

LEGAL NOTICE
BOROUGH OF RINGWOOD
COUNTY OF PASSAIC
NEW JERSEY

BH Ordinance No. 2015-#01

AN ORDINANCE CREATING BOARD OF HEALTH
ORDINANCE – CHAPTER 15, TATTOO STUDIOS
AND ADOPTION OF CODE BY REFERENCE

NOTICE is hereby given that the ordinance published herewith was introduced and passed first reading at a Regular Meeting of the Board of Health of the Borough of Ringwood, in the County of Passaic, New Jersey held at the Violet E. Bogert Municipal Annex, 60 Margaret King Avenue, Ringwood, New Jersey on Wednesday, January 7, 2015, and will be considered for final passage at a Regular Meeting of said Board of Health of the Borough of Ringwood to be held on Wednesday, February 4, 2015 at 7:30 pm, or as soon thereafter as same can be considered, at the Violet E. Bogert Municipal Annex, 60 Margaret King Avenue, Ringwood, New Jersey, at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning same. During the week prior and up to the time of public hearing, copies of said Ordinance will be available to the members of the general public who request same or can be found on our website www.ringwoodnj.net Public Notices/2015.

KELLEY HALEWICZ, RMC
BOROUGH CLERK

1t: Wednesday, January 21, 2015
Fees: \$
The Suburban Trends

BE IT ORDAINED that the Board of Health of the Borough of Ringwood hereby creates Chapter 15, Tattoo Studios as follows:

15-1 Definitions

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

Body Art Establishment Any place or premises, whether public or private, temporary or permanent in nature or location, where the practices of body art, whether or not for profit, are performed.

Certificate of Inspection Written approval from the Department of Health that said tattoo studio has been inspected and meets all the requirements of this Chapter.

Department The Department of Health of the Borough of Ringwood or its duly authorized agent, officer or inspector.

License to Operate A license issued to the owner of a tattoo studio to operate a business under the provisions of this Chapter.

Owner Any individual, firm, company, partnership, corporation or association that owns and/or operates an establishment where tattooing is performed.

Registration A registration issued to a tattoo artist under the provisions of this Chapter.

Tattoo Artist One who engages in the art of tattooing.

Tattoo Studio or Tattooing Studio Any premises where a tattoo artist does tattooing for a fee or other consideration.

Tattoo or Tattooing To mark or color the skin by pricking in by subcutaneous introduction nontoxic dyes or pigments so as to form indelible marks or figures or by production of scars.

Temporary Body Art A mark or design made by a process of ingraining an impermanent pigment or dye to the skin, or affixing a decal to the skin.

Temporary Body Artist One who engages in the art of temporary tattooing.

15-2 Registration Required

No person, except duly licensed physician, shall engage in the practice of tattooing without having first being registered and in receipt of an approved license with the Department of Health of the Borough of Ringwood.

15-3 Tattoo Artist Registration Approval; Physical Examination; Fee

- A. Any person desiring to engage in tattooing shall submit an application to the Department in the form prescribed by said Department. No registration shall be issued or renewed unless the applicant has taken a physical examination, reported on a form prescribed by the Department, which examination shall include but not be limited to an X-ray of the chest, Hepatitis B pre-exposure vaccination or proof of immunity or declination letter and reported to be free from all contagious or communicable diseases. Records of all such examinations shall be submitted to the Department and kept on file by the holder of the Certificate of Inspection for the tattoo studio in which the person to whom the license is employed.
- B. A fee of \$200.00 shall be required for the initial application. A fee of \$150.00 shall be required of each applicant for the renewal of a license. Any change of ownership shall require a new application and license with payment of fees therefor.
- C. All fees paid pursuant to this Section are nonrefundable.
- D. All registration shall expire on the 31st day of December of each year. Applications for the renewal of a registration must be presented to the Department no later than 45 days prior to December 31 of each year.

15-4 Certificate of Inspection

No person, partnership, firm or corporation shall operate a tattoo studio unless such person, partnership, firm or corporation has registered such shop with the Department and has received a Certificate of Inspection from said Department. No certificate of inspection shall be issued unless the studio was inspected by the Department and found to be in compliance with the requirements of this Chapter.

