

**AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 211 OF THE CODE OF THE CITY OF CLIFTON, ENTITLED "BODY PIERCING, SCARRING, BRANDING" TO CHANGE THE NAME OF THE CHAPTER TO "EAR PIERCING AND BODY PIERCING" AND TO ESTABLISH A LICENSING SCHEME FOR ESTABLISHMENTS THAT PROVIDE EAR PIERCING AND/OR BODY PIERCING SERVICES**

**BE IT ORDAINED**, by the Municipal Council of the City of Clifton, that:

1. Chapter 211 of the Code of the City of Clifton, as titled above, is hereby repealed replaced, and supplemented as follows:

**Chapter 211**

**EAR PIERCING AND BODY PIERCING**

**Article I. Ear Piercing**

§ 211-1. Definitions.

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

*Ear piercing* means the puncturing of the ear lobe and the trailing edge of the ear using a pre-sterilized single-use, stud-and-clasp ear-piercing system following the manufacturer's instructions.

§ 211-2. License required.

- A. No person, firm or corporation shall operate any establishment or utilize any premises in the City of Clifton for the purpose of ear piercing without first applying for and obtaining a license from the Clifton Health Department.
- B. Applications for an initial license and any renewal thereafter shall be made on forms promulgated by the Clifton Health Department as may be amended from time to time and shall comply with the applicable provisions of N.J.A.C. 8:27-2.1 through N.J.A.C. 8:27-2.7.
- C. Each license shall be valid from February 1 to January 31 of each calendar year and shall be renewed annually upon payment of the required fee.
- D. No license shall be issued without the establishment having been inspected for compliance with this chapter and all applicable provisions set forth in N.J.A.C. 8:27-9.1 et seq. and any amendments thereto.
- E. Each license shall be displayed in a conspicuous place and unobstructed near the establishment's public entrance where it may be readily viewable by all patrons.
- F. A license granted under this chapter shall only be valid for the licensee to whom it was granted and shall not be transferable.
- G. A license granted under this chapter shall only be valid for the premises for which it was issued and shall not be transferable.
- H. No person shall operate an ear-piercing establishment without a license that is in good standing and has not been suspended or revoked.

§ 211-3. License Fees; Reinspection fees.

- A. The annual license fee for each establishment shall be \$250.

B. If an establishment fails the initial inspection or any subsequent inspection, there shall be a reinspection fee of \$125. All reinspection fees must be paid within ten (10) business days. Failure to pay within the allotted time frame shall result in the issuance of summons.

§ 211-4. Operational requirements.

A. All operators shall comply with the requirements set forth in N.J.A.C. 8:27-9.1 et seq., including but not limited to N.J.A.C. 8:27-9.5 and N.J.A.C. 8:27-9.6.

§ 211-5. Suspension or revocation of license.

A. The Health Officer or her/his designee may immediately suspend or revoke a license issued under this article when, in the opinion of the Health Officer or her/his designee, such action is necessary to abate an existing or threatened nuisance and/or menace to the public health.

B. A non-exclusive list of examples of conditions that pose an actual or imminent threat to public health and warrant immediate closure of an establishment is set forth in N.J.A.C. 8:27-11.3.

C. At the hearing, the licensee shall be required to show cause why its license should not be suspended or revoked.

D. Notice of the hearing shall be given by the City Clerk and may be served upon the licensee or its registered agent by personal service or by registered mail or certified mail addressed to the licensee's last known address. The licensee shall be given at least three days' notice of said hearing and such notice shall contain the time and place designated for the hearing.

E. The Health Officer shall present evidence at the hearing and any other information that he or she believes is relevant.

F. The rules of evidence shall not apply but the licensee may submit evidence and call witnesses to testify on its behalf and may be represented by counsel at the hearing.

§ 211-6. Inspections.

A. The Health Officer or her/his designee may, after giving proper identification, inspect any establishment that provides ear piercing services.

B. An operator shall permit the Health Officer or her/his designee to have full access to the establishment and shall make available for inspection and copying, upon request, all records that are required to be maintained.

§ 211-7. Violations and penalties.

