

TOWNSHIP OF WALL

ORDINANCE NO. 18-2018

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL,
IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CREATING CHAPTER
201, TATTOO, BODY PIERCING AND BODY ART ESTABLISHMENTS**

WHEREAS, the Township Committee has legislative authority to regulate the conduct of certain commercial activities located within the Township; and,

WHEREAS, the Township Committee desires to protect the public health and safety of the residents of the Township of Wall by regulating and controlling the licensing, inspection and location of tattoo, body art and body piercing establishments throughout the Township of Wall; and,

WHEREAS, the Township Committee desires to establish a new Chapter in the Wall Township Ordinances regulating body art and piercing establishments.

THEREFORE, BE IT ORDAINED that the Township Committee of the Township of Wall, in the County of Monmouth, in the State of New Jersey, establishes new Chapter 201 of the General Ordinances of Wall Township as follows:

201-1 Body Art Regulations:

The New Jersey Department of Health and Senior Services has promulgated certain regulations known as the "New Jersey State Sanitary Code Chapter 8 Body Art Procedures", N.J.A.C. 8:27-1. I through 8:27I .4, which establishes standards for sterilization, sanitation and safety for persons engaged in the business of tattooing, permanent cosmetics, and ear and body piercing and same is hereby adopted in its entirety, with the exception of N.J.A.C. 8:2710.1 through 8:27-10.3 which are prohibited, and shall be controlling unless higher standards are prescribed herein by the governing body.

201-2 Definitions:

"Body art establishment" shall mean any place or premises, whether public or private, where the practices of body art, body piercing or permanent cosmetics, whether or not for profit, are performed. "Health officer" shall mean the appointed licensed municipal Health Officer or authorized representative.

201-3 License required.

It shall be unlawful for any person to operate a body art establishment without a current license to operate issued by the health department to operate such establishment pursuant to the provisions established hereof. An establishment operating with an expired license shall be considered as operating without a license.

A. The application for an initial license shall be accompanied by the appropriate fee. The license shall not be transferable. Any change of ownership shall require a new application and license with payment of the requisite fees therefore. All licenses shall expire on the last day of December annually and must be renewed annually for continuing operation of the establishment.

B. An application for renewal and the appropriate license fee shall be submitted prior to the expiration of the current license as further set forth herein.

201-4 Requirements to obtain license.

A. The operation of the body art establishment shall take place within a permanent, nonmobile building. The location of the building shall be indicated in the initial license application. The license shall not be transferable to any other building, place, location or person.

B. Prior to the issuance or renewal of a license, the health officer or authorized representative shall inspect the body art establishment. A license may not be issued if the establishment is found to be in violation of any of the requirements of this chapter including the state regulations (N.J.A.C. 8:27 et. seq.) as referenced in Section 201-1.

C. A body art establishment license may be renewed if said establishment has been inspected by the health officer or authorized representative and found to comply with all the requirements of this chapter and the state regulations, providing the inspection is performed and compliance is determined within ninety (90) days prior to the expiration of the license.

D. A license shall not be issued for operation of a temporary body art establishment or to perform body art procedures outside of the physical site of a licensed establishment.

E. A license shall not be issued to any temporary establishment for the purposes of product demonstrations, industry trade shows, educational reasons or any other purpose.

F. Any establishment not served by a NJDEP approved public community water supply shall be required to sample for total coliform bacteria on a quarterly basis. The sample must be collected from the sampling point by personnel employed by a New Jersey licensed laboratory and tested by a New Jersey licensed laboratory. The results must be provided to the health department upon receipt.

G. An establishment shall employ the services of a licensed pesticide operator to inspect the premises on a monthly basis and to treat, as needed, for insects and rodents.

201-5 Fees:

- A.** Initial application fee for body art establishment license: \$250.00. Fee for body art license reinstatement after suspension or revocation: \$150.
- B.** Initial application fee for license for establishment limited solely to piercing of the ear: \$100.00. Fee for establishment limited solely to piercing of the ear reinstatement after suspension or revocation: \$50.
- C.** There shall be no license fee for renewals required on a yearly basis.

201-6 Violations.

A. Any person or business in violation of this chapter shall, upon conviction, be punished by a fine of not less than two hundred fifty dollars (\$250.00) for each violation of this chapter. Each day that a violation exists shall be considered a separate offense.

201-7 Severability and conflicts.

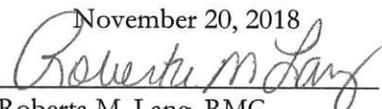
A. In the event that any court of competent jurisdiction determines that any word, phrase, paragraph, or any other portion of this chapter is void, then that portion of the chapter shall be severable from the remaining portion of this chapter and only that specific portion of the chapter shall be void and all other portions of this chapter shall remain completely in force and full effect.

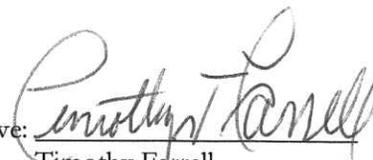
B. All other township ordinances which are in conflict with this chapter are hereby repealed to the extent of such conflict.

This chapter shall take effect immediately after passage and publication according to law.

Introduced: October 24, 2018

Adopted: November 20, 2018

Attest: 
Roberta M. Lang, RMC
Township Clerk

Approve: 
Timothy Farrell
Mayor