



**BOROUGH OF GARWOOD**  
**UNION COUNTY, NEW JERSEY**  
MUNICIPAL BUILDING  
403 SOUTH AVENUE  
GARWOOD, NEW JERSEY 07027

**ORDINANCE NO. 25-26**

**AN ORDINANCE AMENDING THE BOROUGH OF GARWOOD CODE BY  
CREATING A NEW CHAPTER 112 ENTITLED “BODY ART, TATTOOING AND  
RELATED SERVICES”.**

**WHEREAS**, the Borough of Garwood (the “Borough”) seeks to amend the Borough Code by creating new Chapter 112 which will provide for regulations, licenses, enforcement and penalties regarding body art, tattooing and related services; and

**NOW, THEREFORE, BE IT ORDAINED** by the governing body of the Borough of Garwood that the new Chapter 112 (Body Art, Tattooing and Related Services) is created as follows:

**Chapter 112**  
**Body Art, Tattooing and Related Services**

**§ 112-1.**      **Declaration of Policy**

This chapter establishes sterilization, sanitation, and safety standards for persons engaged in the business of tattooing, permanent cosmetics, and ear and body piercing in order to protect the public’s health.

**§ 112-2.**      **Scope**

- (a) Except as a subchapter otherwise indicates, this chapter applies to:

“**Body Art**” means the practice of physical body adornment using the following techniques, body piercing, tattooing, and permanent cosmetics, but does not include ear piercing.

“**Body Art Establishment**” means any place or premises, whether public or private, temporary or permanent in nature or location, where the practices of body art, whether or not for profit, are performed.

“**Body Piercing**” means puncturing or penetration of the skin of a person using pre-sterilized single use needles and the insertion of pre-sterilized or disinfected jewelry or other adornment thereto in the opening.

“**Body Piercer**” means one who engages in body piercing.

**“Certificate of Inspection”** means a completed inspection report issued by the health department that said tattooing or body piercing establishment has been inspected and meets all the terms of this section.

**“Ear Piercing”** means the puncturing of ear lobe and the trailing edge of the ear using a pre-sterilized single use stud and clasp ear piercing system following manufacturer’s instructions.

**“Establishment”** means physical place of business that is permanent in nature, and including all areas used by persons performing body art, body piercing or ear piercing and their clients, including, but not limited to, treatment areas and waiting/reception areas.

**“Health Officer”** means the Borough of Garwood Health Officer or his authorized representative.

**“Microblading”** means a permanent cosmetics procedure performed by a qualified permanent cosmetics practitioner or apprentice at a permanent cosmetics establishment, using a configuration of needles attached to a handle, often described as a blend between a scalpel and a fine-toothed comb, to manually create small cuts that resemble eyebrow hairs, which are then filled in with pigment to achieve the appearance of fuller brows, and as further described in the National Environmental Health Association, Policy Statement on Microblading (Denver, CO, July 2018), incorporated herein by reference, as amended and supplemented.

**“Operator”** means an owner of an establishment. 1. The term “operator,” includes a person whom an owner designates as having control, custody, and/or management of the day-to-day operations, of a body art establishment.

**“Permanent Cosmetics or Micropigmentation”** means the intradermal implanting of inert pigments, colors, and/or dyes, which result in permanent alteration of tissue to gain a cosmetic effect, and includes the form of micropigmentation known as “microblading.”

**“Person”** means one or more individuals, legal representatives, partnerships, joint ventures, associations, corporations (whether or not organized for profit), business trusts, or any organized group of persons.

**“Sanitize”** means the effective bactericidal treatment of clean surfaces of equipment and utensils by a process which has been approved by the State Department of Health as being effective in destroying microorganisms, including pathogens .

**“Single Use”** means to be used one time for only one client and to be discarded after use. 1. Examples of single-use items are cotton swabs, cotton balls, tissues,

paper products, paper or plastic cups, gauze, dressings, bandages, sanitary coverings, razors, needles, stencils, pigment cups, gowns, markers, and medical gloves.

“**Sterilization**” means a process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.

“**Tattoo Artist**” means one who engages in tattooing.

“**Tattoo, Tattooed, or Tattooing**” means any method of placing ink or other inert pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This includes all forms of permanent cosmetics.

### **§ 112-3. Licensing Regulations for Body Art Establishment**

No person shall engage in the business of body art and body piercing, whether for compensation or not, operate any establishment where body art or body piercing is performed, whether for compensation or not, or body pierce or body art any person, whether for compensation or not, without complying with the requirements of this article, pursuant to the New Jersey Administrative Code at N.J.A.C. 8:27-1.1, et seq.

