

4-6 BODY ART ESTABLISHMENTS.

4-6.1 Adoption of standards.

It shall be unlawful for any person or any body corporate to conduct "body art" as defined in and governed by State regulations, N.J.A.C. 8:27-1, et seq., without first having procured a license from the local board of health and without complying with any or all of the provisions concerning operation and maintenance of a "body art establishment" as contained in the aforementioned State regulations and this chapter.

4-6.2 Enforcement official.

The enforcement official designated to enforce the provisions of this chapter shall be the Burlington County Board of Health. Periodic inspections shall be carried out by the Burlington County Health Department.

4-6.3 License.

a. License mandated. Any person desiring to construct, expand, alter, or operate a permanent cosmetic, tattooing, or ear or body piercing establishment shall apply in writing to the Board of Health for the Township of Southampton for review and approval before such construction, expansion, alteration or operation is begun. Such application shall include all information required by N.J.A.C. 8:27-2. 1. This license shall be renewed annually.

b. Time for review of application for license. The Board of Health of the Township of Southampton shall review the application for compliance with all the provisions of N.J.A.C. 8:27-2.1 to include the final plans, specifications, and reports and shall either approve or disapprove of the application in writing within 30 business days from the date of submission.

c. Denial. Persons denied approval shall be notified in writing by the Board of Health of the Township of Southampton. Such notice shall specify the reason(s) for the action, and shall give the person(s) denied approval the opportunity of a hearing with the Board of Health of the Township of Southampton within a reasonable time, not to exceed 15 business days from the date the Board of Health of the Township of Southampton denied approval of the application.

d. Fee. The fees for annual licensure of body art establishments are hereby fixed at \$100 per annum.

4-6.4 Suspension and revocation of license.

a. The license of any person to operate a body art establishment may be suspended at any time, when in the opinion of the Board of Health of the Township of Southampton such action is necessary to abate a present or threatened menace to the public health.

b. In accordance with N.J.A.C. 8:27-11.3(b), the following shall be reason(s) for closure:

1. The failure or lack of properly functioning equipment;

2. The existence of unsanitary or unsafe conditions which may adversely impact the health of the public;
 3. The health authority has reasonable cause to suspect that a communicable disease is, or may be, transmitted by an operator/practitioner;
 4. The practitioner(s) has demonstrated gross incompetence in performing body piercing, ear piercing, tattooing, or micropigmentation;
 5. The owner obtained or attempted to obtain a permit by means of fraud, misrepresentation or concealment;
 6. The owner or practitioner(s) has been convicted in this or any other state of a crime directly related to the practice of tattooing, micropigmentation, body piercing or ear piercing;
 7. The owner or practitioner(s) has permitted a genital piercing upon a person under 18 years of age, or
 8. The operator has failed to prevent implants, branding and cutting to be performed in a body art establishment.
- c. In accordance with N.J.A.C. 8:27-11.3(c), the following shall be reason(s) for, at a minimum, a seven-day suspension:
1. Failure to report to the health authority within 24 hours any infection or injury requiring a medical referral;
 2. Performing a body art procedure on any person under the age of 18 years of age, without the presence, written consent, and proper identification of a parent or legal guardian;
 3. Failure to notify the health authority within 24 hours of positive biological indicator test result of the autoclave; or
 4. Using an ear piercing instrument for any part of the body other than the ear lobes and trailing edge of the ear.
- d. If any such license shall have been revoked, neither the holder nor any person acting for him, directly or indirectly, shall be entitled to another license to operate another body art establishment within the township unless application for such establishment has been approved from the Board of Health of the Township of Southampton.

4-6.5 Penalties.

Any person who shall violate any provision of this section or who shall refuse to comply with a lawful order or directive of the Board of Health of the Township of Southampton, or County Board of Health, shall be liable for penalties as provided by N.J.S.A. 26:1A-10, the general penalty provision established for violations of this code, and all other applicable law and/or injunctive action as provided by law.