

ORDINANCE NO. 14-2024 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AMENDING AND SUPPLEMENTING CHAPTER 207 “LAND DEVELOPMENT”, ARTICLE VII “ZONING”, BY REPEALING AND REPLACING SECTION 207-71(O) PROHIBITING TATTOO PARLORS, SUPPLEMENTING DEFINITION SECTION 207-3B TO ADD TERMS FOR “BODY ART” AND “BODY ART ESTABLISHMENTS”, SUPPLEMENTING THE CONDITIONAL USE STANDARDS OF SECTION 207-90 TO DESIGNATE “BODY ART ESTABLISHMENTS” AS A CONDITIONAL USE IN CERTAIN ZONING DISTRICTS AND EXPRESSLY PROHIBITING SUCH USE IN OTHER ZONING DISTRICTS AND ADDING OTHER PROVISIONS RELATED TO OPERATION OF A BODY ART ESTABLISHMENT

WHEREAS, the City of Burlington desires to amend, supplement and update its zoning code to regulate Body Art Establishments at appropriate locations within the City; and

WHEREAS, the Common Council of the City of Burlington has referred the matter to the Planning Board to provide recommendations concerning pertinent zoning regulation of Body Art Establishments; and

WHEREAS, the State of New Jersey has implemented regulations in N.J.A.C. 8:27-1.1 to define “Body Art Establishments” for purposes of public health and safety.

NOW THEREFORE BE IT ORDAINED by the Common Council for the City of Burlington that it hereby repeals, amends and supplements portions of Chapter 207 “LAND DEVELOPMENT”, Article VII. “Zoning”, as follows:

SECTION ONE: Section 207-71(O) prohibiting tattoo parlors in all zoning districts of the City of Burlington is hereby repealed and replaced with the following:

(O) Body art establishments are prohibited in the OS-1 and TC-2 Zoning Districts and all residential and industrial districts where “barber and beautician” establishments are either prohibited or conditionally permitted as a home occupation use, per Section 207-71(L), accessory to a residential use for public welfare purposes.

SECTION TWO: Section 207-3B is hereby amended and supplemented to add the following definitions:

“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.

“Body Art” – the practice of physical body adornment using the following techniques, but does not include ear piercing: body piercing, tattooing, and permanent cosmetics.

“Body Piercing” – means puncturing or penetration of the skin of a person using pre-sterilized single use needles and the insertion of pre-sterilized or disinfected jewelry or other adornment thereto in the opening.

“Permanent Cosmetics” – means the intradermal implanting of inert pigments, colors, and/or dyes, which results in permanent alteration of tissue to gain a cosmetic effect, and includes the form of micropigmentation known as microblading.

“Tattooing” – any method of placing ink or other inert pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This includes all forms of permanent cosmetics. *N.J.A.C. 8:27-1.3*

SECTION THREE: Section 207-90L is hereby established to create conditional use standards for Body Art Establishments as follows:

L. Body art establishments. Body art establishments may be authorized by the Land Use Board in the TC-1, NC-1, HC-1 and HC-2, W-1 Zoning Districts as a conditional use as shown on Attachments 3, 4 and 5 and provided the following standards are met.

- (1) The requirements of N.J.A.C. 8:27 for Body Art & Ear Piercing facility standards are met.
- (2) In the case of a body art establishment in the W-1 Zoning District, the requirements of N.J.A.C. 8:27 for Body Art & Ear Piercing facility standards are met and the body art establishment is part of a mixed-use development.

SECTION FOUR: Chapter 113 “Business Licensing”, Section 113-1E “License required for certain businesses” is hereby amended and supplemented as follows:

E. Hair dressing, beauty shops, barbershops and body art establishments, as defined in Section 207-3B of the City Code.

SECTION FIVE: Chapter 195 “Housing Standards”, Section 195-20.C(4), is hereby amended and supplemented as follows:

(4) Access limitation of dwelling unit to commercial uses. No habitable room, bathroom or water closet compartment which is accessory to a dwelling unit shall open directly into or shall be used in conjunction with a food store, barber and beauty shop, body art establishment, doctor's or dentist's examination room or treatment room or similar room for public purposes.

BE IT FURTHER ORDAINED if the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph or subdivision, or clause of this Ordinance.

BE IT FURTHER ORDAINED this Ordinance shall take effect thirty (30) days after final passage by Council or twenty (20) days after approval by the Mayor, whichever comes first.

ORDINANCE NO. 14-2024

Passed Common Council,

George Chachis, President
Common Council

Approved,

Barry W. Conaway, Mayor

ATTEST:

Cindy A. Crivaro, RMC
Municipal Clerk

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