

ORDINANCE NO.

AN ORDINANCE TO REPEAL CHAPTER 197-TATTOO PARLORS, OF THE CODE OF THE BOROUGH OF HAWTHORNE, AND TO PROVIDE FOR REGULATION OF TATTOO STUDIOS AND TATTOOING WITHIN THE BOROUGH OF HAWTHORNE, AND TO PROVIDE FOR PENALTIES FOR THE VIOLATION HEREOF.

BE IT ORDAINED by the Municipal Council of the Borough of Hawthorne, in the County of Passaic and State of New Jersey, that:

Section 1. The Provisions of Chapter 197-TATTOO PARLORS, of the Code of the Borough of Hawthorne, including §197-1, 2, 3, and 4, shall be and hereby are repealed, and in place and stead thereof there shall be inserted the provisions hereinafter contained, which shall be designated Chapter 197-TATTOO STUDIOS.

Section 2. The Code of the Borough of Hawthorne shall be and hereby is amended by the insertion of a new Chapter 197-TATTOO STUDIOS, which shall provide as follows:

§197-1. **Definitions.**

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

BOARD OF HEALTH-The Board of Health of the Borough of Hawthorne or its duly authorized agent, officer or inspector.

CERTIFICATE OF INSPECTION-Written approval from the Board that said Tattoo Studio has been inspected and meets all of the requirements of this chapter.

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 person that owns and/or operates an establishment where tattooing is performed.

PERSON-An individual person, partnership, corporation, limited liability company or any other enterprise or entity capable of conducting a business.

SHARPS-Any instrument or part thereof which cuts, penetrates or pierces the skin of a patron, including scalpels, needles, syringes or any form of injection devices.

TATTOO ARTIST-One who engages in the art of tattooing.

TATTOO 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 or by subcutaneous introduction nontoxic dyes or pigments so as to form indelible marks or figures, or by production of scars.

§197-2. Certificate of Inspection.

No person shall operate a Tattoo Studio unless such person has registered such Tattoo Studio with the Board of Health and has received a Certificate of Inspection. No Certificate of Inspection shall be issued unless the studio was inspected by the Board of Health and found to be in compliance with the requirements of this chapter.

§197-3. License to Operate; Fee.

- A. In shall be unlawful for any person to operate a Tattoo Studio without first obtaining a license from the Board of Health to engage in such business in accordance with the provisions of this chapter.
- B. An application for a license shall be accompanied by a fee in the amount of \$1,000. 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 Board of Health and the applicant will be required to comply with §197-5.
- D. *Not more than one license shall be issued for each 10,000 residents of the Borough, as published in the most recent Census Report issued by the U.S. Bureau of the Census.*

§197-4. Revocation or Suspension of License to Operate

In the event of any material violation of the provisions of this chapter by a Tattoo Studio, the Health Officer of the Borough of Hawthorne shall give due notice to the Tattoo Studio advising as to the nature of the violation and providing for a reasonable time within which to remedy the violation. If the Tattoo Studio fails to remedy the violation within the time frame provided by the Health Officer, or in the event the Tattoo Studio has committed repeated violations of this chapter, then in addition to any other penalty that may be imposed by §197-7, after due notice and hearing before the Municipal Council of the Borough of Hawthorne, the Municipal Council may suspend or revoke any license to operate a Tattoo Studio issued pursuant to this chapter for any material violation or repeated violations, of the provisions of the chapter, permanently or for specific periods, or until such time as said

violation is remedied

§197-5. Sanitary Requirements.

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

- A The Tattoo 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 Tattoo Studio shall be kept neat, clean and free from litter and rubbish.

Each Tattoo Studio shall have at least one individualized, enclosed tattooing room, separate and a part from observers and waiting customers. Tattooing and related activities shall not be performed in any other part of the Tattoo Studio except in the tattooing room(s). Tattooing rooms shall be used for no other purpose.

- D All floors located within the tattooing room(s) 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.
- E. Adequate light and ventilat on shall be provided within the tattooing room(s).
- F. Each tattooing room shall contain a sink with foot pedals and/or automatic hand sensors 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.
- G. 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.
- H 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, nonabsorbent, corrosive-resistant and easily sanitized.

The chair and/or table upon which a patron will be positioned during the tattooing process shall be constructed whereby it is covered with a smooth, non-porous material. Any portion of the chair and/or table upon which a patron's exposed skin may come into contact with shall be covered with sanitary tissue and/or paper towel which shall be discarded upon completion of work on a patron. Following work being performed on a patron, the patron's chair and/or table shall be thoroughly cleaned with an anti-bacterial solution.