- a. It shall be unlawful for any person to engage in the business of operating a body art establishment as defined by this section without first obtaining a license from the Borough of Garwood to engage in such business in accordance with the provisions hereof. All body art establishments/businesses must maintain the appropriate permits and/or certifications required by State law to operate a body art establishment prior to seeking approval from the Borough of Garwood.
- b. An application for an initial license shall be made in writing to the Health Officer of the Borough of Garwood upon such forms as the Borough shall prescribe and prepare. The initial license application should be accompanied by a fee in the amount of \$200 as well as a plan review fee in the amount of \$200. Please also note there may be a re-inspection fee for any establishment requiring a reinspection in the amount of \$200.
- c. An application for authorization to operate a body art establishment shall require an applicant to submit the following information:
  1. The applicant's legal name, home address and telephone number, full business name, business address, post office address, and telephone number.
  2. The application shall also include whether the applicant is an individual, partnership, firm, or corporation. If the applicant is a partnership, the names and addresses of the partners shall be included on the application. If the

applicant is a corporation, the names and addresses of all corporate officers shall be included on the application;

3. Plans and specifications shall illustrate the location of the proposed establishment and a floor plan of the establishment as it is proposed to be operated. An exact inventory of all processing equipment as it is to be used. Plans shall indicate the layout of the reception area, the procedure areas, the cleaning and sterilization area, the storage area, and the toilet facilities;
4. A statement of approval from the municipal agency responsible for the administration of planning and zoning ordinances for the proposed construction or expansion of the body art establishment;
5. A complete description of all services to be provided, the proposed hours of operation, the name of the operator, the names of all regular practitioners and apprentices, the body art, body piercing or ear-piercing disciplines that they will perform at the establishment, and the forms of written informed consent that are to be presented to clients for each type of procedure that the establishment proposes to offer.
  - i. An operator shall notify the health authority before persons other than listed regular practitioners, such as apprentices, occasional or temporary practitioners, or health care providers, are to perform body art, body piercing or ear piercing services at the establishment, and shall obtain the same documentation that operators are to obtain from practitioners and apprentices pursuant to N.J.A.C. 8:27-4.8, and ear-piercing practitioners pursuant to N.J.A.C. 8:27-9.6 and body piercing practitioners pursuant to N.J.A.C. 8:27-6.5.
6. The names and addresses of all manufacturers of processing equipment, instruments, jewelry, and inks used for any and all body art procedures;
7. The make, model and serial number of the applicant's steam autoclave shall be printed on the back of a photograph of the autoclave; and
8. A copy of the manufacturer's specifications for operation of the autoclave.
9. All construction, expansion or alteration to the building, structures, and facilities used by the public shall comply with the Barrier Free Subcode, N.J.A.C. 5:23-7.
10. All construction expansion or alteration, to the building, structures, and facilities shall be done in accordance with the requirements of the New Jersey Uniform Construction Code, N.J.A.C. 5:23.

11. The educational and/or business experience of the applicant in the business or occupation for which the license is sought.
12. The length of time that the applicant has been engaged in such business or occupation.
13. Whether the applicant carries public liability insurance, and if so, the amount of said coverage and the company providing such liability insurance.
14. Whether the applicant has ever been convicted of any criminal violation, the date, nature and disposition of such criminal charges, summons, complaint or indictment.
15. Name, address and age of every person to be initially employed to conduct the service. This shall be a continuing obligation for licensees to update the list of employees.
16. An after-care plan for each body art establishment shall be developed by the operator and submitted to the Health Officer at the time of the license application.
17. Investigation and Issuance. Upon receipt of an application, the Board of Health Secretary will cause to be conducted an inquiry by the Police Department, Construction Official and any other department or agency of the Borough of Garwood or State of New Jersey to verify the information contained in the application. Such inquiry shall be designed to include the reputation, business responsibility, reliability, criminal background and motor vehicle license abstracts of the applicant and all persons having management or supervision. It shall further include an inquiry or investigation of the proposed location and items proposed to be sold or used in the business or enterprise of tattooing or body piercing.
18. The Health Officer or the Governing Body may deny an application where the investigation or inquiry demonstrates that:
  - i. The information set forth in the application is incomplete or fraudulent; or
  - ii. The applicant or any person conducting the business has been convicted of a crime or disorderly person offense which has not been expunged pursuant to N.J.S.A. 2C:52-1 et seq. or pardoned and which offense relates adversely to the business for which the license is sought. In this regard the Board of Health shall be guided by N.J.S.A. 2A:168A-2; or

- iii. The applicant has within 12 months of the application been convicted of the habitual use of drugs or intoxicating liquors; or
- iv. The business property and location do not comply with requirements for business use, as same are set forth by the Construction Official, and/or other departments or agencies of the Borough of Garwood.

