being subject to the penalties provided herein, any license or certificate of registration issued under this ordinance may be revoked or suspended for any intentional misstatement in any application or for any violation of this ordinance. No license shall be revoked or suspended until the licensee has been afforded a hearing. Notice of the filing of a complaint which seeks to suspend or revoke any license or certificate of registration issued under this ordinance shall be served on the defendant personally or on the person designated to receive service of this ordinance. This notice will establish a date for a hearing to be held not more than 10 days from the date of such notice, at

which time the defendant shall have the right to be represented by counsel, call witnesses and cross-examine witnesses produced in support of the complaint, as well as such other rights necessary in order to ensure due process. Should any license or certificate of registration be revoked or suspended, no part of the license or registration fee shall be returned.

§ 78-8. Repealer.

All ordinances, codes or parts of same inconsistent with any of the provisions of this ordinance and the code established hereunder are hereby repealed to the extent of such conflict or inconsistency.

§ 78-9. Severability.

Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional, the remaining portions of this ordinance shall remain in full force and effect.

§ 78-10. Effective date.

This ordinance shall take effect 30 days from its final passage and publication as required by law.



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