

CITY OF PERTH AMBOY

ORDINANCE # 2113-2023

ORDINANCE TO AMEND AN ORDINANCE ENTITLED "TATTOOING" (ORDINANCE NO. C-685 AND AMENDMENTS ADOPTED JULY 3, 1962) ALSO KNOWN AS CHAPTER 400 ET SEQ OF THE CODE OF THE CITY OF PERTH AMBOY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PERTH AMBOY:

SECTION 1. That Chapter 400, Tattooing, is amended to read as follows:

§ 400-1 Tattooing prohibited; exception.

It shall be unlawful for any person to tattoo a human being, or for any person, firm or corporation to conduct the business and occupation of tattooing, within the City of Perth Amboy, except that tattooing may be performed for medical purposes by a physician licensed to practice medicine in the State of New Jersey. Compliance required.

No person shall engage in the business of tattooing or shall conduct any business where tattooing is performed or shall perform tattooing of any other person without complying with the requirements of this chapter.

§ 400-2 Definitions.

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

PERSON

Any individual, corporation, partnership, sole proprietorship or other form of business entity which is created pursuant to Title 14A of the New Jersey Statutes.

TATTOOING

The placing of an indelible mark or figure fixed upon the body of a person by the insertion of pigment under the skin.

§ 400-3 License required; application.

No person shall engage in the business of or practice of tattooing of other people within the City without first obtaining a license. Such an application shall be made on an application form provided by the City.

§ 400-4 License fee; expiration of permit.

The license fee shall be \$50.00 for a one-year licensing period from January 1 to December 31. All licenses issued during the course of a calendar year shall expire on December 31 of that year, regardless of the date issued.

§ 400-5 Medical certificate required.

Every person engaged in the practice of tattooing shall submit a medical certificate to the City, with the application signed by a physician duly licensed to practice medicine in the State of New

Jersey, stating that the prospective licensee is free from all contagious or communicable diseases or conditions which may jeopardize the health of clients, and shall submit proof to the City that they have been vaccinated for hepatitis B and has had a PPD skin test for tuberculosis.

§ 400-6 Requirements for establishments.

Every person engaged in the practice of tattooing shall at all times comply with the following requirements:

A. All tattoo-related procedures are to be carried out in a clean, safe and sanitary manner so as to minimize the potential of disease transmission.

B. All areas of the tattoo establishments shall be constructed and maintained in a clean, safe and sanitary manner in compliance with all applicable statutes, laws, regulations, codes and ordinances of the Township and the State of New Jersey.

C. Adequate light and ventilation shall be provided.

D. Adequate toilet and hand-washing facilities shall be available in the establishment separate and isolated from the business area in which tattooing is performed, for the use of customers and personnel of the establishment. Toilets and washing facilities shall be maintained in a sanitary condition at all times.

E. All areas of the establishments are to be accessible for inspection by the City and any Health Department with jurisdiction, and their authorized representatives.

F. Only FDA-approved dyes, where applicable, shall be used in the tattooing process, and no homemade dyes may be used. All such solutions shall be maintained in a sterile condition by approved methods prior to use.

G. All instruments used in connection with the preparation for or process of tattooing shall be sterilized by a sterilizer (autoclave) which is approved by the FDA before each use. Sterilization of equipment will be accomplished by exposure to live steam for at least 28 minutes at a minimum pressure of 15 pounds per square inch and temperatures of not less than 250° F. The owner or person in charge of the establishment shall be responsible for maintaining a log which indicates that the autoclave has been checked during each cycle and meets the aforementioned standards. All cleaned and ready-to-use needles and instruments shall be stored in a protective manner to

prevent subsequent contamination. If disposable instruments are used, those instruments shall be disposed of in accordance with applicable laws.

H. Permanent records for each patron shall be maintained by the owner of the tattoo establishment.

(1) These records shall be maintained for a minimum period of four years except if the patron is under 18 years of age, in which event these records shall be maintained a minimum of four years from the 18th birthday of said patron and shall include the following information:

(a) The name, address, sex and age of the person tattooed.

(b) The date of tattoo.

(c) The physical location and description of the tattoo.

(d) The name, address and other information about the manufacturer of the dyes used as well as information about the dye solutions and types of dyes used. If a customer has a need for this information, then the establishment must release it to the customer.

(e) The name, address and telephone number of the person applying the tattoo.

(f) The parent or legal guardian's written consent form for minors.

(2) At such time when the tattoo establishment ceases doing business or is removed from the City or changes its name or has a change in management or ownership, all such records shall be turned over to the City.

I. More than one set of sterilized needles, tubes and tips shall be kept on the premises at all times.

J. No person, customer or patron having any skin infection or other diseases of the skin or any communicable disease shall be tattooed. All infections resulting from the practice of tattooing which becomes known to the owner or person in charge of the tattooing establishment shall promptly be reported to the City and State Health Department by the person owning or in charge of the tattoo establishment, and the infected client shall be referred to a physician.