Each tattooing room shall have proper closed and locked cabinets for the exclusive storage of instruments, dyes, pigments, carbon stencils and other paraphernalia used in the studio.

- K. Each tattooing room shall contain two refuse containers. One refuse container shall be used exclusively for general waste materials. The second refuse container shall be used exclusively for bio-hazardous waste products. The bio-hazardous refuse container shall be clearly marked.

All Tattoo Studios shall obtain a bio-hazard generator's license issued by the State of New Jersey. All blood soaked products and sharps shall be placed in clearly marked bio-hazardous refuse containers. All bio-hazardous waste products shall be disposed of through a licensed medical waste service.

- M. No smoking shall be permitted in any Tattoo Studio.

- N. The holder of a "License to Operate" shall maintain proper records of 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, the name of the tattoo artist who tattooed him/her, and a photocopy of a valid form of identification for each patron. 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 Board of Health and shall be preserved for at least five (5) years from the date of the last entry therein.

- O. Interior design and floor plans for the Tattoo Studio must be submitted to the Board of Health and approved prior to operation of the facility.

§ 197-6 Minimum Operating Standards

- A. The Tattoo Artist will use standards of aseptic technique in the tattooing, dressing and other operations that are approved

by the Board of Health. He/she will use only such germicides and dressings as are approved by said Board. All instruments, needles, stencils, dyes, pigments, dressing materials, razors, and other equipment used by the Tattoo Artist while tattooing shall be sterile.

- B. The following minimum standards shall be observed at all times.

No person shall practice tattooing in any place other than a tattooing room in a Tattoo Studio for which a Certificate of Inspection has been issued.

It shall be unlawful to knowingly perform any tattooing on an individual who is under the influence of intoxicating liquor or drugs.

- (3) It shall be unlawful to knowingly perform tattooing on an individual under the age of 18 years.

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.

- (5) Each Tattoo Artist must wear a clean outer garment

Before working on each patron, each Tattoo Artist shall thoroughly clean his/her hands with hot running water and anti-bacterial soap. When working on a patron each tattoo artist shall wear latex gloves.

That portion of the patron's skin to be tattooed shall be prepared by applying 70% alcohol or other approved germicidal solution and then washed with tincture of green soap; by shaving with a sterile safety razor and a single-service blade; and shaving shall be followed by a thorough cleansing with a second application of 70% alcohol or other approved germicidal solution with a clean, disposable cotton gauze or paper towel. An atomizer bottle used in the application of alcohol and soap used in preparing the patron's skin should be covered with a disposal plastic bag and the plastic bag shall be discarded after each use.

- 8) Only petroleum jelly, United States Pharmacopeia or National Formulary, shall be applied to the area to be tattooed by sterile tongue depressors using a single disposable container.

The stencils for transferring the design to the skin shall be disposable paper stencils. No plastic or reusable stencils shall be used.

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.

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 15 minutes at 270F (132C)
- (b) A second and/or replacement autoclave must be available at all times for use in the event of malfunction of the primary autoclave.
- (c) Proper functioning of sterilization cycles shall be verified by the monthly use of biological indicators (i.e. spore tests). A log book of these monthly test results shall be available, and a test may be required to be performed during any inspection.

If both autoclaves malfunction, the Board of Health must be notified within 24 hours. In an emergent situation, the Board of Health may approve alternate sterilization techniques.

- (e) No rusty, dull or faulty needles shall be used for tattooing. No needle grouping shall be reused.

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.

The completed tattoo shall have the excess dye or pigment removed with paper towels and tincture of green soap. It shall then be washed with a piece sterile gauze, 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 piece of sterile gauze and/or sanitary towels which may in turn be covered with a piece of tissue and/or cellophane wrap fastened to the site with an approved type of adhesive.

- (14) 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.

Work tables shall be kept clean and orderly and shall have washable interiors.

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

§197-7 Nothing herein shall be deemed to regulate, limit, or prohibit any conduct which may be engaged in as regular part of the care or treatment of a patient by a physician, surgeon, or other person duly licensed by the State of New Jersey to practice medicine or any healing art.

§197-8 Violations and penalties.

Unless another penalty is specifically provided elsewhere in the Code or in the 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 or imprisonment for a term not to exceed 90 days, or a requirement to perform community service for a period not to exceed 90 days. Each day that such violation continues shall be deemed a separate offense.

Section 3. This Ordinance shall take effect twenty (20) days after final adoption and publication as provided by law.

Joseph W. Metzler
Council President

Attest

Jean Mele, RMC
Borough Clerk

NOTICE OF PENDING ORDINANCE