15-5 License to Operate; Fee

- A. It shall be unlawful for any person to engage in the business of operating an establishment where tattooing or body art is performed without first obtaining a license from the Department to engage in such business in accordance with the provisions of this Chapter.
- B. A fee of \$200.00 shall be required for the license to operate initial application. A fee of \$150.00 shall be required of each applicant for the renewal of a license.

Any change of ownership shall require a new application and license with payment of fees therefor.

- C. All licenses shall expire on the 31st day of December annually. In the event that renovations and/or alterations are made to the tattoo studio, plans must be submitted to the Department and the applicant will be required to comply with 15-7 (Sanitary Requirements).

15-5.1 License to Perform Temporary Body Art; Fee

- A. Any person desiring to engage in the application of temporary body art shall submit an application to the Department in the form prescribed by the Department.
- B. It shall be unlawful for any person to apply temporary body art to any individuals within the Borough of Ringwood without first obtaining a license from the Department to engage in such business in accordance with the provision of this Chapter.
- C. An application for a license shall be accompanied by a fee in the amount of \$100.00. A license must be obtained by each and every individual who desires to apply temporary body art.
- D. All licenses shall expire on the 31st day of December annually.
- E. All fees paid pursuant to this Section are nonrefundable. Applications for the renewal of a registration must be presented to the Department no later than 45 days prior to December 31 of each year.

15-6 Revocation or Suspension of License to Operate

In addition to any other penalty that may be imposed by 15-9 (Violations and Penalties), after due notice and hearing before the Health Office of the Borough of Ringwood, the Department may suspend or revoke any tattoo artist registration, any license to operate a tattoo studio, or any license to affix temporary body art issued pursuant to this Chapter for violations of the provisions of this Chapter.

15-7 Sanitary Requirements

In order to qualify for a Certificate of Inspection, there must be compliance with the following requirements:

- A. The studio shall be so located or constructed as to prevent the contamination of the work areas of the studio by dust from the street or sidewalk.
- B. The building and equipment shall be maintained in a state of good repair at all times. All parts of the studio shall be kept neat, clean and free from litter and rubbish.

- C. All walls, ceilings and floors shall be smooth, made of nonporous material and easily cleaned. Walls, ceilings and floors shall be kept clean and free from dust and debris. The floor shall be swept and wet mopped daily. Floors, walls or ceilings shall not be swept or cleaned while tattooing is in operation.
- D. Adequate light and ventilation shall be provided.
- E. Each tattooing studio shall contain a sink with foot pedals for the exclusive use of the tattoo artists to wash their hands and prepare the customers for tattooing. The sink shall be provided with adequate hot and cold running water. There shall also be available at the sink approved soap, clean individual towels and refuse containers. Individual ultrasonic cleaners shall be provided by the owner at each station with single service application.
- F. Adequate toilet, urinal and hand washing facilities shall be available on the studio premises for the use of customers and tattoo artists. Toilets, urinals and hand washing facilities shall be maintained in a sanitary condition at all times.
- G. An adequate number of work tables shall be provided for each tattoo artist. The surface of all work tables shall be constructed of metal or other material which is smooth, light-colored, nonabsorbent, corrosive-resistant and easily sanitized.
- H. The studio shall be arranged so that work tables will be located at least 10 feet from observers or waiting customers or such work tables shall be separated from observers or waiting customers by a panel or other barrier of at least six feet high. The panel may be constructed of glass, solid plastic or similar material.
- I. Proper closed and locked cabinets for the exclusive storage of instruments, dyes, pigments, carbon stencils and other paraphernalia used in the studio shall be provided for each tattoo artist. Sharps containers shall be made available at each location.
- J. The tattooing studio shall have proper facilities for the disposition of hazardous medical waste and shall have required training in blood borne pathogens. Maintain a contract with a licensed medical waste disposal company and maintain a plan for handling and disposal of medical waste per N.J.A.C. 8:27-3.4. Written plans are to be submitted to the Department.
- K. Each tattoo artist shall be provided with individual hand brushes and fingernail files.
- L. No smoking shall be permitted in any tattoo studio.
- M. The holder of any license to operate shall not allow a tattoo artist to perform in his/her tattoo studio unless the tattoo artist is the holder of a valid registration as defined in this Chapter.

