

**TOWNSHIP OF HANOVER  
BOARD OF HEALTH  
LEGAL NOTICE**

**ORDINANCE NO. 1 - 2023**

**AN ORDINANCE OF THE TOWNSHIP OF HANOVER BOARD OF HEALTH  
SUPPLEMENTING PART III. BOARD OF HEALTH LEGISLATION  
TO REGULATE BODY ART AND EAR PIERCING ESTABLISHMENTS**

**WHEREAS**, N.J.A.C. 8:27-1.1 et seq. sets forth public health, safety, licensure, and operational standards for body art establishments which engage in the business of tattooing, permanent cosmetics, body piercing, and ear piercing; and

**WHEREAS**, Part II, General Legislation, Chapter 166-119.3, Land Use & Development of the Code of the Township of Hanover prohibits establishments which engage in the business of tattooing from operating in all zone districts of the Township of Hanover; and

**WHEREAS**, the Code of Township of Hanover does not set forth public health, safety, and licensure requirements for body art and ear piercing establishments; and

**WHEREAS**, the Board of Health of the Township of Hanover is desirous of adopting public health, safety, and licensure requirements for body art and ear piercing.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Health of the Township of Hanover in the County of Morris and State of New Jersey, that Part III, Board of Health Legislation, of the Code of the Township of Hanover is hereby amended and supplemented to include Chapter 283, entitled "Body Art & Ear Piercing Establishments" as follows:

**SECTION 1. Chapter 283-1. Definitions.**

The following terms as used in this chapter shall mean:

*Body art* – means the practice of physical body adornment through body piercing, tattooing, microblading, and permanent cosmetics, but does not include ear piercing.

*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. Body piercing shall not include ear piercing as defined in this chapter.

*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.

*Health care provider* – means a physician or physician assistant licensed by the State of New Jersey pursuant to Title 45 of the Revised Statutes who is acting within the licensee's applicable scope of practice, as determined by the applicable licensing board.

*Implant* – means any object implanted fully under the skin.

*Microblading* – means a permanent cosmetics procedure as defined in N.J.A.C. 8:27-1.1 et seq. or as the same may be from time to time amended and supplemented.

*Permanent cosmetics* – means the micropigmentation or intradermal implanting of inert pigments, colors, and/or dyes, which results in permanent alteration of tissue to gain a cosmetic effect as defined in N.J.A.C. 8:27-1.1 et seq. or as the same may be from time to time amended and supplemented.

#### **Chapter 283-2. Certain body art procedures prohibited.**

A. No person, firm or corporation shall operate any establishment or utilize any premises in the Township of Hanover for the purpose of body art, body piercing, permanent cosmetics, microblading, or introducing implants. This prohibition shall not apply to licensed healthcare practitioners who offer such procedures within a medical office or facility and within the scope of practice as determined by the applicable licensing board.

B. No person, firm, or corporation shall operate a temporary establishment as defined in N.J.A.C. 8:26-1.1 et seq. in the Township of Hanover for the purpose of body art, body piercing, ear

piercing, permanent cosmetics, microblading, or introducing implants. This prohibition shall not apply to licensed healthcare practitioners who offer such procedures within a medical office or facility and within the scope of practice as determined by the applicable licensing board.

**Chapter 283-3. Ear piercing license required; application; display; transferability.**

- A. No person, firm, or corporation shall operate any establishment or utilize any premises in the Township of Hanover for the purpose of ear piercing without first applying for and obtaining a license from the Township Health Department.
- B. Applications for initial licenses and renewal thereafter shall be made on forms promulgated by the Township Health Department and shall include all applicable documentation required by N.J.A.C. 8:27 or as the same may be from time to time amended and supplemented.
- C. Licenses shall be valid from January 1 to December 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 N.J.A.C. 8:27 or as the same may be from time to time amended and supplemented.
- E. Licenses 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. Licenses granted under this chapter shall only be valid for the licensee to whom it was granted and shall not be transferable.
- G. Licenses granted under this chapter shall only be valid for the premises for which it was issued and shall not be transferable to another premises.

