

**BOROUGH OF OGDENSBURG
COUNTY OF SUSSEX**

ORDINANCE #07-2020

**AN ORDINANCE OF THE BOROUGH OF OGDENSBURG, COUNTY OF
SUSSEX AND STATE OF NEW JERSEY AMENDING THE BOROUGH
CODE TO ADD CHAPTER 22 ENTITLED “TATTOO, BODY PIERCING
AND BODY ART ESTABLISHMENTS”**

WHEREAS, the Borough of Ogdensburg (“Borough”) has legislative authority to regulate the conduct of certain commercial activities located within the Borough; and

WHEREAS, the Borough desires to protect the public health and safety of its residents by formally adopting the “New Jersey State Sanitary Code, Chapter 8, Body Art Procedures,” N.J.A.C. 8:27-1 et seq. 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, to further protect the public health and safety of its residents, the Borough also seeks to reasonably regulate and control the licensing, inspection, and location of such establishments; and

WHEREAS, in furtherance of the foregoing, the Borough seeks to establish a new Chapter in the Code of the Borough of Ogdensburg regulating tattoo, body piercing and body art establishments.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ogdensburg, County of Sussex and State of New Jersey as follows:

SECTION 1. Chapter 22 entitled, “Tattoo, Body Piercing and Body Art Establishments” is hereby added to the Code of the Borough of Ogdensburg as follows:

CHAPTER 22 TATTOO, BODY PIERCING AND BODY ART ESTABLISHMENTS

22-1 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 et seq. 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 by reference and made a part hereof and shall be controlling unless higher standards are prescribed herein by the governing body.

22-2 COPIES OF CODE FILED.

Three copies of the “New Jersey State Sanitary Code, Chapter 8, Body Art Procedures,” N.J.A.C. 8:27-1 et seq. have been placed on file in the office of the Borough Clerk and shall remain on file there for the use and examination of the public.

22-3 APPLICATION.

Any person seeking a license to operate a body art establishment in the Borough of Ogdensburg shall submit a completed “Application for Approval to Operate a Body Art Establishment to the Board of Health,” including a signed certification that: (1) the applicant has received and read the “New Jersey State Sanitary Code, Chapter 8, Body Art Procedures,” N.J.A.C. 8:27-1 et seq., and (2) the applicant’s body art establishment meets those standards. Applications shall be available in the Office of the Borough Clerk.

22-4 LICENSE.

It shall be unlawful for any person to operate a body art establishment without a current license issued by the Borough 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 transferrable to any other building, place, location, person or business entity. Any change in ownership shall require a new application and license with payment of the requisite fee set forth in Section 22-6(A). All licenses and license renewals issued pursuant to this Chapter shall be valid for a period of one year and shall expire on the anniversary of the date of issuance.
- B. Licenses must be renewed annually for continuing operation of the establishment. An application for renewal and annual renewal fee shall be submitted prior to the expiration of the current license as set forth herein.

22-5 INSPECTIONS.

- A. Prior to the issuance or renewal of a license, the health officer or authorized representative shall inspect the body art establishment. A license shall not be issued if the establishment is found to be in violation of any of the requirements of this chapter including the “New Jersey State Sanitary Code, Chapter 8, Body Art Procedures,” N.J.A.C. 8:27-1 et seq.
- B. 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 “New Jersey State Sanitary Code, Chapter 8, Body Art Procedures,” N.J.A.C. 8:27-1 et seq., provided the inspection is performed and compliance is determined within ninety (90) days prior to the expiration of the license.

22-6 FEES.

- A. Fee for initial body art establishment license: \$250
- B. Fee for renewals required on an annual basis: \$150
- C. Fee for license reinstatement after suspension or revocation: \$250

22-7 VIOLATIONS.


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.

SECTION 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. This Ordinance shall take effect immediately upon final passage and publication according to law.

Attest:



Robin Hough, Borough Clerk



George P. Hutnick, Mayor

NOTICE

TAKE NOTICE that the above entitled ordinance was introduced at a regular meeting of the Borough Council of the Borough of Ogdensburg on August 24, 2020, and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Ogdensburg to be held on September 14, 2020 at 7:00PM in the Municipal Building, 14 Highland Ave., Ogdensburg, New Jersey, and shall take effect according to law.



Robin Hough, Borough Clerk

**BOROUGH OF OGDENSBURG
LEGAL NOTICE
ORDINANCE 07-2020**

**AN ORDINANCE OF THE BOROUGH OF OGDENSBURG, COUNTY OF SUSSEX
AND STATE OF NEW JERSEY AMENDING THE BOROUGH CODE TO ADD
CHAPTER 22 ENTITLED "TATTOO, BODY PIERCING AND BODY ART
ESTABLISHMENTS"**

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Ogdensburg, in the County of Sussex, State of New Jersey, held in the Municipal Building on the 24th day of August, 2020, and the same came up for final passage at a meeting of the said Borough Council on the 14th day of September, 2020, at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the borough according to law by order to the Borough Council of the Borough of Ogdensburg, County of Sussex and State of New Jersey.



Robin Hough, RMC/CMR