- N. The holder of a "License to Operate" shall maintain proper records for each patron. A record of each patron shall include the date on which he/she was tattooed, his/her name and his/her signature, address and age, the design of the tattoo and its location on his/her body and the name of the tattoo artist who tattooed him/her. These records shall be entered in ink or indelible pencil in a bound book kept solely for this purpose. This book shall be available at reasonable hours for examination by the Department or any law enforcement officer and shall be preserved for at least five year from the date of the last entry therein. Certified birth certificate and written consent permitting tattooing of individuals under the age of 18 shall be kept on file for five years by the holder of the **Certificate of Sanitation** for the tattoo studio in which the tattooing was performed and shall be available for inspection upon request.
- O. Only tattooing shall be permitted in the tattoo studio.
- P. Interior design and floor plans for the tattoo studio must be submitted to the Department and approved prior to operation of the facility.
- Q. This Section does not apply to temporary body art licenses.

15-8 Minimum Operating Standards

- A. The tattoo artist will use standards of aseptic technique in tattooing, dressing and other operations that are approved by the Department. He/She will use only such germicides and dressings as are approved by said Department. All instruments, needles, stencils, dyes, pigments, dressing materials, razors, hand brushes, fingernail files and other equipment used by the tattoo artist while tattooing shall be sterile.
- B. The following minimum standards shall be observed at all times:
1. No person, except a duly licensed physician, shall practice tattooing in any place other than a tattooing studio for which a Certificate of Inspection has been issued.
 2. It shall be unlawful to perform tattooing on an individual who is under the influence of intoxicating liquors or drugs.
 3. It shall be unlawful to perform any tattooing on an individual under the age of 18 years without the notarized written consent of a parent(s) or legal guardian of such individual and certified birth certificate. Such written consent and birth certificate shall be kept on file as provided in this Chapter.
 4. No person with any disease in a communicable form or suspected of having such disease shall engage in tattooing. Such diseases may include but shall not be limited to the common cold, influenza, tuberculosis, scabies, impetigo, syphilis, chickenpox, measles (rubeola),

German measles (rubella), mumps, whooping cough, hepatitis, AIDS, infection on hands or arms, sore throat or jaundice of the skin or sclera. The Department may require a certificate signed by a duly licensed physician stating that said person is free from communicable diseases before permission to resume operation is granted.

5. Immediately after tattooing a patron, the tattoo artist shall advise that patron in writing on the care of the tattoo and shall instruct the patron to consult a physician at the first sign of infection of the tattoo.
6. Each tattoo artist must wear a clean outer garment.
7. Each tattoo artist shall have an individual fingernail file and individual hand brush which shall be cleaned and which shall be sterilized before each use by boiling for 15 minutes or by immersion in an approved germicidal solution for not less than 20 minutes. Germicidal solutions used to sterilize shall be changed daily and the container thoroughly cleansed.
8. Before working on each patron, each tattoo artist shall clean his/her fingernails with his/her individual nail file and shall thoroughly wash and scrub his/her hands with running hot water, an approved soap and his/her individual hand brush. When working on a patron, each tattoo artist shall wear rubber gloves.
9. That portion of the patron's skin to be tattooed shall be prepared by washing with hot water and approved soap; by shaving with a sterile safety razor and a single-service blade; and shaving shall be followed by a thorough cleansing with hot water and approved soap applied with a clean, disposable cotton gauze or paper towel. A sterile hand brush shall be used, if necessary, to produce a clean skin area.
10. Following the cleansing of the patron's skin, the tattoo artist shall again wash and scrub his/her hands in the manner described above. He/She shall allow his/her hands to dry without the use of a towel or other mechanical means.
11. Only petroleum jelly, United States Pharmacopoeia or National Formulary, shall be applied to the area to be tattooed by sterile tongue depressors using a single disposable container. The application may be spread by the use of sterile gauze, but not directly with the finger.
12. The stencils for transferring the design to the skin shall be disposal paper stencils. No plastic or reusable stencils shall be used.
13. Single-service or individual portions of dyes or pigments in clean, sterilized, individual containers or single service containers must be used for each patron. After tattooing, the remaining unused dye or pigment in the

single service or individual containers must be discarded. All dyes and pigments used in tattooing shall be approved by the Department.