**283-4. Operational requirements; plans required for renovations or alterations.**

- A. At least one hand sink with hot and cold running water under pressure, and equipped with wrist, foot, or sensor operated controls and supplied with liquid soap, and disposable paper

towels shall be readily accessible and operational in the area or room where ear piercing will be performed. All hand sinks shall conform with the requirements of the New Jersey Uniform Construction Code.

- B. No ear piercing shall be done on a skin surface that has a rash, pimples, boils, infections, scar tissue or manifests any evidence of unhealthy conditions.
- C. The ear piercing work area or room shall be physically separate from the customer area so as to prevent the entry of patrons or other persons other than employees, the individual undergoing ear piercing, or adults accompanying minors undergoing ear piercing.
- D. Smoking, eating, or drinking by anyone shall be prohibited in the ear piercing work area or room.
- E. All floors and walls shall be made of smooth, nonabsorbent and nonporous material that is easily cleanable in the ear piercing work area or room.
- F. Furniture used for ear piercing procedures shall be of nonporous materials and cleaned and sanitized after each use.
- G. Controls shall be used to minimize or eliminate the presence of rodents, flies, roaches, and other vermin. The premises shall be kept in such condition as to prevent the breeding, harborage, or feeding of vermin.
- H. No live animals shall be kept or allowed in the area where ear piercing is conducted. An exception shall be made for service animals, which shall be permitted for the purpose of accompanying physically disabled persons.
- I. No licensee shall perform renovations or alterations to a licensed premises without first having submitted plans and specifications to and having received written approval from the Township Health Department.

**283-5. Revocation of licenses; hearing.**

- A. The Health Officer or her/his designee may revoke licenses issued under this section at any time and summarily order the licensed establishment closed when, in the opinion of the Health Officer or her/his designee, such action is necessary to abate an existing or threatened menace to public health.
- B. Immediate closure shall be in addition to and shall supplement any other penalty or remedy that may be authorized by N.J.A.C. 8:27-1.1 et seq., or as the same may be from time to time amended and supplemented.
- C. The licensee shall be entitled to a hearing before the Board of Health for the purpose of seeking reinstatement of a revoked license. Written notice of the time and place of such a hearing shall be served upon the licensee at least three (3) days prior to the date set for such hearing. Notice may be given either by personal delivery thereof to the person to be notified or be deposited in the United States Post Office in a sealed envelope, postage prepaid, addressed to such person to be notified at the business address for such license.
- D. At the hearing the before the Board of Health, the licensee shall have an opportunity to answer and may thereafter be heard, and upon due consideration and deliberation by the Board of Health, the complaint may be dismissed, or if the Board of Health concludes that the charges have been sustained and substantiated, it may deny reinstatement of the license and stipulate the conditions required for reinstatement of the license.

**283-6. Enforcement.**

- A. Enforcement authority for this chapter shall be the Township Health Officer or her/his designee.
- B. The Health Officer may, after giving proper identification, inspect any matter, thing, premises, place, person, record, vehicle, incident, or event as necessary to execute his or her official duties in a manner prescribed by law.

**283-7. Violations and penalties.**

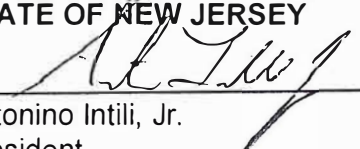
A person who violates the provisions of this chapter shall be liable to a penalty of not less than \$250 for the first violation, not less than \$500 for the second violation, and not less than \$1,000 for the third and each subsequent violation.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

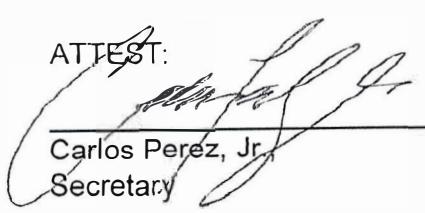
**SECTION 3.** If any word, phrase, clause, section, or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

**SECTION 4.** This ordinance shall take effect immediately after final passage and publication in the manner provided by law.

**BOARD OF HEALTH  
TOWNSHIP OF HANOVER  
COUNTY OF MORRIS  
STATE OF NEW JERSEY**

  
\_\_\_\_\_  
Antonino Intili, Jr.  
President

ATTEST:

  
\_\_\_\_\_  
Carlos Perez, Jr.  
Secretary

DATE OF INTRODUCTION:

11/8/2023

DATE OF ADOPTION:

12/13/2023