Any person who violates any provision of this article shall, upon conviction, be punished by a fine of not less than \$250 for the first violation, not less than \$500 for the second violation, and not less than \$1,000 for the third and each subsequent violation. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**Article II. Body Piercing**

§ 211-8. Definitions.

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

*Body piercing* means puncturing or penetration of the skin of a person in an area other than the ear using pre-sterilized single use needles and the insertion of pre-sterilized or disinfected jewelry or other adornment thereto in the opening.

§ 211-9. License required.

- A. No person, firm or corporation shall operate any establishment or utilize any premises in the City of Clifton for the purpose of body piercing without first applying for and obtaining a license from the Clifton Health Department.
- B. Applications for an initial license and any renewal thereafter shall be made on forms promulgated by the Clifton Health Department as may be amended from time to time and shall comply with the applicable provisions of N.J.A.C. 8:27-2.1 through N.J.A.C. 8:27-2.7.
- C. Each license shall be valid from February 1 to January 31 of each calendar year and shall be renewed annually upon payment of the required fee.
- D. No license shall be issued without the establishment having been inspected for compliance with this chapter and all applicable provisions set forth in N.J.A.C. 8:27-6.1 et seq. and any amendments thereto.
- E. Each license shall be displayed in a conspicuous place and unobstructed near the establishment's public entrance where it may be readily viewable by all patrons.
- F. A license granted under this chapter shall only be valid for the licensee to whom it was granted and shall not be transferable.
- G. A license granted under this chapter shall only be valid for the premises for which it was issued and shall not be transferable.
- H. No person shall operate a body piercing establishment without a license that is in good standing and has not been suspended or revoked.

§ 211-10. License Fees; Reinspection fees.

- A. The annual license fee for each establishment shall be \$400.
- B. If an establishment fails the initial inspection or any subsequent inspection, there shall be a reinspection fee of \$125. All reinspection fees must be paid within ten (10) business days. Failure to pay within the allotted time frame shall result in the issuance of summons.

§ 211-11. Operational requirements.

- A. All operators shall comply with the requirements set forth in N.J.A.C. 8:27-6.1 et seq., including but not limited to N.J.A.C. 8:27-6.2 through N.J.A.C. 8:27-6.5.

§ 211-12. Suspension or revocation of license.

- A. The Health Officer or her/his designee may immediately suspend or revoke a license issued under this article when, in the opinion of the Health Officer or her/his designee, such action is necessary to abate an existing or threatened nuisance and/or menace to the public health.
- B. A non-exclusive list of examples of conditions that pose an actual or imminent threat to public health and warrant immediate closure of an establishment is set forth in N.J.A.C. 8:27-11.3.
- C. At the hearing, the licensee shall be required to show cause why its license should not be suspended or revoked.
- D. Notice of the hearing shall be given by the City Clerk and may be served upon the licensee or its registered agent by personal service or by registered mail or certified mail addressed to the licensee's last known address. The licensee shall be given at least three days' notice of said hearing and such notice shall contain the time and place designated for the hearing.

E. The Health Officer shall present evidence at the hearing and any other information that he or she believes is relevant.

F. The rules of evidence shall not apply but the licensee may submit evidence and call witnesses to testify on its behalf and may be represented by counsel at the hearing.

§ 211-13. Inspections.

A. The Health Officer or her/his designee may, after giving proper identification, inspect any establishment that provides body piercing services.

B. An operator shall permit the Health Officer or her/his designee to have full access to the establishment and shall make available for inspection and copying, upon request, all records that are required to be maintained.

§ 211-14. Violations and penalties.

Any person who violates any provision of this article shall, upon conviction, be punished by a fine of not less than \$250 for the first violation, not less than \$500 for the second violation, and not less than \$1,000 for the third and each subsequent violation. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistency only.

3. This ordinance shall take effect after final passage and publication as provided by law with an effective date of April 1, 2024.

Adopted: 3-5-24

**Raymond Grabowski**

Raymond Grabowski, Mayor

ATTEST:

  
Nancy Ferrigno, City Clerk