K. It shall be unlawful to tattoo any person under the age of 18 years without written consent of their guardian, and such written consent shall be kept on file for at least four years at the establishments where the tattooing is performed from the 18th birthday of the minor. Where there is doubt about such an age, the person in charge of the establishment shall obtain written proof thereof before the tattooing is done. Written proof of age must be photocopied and kept by the owner or person in charge of the establishment. All customers under 19 years of age must be accompanied by a parent or legal guardian. Both customer and parent or legal guardian must sign

a consent form, and a driver's license or other appropriate form of identification shall be photocopied and attached to the consent form.

L. No person shall state or imply in an advertisement or in any other way that the tattooing establishment is endorsed, regulated or approved by the City or by any of its departments or is conducted in compliance with the terms of this chapter.

M. Immediately after tattooing a patron, the person who performed the procedure shall advise that patron of the care of the tattoo area and shall instruct the patron to consult a physician at the first sign of infection.

N. The person applying the tattoo shall wear protective gloves made of rubber or latex-like material while applying the tattoo.

O. The name, address and telephone number of the establishment must be on the heading of all waivers, care sheets, consent and other forms utilized by the establishment.

P. Information pertaining to employees.

(1) The establishment must file with the City annually with the license application and any renewal thereof a list of the following information for each employee:

- (a) Name.
- (b) Home address.
- (c) Home phone number.
- (d) Position or job title.

(2) The owner or person in charge of the establishment shall amend the list accordingly and submit it to the City immediately upon the addition of an employee or termination of an employee.

§ 400-7 Certificate of sanitation required; fee.

No person, partnership, firm or corporation shall operate a tattooing shop unless such person, partnership, firm or corporation has registered such shop with the State Department of Health and has received a certificate of sanitation from the State Department of Health. No certificate of

sanitation shall be issued or renewed unless the shop has been inspected and found to be in compliance with the requirements of this chapter.

§ 400-8 Expiration and renewal of licenses and certificates.

All licenses and certificates of sanitation shall expire on the 30th day of December of each year. Applications for the renewal of a license or of a certificate of sanitation must be presented to the City, in writing, within 30 days before December 30 of each year.

§ 400-9 Revocation and suspension of licenses and certificates.

After due notice and hearing, the City may suspend or revoke any license or certificate of sanitation issued under this chapter for violation of the provisions of this chapter.

§ 400-10 Requirements for certificate of sanitation.

The following requirements for a tattoo shop must be complied with in order to qualify for and hold a certificate of sanitation.

A. The shop shall be so located or constructed as to prevent the contamination of the work areas of the shop by dust from the street or sidewalk.

B. The shop shall be maintained in a sanitary condition.

C. All walls, ceilings and floors shall be smooth and easily cleaned. Walls and ceilings are to be painted a light color. 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.

D. Adequate light and ventilation must be provided.

E. Each shop shall contain a sink 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.

F. Adequate toilet, urinal and hand-washing facilities shall be available on the shop premises for the use of customers and the tattoo artist. Toilets, urinals and hand-washing facilities shall be maintained in a sanitary condition at all times.

G. An adequate number of worktables shall be provided for each tattoo artist. The surface of all worktables shall be constructed of metal or other material which is smooth, light-colored, nonabsorbent, corrosive-resistant and easily sanitized.

H. The shop shall be arranged so that worktables will be located at least 10 feet from observers or waiting customers or such worktables shall be separated from observers or waiting customers by a panel or other barrier at least six feet high. The panel may be constructed of glass, solid plastic or similar material. Proper closed cabinets for the exclusive storage of instruments, dyes, pigments,

carbon stencils and other paraphernalia used in the shop shall be provided for each tattoo artist. The shop shall have proper facilities for the disposition of waste materials.

I. Each tattoo artist shall be provided with individual hand brushes and fingernail files.

J. Signs shall be posted reading "No spitting on the floor of this shop."

K. The holder of a certificate of sanitation shall not allow a tattoo artist to perform in the shop unless the artist is the holder of a valid license as required in this chapter.

L. Only tattooing shall be permitted in the tattoo shop.

§ 400-211 Violations and penalties.

Any person, firm or corporation who shall violate any of the provisions of this chapter shall, upon conviction, be punished by a fine not to exceed five hundred dollars (\$500) or by imprisonment in the county jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment, and each violation of any of the provisions of this chapter and each day there is a violation thereof shall be deemed and taken to be a separate and distinct offense.

SECTION 2. REPEAL OF PREVIOUS ORDINANCE.

All Ordinances or part of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. SEVERABILITY.

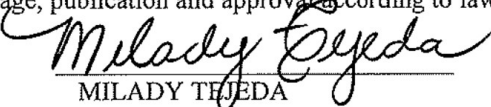
The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or phrase hereof shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses or phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4. EFFECTIVE DATE.

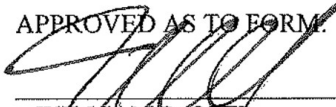
This Ordinance shall take effect immediately upon passage, publication and approval according to law.



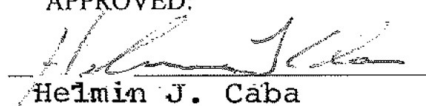
THERESA LOPEZ
Assistant City Clerk



MILADY TRUJEDA
Council President

APPROVED AS TO FORM:


WILLIAM P. OPEL
Director of Law

APPROVED:


Helmin J. Caba
Mayor

Adopted on First Reading: 9/13/2023
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