14. A set of individual, single-service sterilized needles shall be used for each patron. Needles should be of a silver soldered nature containing no lead. Needles should be cleaned in an ultrasonic cleaning device, sterilized and stored in individualized sterile bags (steribags). Tubes used in the operation shall be made of stainless steel.
 - (a) Sterilization shall be done by holding in an approved autoclave for 25 minutes at 200 pounds pressure.
 - (b) Proper functioning of sterilization cycles shall be verified by the weekly use of biological indicators (i.e. spore tests). A log book of these weekly test results shall be available and a test may be required to be performed during any inspection.
 - (c) If the primary source of sterilization malfunctions, the Department must be notified within 24 hours. If an emergent situation, the Department may approve alternate sterilization techniques.
 - (d) No rusty, dull or faulty needles shall be used for tattooing. No needle grouping shall be reused.
15. As the tattoo operation progresses, any excess dye or pigment applied to the skin shall be removed with sterile gauze, sterile cotton or paper towels.
16. The completed tattoo shall have the excess dye or pigment removed with paper towels and green soap. It shall then be washed with a piece of sterile cotton or paper towel saturated with an approved germicidal solution (tincture of green soap). It shall be allowed to dry. After drying, petroleum jelly, United States Pharmacopoeia or National Formulary shall be applied and the entire area covered with a piece of sterile gauze, which in turn be covered with a piece of tissue and fastened to the site with an approved type of adhesive.
17. Storage cabinets shall be maintained in a sanitary condition, and all instruments, dyes, pigments, stencils and other paraphernalia shall, when not being used, be kept in them in an orderly arrangement.
18. Work tables shall be kept clean and orderly and shall have washable interiors.
19. No tattooing operation shall be carried out closer than 10 feet from observers or waiting customers unless such operation is separated from observers or waiting customers by a panel or other barrier as provided by 15-7 (Sanitary Requirements)

20. No person, except a duly licensed physician, shall engage in the practice of removing any tattoo.

15-8 Minimum Operating Standards for Temporary Tattooing

- A. A person licensed to apply a temporary body art on a customer's skin, in the Borough of Ringwood, shall not adulterate the henna or other type of pigment or dye with paraphenylenediamine (hereinafter referred to as "PPD") or other coal-tar product. All persons licensed to apply temporary body art shall provide a written warning notice of potential detrimental health effects, as provided in subsection B of this section.
- B. When applying temporary body art in a public forum or commercial establishment: A person licensed to apply temporary body art on customer's skin in the Borough of Ringwood shall post in plain view, at the location of the application of the temporary body art, on cardboard or other similar materials with the dimensions of at least two feet by two feet, with at least one-half inch block style letters, a sign to read as follows:
- "Henna or other type of pigment or dye used at this location does not contain paraphenylenediamine (PPD) or other coal-tar products.*
- PPD may cause skin irritation, blistering, infection or other harmful skin reactions.*
- In the event you suffer from an adverse skin reaction from temporary tattoo, contact your physician immediately."*
- C. Any temporary body artist who violates the provisions of this Chapter shall, upon conviction, be punished by a fine up to \$1,500. Each day that such violation continues, shall be deemed a separate offense.

15-9 Violations and Penalties

Unless any other penalty is specifically provided elsewhere in the Code or in law of the State or Federal government, any person who violates any provision of this Chapter, any other Chapter of this Code or any other Ordinance of the Borough, shall, upon conviction, be punishable by a fine of not more than \$1,000 for each violation. Each day that such violation continues, shall be deemed a separate offense.

BE IT FURTHER ORDAINED that the Board of Health hereby also adopts the New Jersey State Sanitary Code, Chapter VIII – Body Art Procedures (N.J.A.C. 8:27-1 et seq. in its entirety.

This ordinance shall take effect 20 days after passage as provided by law.