

**TOWNSHIP OF MONTGOMERY
SOMERSET COUNTY, NEW JERSEY**

ORDINANCE NO. 2024-02

**ORDINANCE OF THE TOWNSHIP OF MONTGOMERY, COUNTY OF
SOMERSET, STATE OF NEW JERSEY, ADDING CHAPTER BH2O BODY
ART LICENSING AND PROCEDURES, TO THE CODE OF THE
TOWNSHIP OF MONTGOMERY, 1984**

WHEREAS, the New Jersey Department of Health and Senior Services promulgated certain regulations known as the "New Jersey State Sanitary Code, Chapter 8, Body Art Procedures," under N.J.A.C. 8:27-1.1 through 8:27-11.5, which establishes standards for sterilization, sanitation and safety for persons engaged in the business of tattooing, permanent cosmetics, and ear and body piercing; and

WHEREAS, it is in the best interests of the residents of the Township of Montgomery to amend the Revised Municipal Code of the Township of Montgomery, 1984 at this time to require such body art establishments to be properly licensed within the Township; and

WHEREAS, the Township wishes through this Ordinance to establish Chapter BH2O entitled "Body Art Licensing and Procedures" of the Revised Municipal Code of the Township of Montgomery, 1984 in order to serve the best interests of the Township and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Board of Health of the Township of Montgomery, in the County of Somerset and State of New Jersey, that:

SECTION 1. Chapter BH2O to be known as "Body Art Licensing and Procedures" is hereby added to the Revised Municipal Code of the Township of Montgomery, 1984 and shall read as follows:

Chapter BH2O Body Art Licensing and Procedures

§ BH2O-1 PURPOSE; ADOPTION OF STANDARDS BY REFERENCE; COPIES ON FILE.

- a.** A code defining, licensing, enforcing and creating sterilization, sanitation and safety standards for persons engaged in the business of tattooing, permanent cosmetics and ear and body piercing; authorizing the inspection of such businesses by an enforcing official; providing for the removal or abatement of certain violations of such standards, the recovery of expenses incurred by the Board of Health in addressing such licensing, violation of standards and the prescribing of penalties for said violations is hereby established, adopted and made an ordinance of the Board of Health pursuant to N.J.S.A. 26:1A-9 and 10, and a copy of this code is annexed hereto and made a part hereof without the inclusion of the text thereof herein. This code hereby established and adopted at the municipal level is described and is commonly known as "The New Jersey State Sanitation Code, Chapter 8, Body Part Procedures," N.J.A.C. 8:27-1.1 through 8:27-11.5.

- b. Three certified true copies of said code were, upon the introduction of this chapter, placed on file in the office of the Secretary of the Board of Health where the same will remain on file for use and examination by the public until final action is taken on this chapter and, if this chapter is adopted, will also remain on file in said office for such use and examination for so long as this chapter shall remain in full force and effect. Three additional certified true copies of said code and three copies of this chapter shall be placed on file and shall remain on file in the office of any board, body or officer of the Township of Montgomery having charge of the enforcement of this chapter and said code. This chapter (Chapter BH2O) and said code may be printed in composite form for general use.

§ BH2O-2 SCOPE.

This chapter shall govern all businesses that offer tattooing, permanent cosmetics and ear and body piercing to the public with the exception of a physician who is authorized by the State Board of Medical Examiners to practice medicine, pursuant to N.J.S.A. 45:9-6 et seq.

§ BH2O-3 LICENSE REQUIRED.

It shall be unlawful for any person or any body corporate to conduct, engage in or operate a body art establishment, which includes tattooing, permanent cosmetics and ear and body piercing (not by way of limitation but example), whether for profit or not, as defined in Chapter 27 of the State Sanitary Code, without first having procured a license from the Board of Health in and for the Township of Montgomery.

§ BH2O-4 LICENSE FEES.

- a. The fees for licensure of body art establishments are as provided herein below:
 - I. Initial License: \$250.
 - 2. License renewal (annually): \$150.
 - 3. Late fee: \$50.
- b. The license to operate shall not be transferable, must be renewed annually, and shall continue in force until the last day of the 12th month following the issuance of the license, unless removed, and subject to revocation and/or suspension in accordance with § BH2O-5.

§ BH2O-5 SUSPENSION OR REVOCATION OF LICENSE.

- a. Any license issued under the terms and provisions of this chapter may be suspended or revoked by the Board of Health of the Township of Montgomery for the violation by the licensee of any provision of this chapter or the body art procedure standards delineated in the New Jersey State Sanitary Code.
- b. A license issued under the terms and provisions of this chapter shall not be revoked or suspended until a hearing thereon shall have been had by the Board of Health. Written

notice of the time and place of such hearing shall be served upon the licensee at least 10 days prior to the date set for such hearing. Such notice shall also contain a brief statement of the grounds to be relied upon for revoking or suspending such license. Notice may be given either by personal delivery thereof to the person to be notified or by depositing the same in the United States Post Office in a sealed envelope, postage prepaid, addressed to such person to be notified at the business address appearing upon said license, both by regular and certified mail. At the hearing before the Board of Health, the person aggrieved 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 said Board concludes that the charges have been sustained and substantiated, it may revoke or suspend the license held by the licensee.

§ BH2O-6 VIOLATIONS AND PENALTIES.

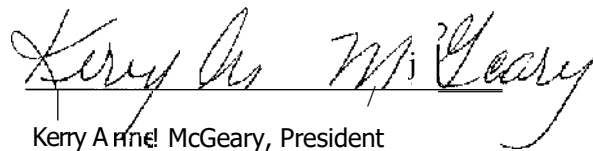
The penalties for violations of the code and/or this chapter are as provided herein below.

- a. First offense: \$250.
- b. Second offense: \$500.
- c. Third offense: \$1,000.
- d. Fourth offense: suspension or revocation of license (subject to an administrative hearing pursuant to § BH2O-5 hereinabove).

SECTION 2. Each section of this Ordinance and every subsection hereof shall be deemed independent, separate and distinct from all other sections, and the holding of any section or a part hereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part hereof, and to this end, the provisions of this Ordinance are hereby declared severable.

SECTION 3. All other ordinances, codes or parts thereof that are in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior Township ordinances, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Township's ordinances are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. This Ordinance shall take effect upon passage and publication as required by law.



Kerry A. McGeary, President

Montgomery Township Board of Health