**§ 112-4. General Provisions**

- a. Age. Body art procedures on a person under 18 years of age shall not be performed without the written consent of the parent or legal guardian of such minor, which shall be attested to before a notary public. The operator shall be responsible for maintaining the original consent form and copies of all consent information for a period of three (3) years beyond the recipient's 21st birthday. The operator shall obtain a copy of a photo ID of such individual being tattooed and/or pierced.
- b. Each person wishing to receive a body art procedure must first apply to the operator on a form approved by the Health Officer. If the applicant is suspected to be under the influence of alcohol, drugs or any other behavior modifying substance, the operator must refuse the applicant.
- c. All records regarding any and all body art procedures are to be maintained for a minimum of three (3) years. Information required for each applicant referred to in paragraph b. is to include the name, age, date of birth, address and telephone number of the applicant as well as the name of the person who did the tattoo or body piercing, the design, location, ink lot number(s), if available and the date of the tattoo or type of body piercing done. All such records shall be open to the Health Officer upon demand.
- d. At the time any body art business or establishment shall cease doing business in the Borough of Garwood or changes its name or undergoes a change in management or ownership, all records described in paragraphs a., b., and c. above shall be turned over to the Board of Health Secretary.

**§ 112-5. Sanitary requirements; design and layout specification.**

- a. Each tattoo or body piercing facility shall have a bathroom accessible to the public and staff. Each bathroom shall be equipped with a commode and a sink, with the sink being connected to hot and cold running water. All fixtures shall be connected to an approved public or individual sewage disposal system. Soap and sanitary towels, or other approved hand drying devices, shall be available at the sink at all times. Common towels are prohibited. In addition to the above, each tattooing or body piercing cubicle or work station must be provided with a sink as described above. This area shall also be supplied with soap and appropriate hand drying facilities. Employee Handwashing Signs shall be posted in each bathroom.
- b. The waiting area shall be physically separated from all workstations and equipment cleaning rooms.

- c. All rooms for body art procedures shall be completely separated from any room used for human habitation, food service, or other such activity which may cause potential contamination for work surfaces.
- d. The chair or seat reserved for the person receiving the tattoo or body piercing shall be a material that is smooth and easily cleanable and constructed of material that is nonabsorbent. Any surface on the chair that becomes exposed to blood or body fluids must be cleaned and sanitized prior to use by the next customer.
- e. The work table or counter used by the tattoo artist or body piercer shall be smooth and easily cleanable and constructed of material that is nonabsorbent.
- f. The walls in the tattooing and body piercing area shall be light colored, smooth and easily cleanable and constructed of a nonabsorbent material.
- g. The floor in the tattooing or body piercing area shall be of durable material that is nonabsorbent and is smooth and easily cleanable. Floors shall be kept clean.
- h. Lighting within the tattoo or body piercing area shall be adequate so as to provide a minimum of 100-foot candles in all areas.
- i. The work area reserved for the application of the tattoo or body piercing shall be separated from other areas of the establishment by walls or durable partitions extending at least six feet in height and so designed to discourage any persons other than the customer, the tattoo artist or body piercer from being in the work area.
- j. Any surfaces in the establishment that become exposed to blood or body fluids must be immediately cleaned and sanitized, utilizing a method approved by the Health Officer.
- k. Products used in the cleaning, sanitizing and sterilizing procedures must be clearly marked and stored in an acceptable manner. Smaller working containers filled on site from larger containers must be clearly marked with the name of the product.
- l. Proper waste receptacles shall be provided and waste shall be disposed of at appropriate intervals.
- m. A utility room shall be provided for the cleaning, packaging and sterilization of equipment which is physically separated from the work area and waiting rooms. The design of this utility room shall be such as to create a flow from soiled to clean processing.
- n. The use of alcoholic beverages and tobacco in any form while engaged in tattooing and/or body piercing procedures is prohibited. The use of tobacco shall be restricted to areas physically removed from tattoo/body piercing work areas.
- o. The consumption of food or drink shall be prohibited in the tattoo/body piercing work areas of the parlor.
- p. Only articles considered necessary to the routine operation and maintenance of the tattoo/body piercing work room operation shall be permitted in the tattoo parlor.
- q. No birds, reptiles, amphibians, dogs, cats or other live animal(s) shall be permitted in any area used for the conduct of tattooing and/or body piercing operations or in the

immediate open, adjacent areas including the main waiting area and the public access to the toilet room, with the exception of animals utilized for the assistance of the disabled.

- r. The entire premises and all equipment shall be maintained in a clean, sanitary condition and in good repair.
- s. Effective measures shall be taken to protect the entrance into the parlor and the breeding or presence on the premises of insects and rodents.
  - 1. Anyone using pesticides must be certified by the State of New Jersey for application of same.
  - 2. The use of pesticides shall not result in the contamination of dyes, inks, ink reservoirs, needles, jewelry or gloves or any equipment used in connection with the operation.

**§ 112-6. Regulation of Body Art Business or Establishment.**

**a. Body Art Artist.**

- 1. The parlor shall comply with the most current version of Centers for Disease and Prevention Publication, “Enforcement Procedure for Occupational Exposure to Hepatitis B Virus (HVB) and Human Immunodeficiency Virus (HIV), OSHA instruction CPL-2.2.44A, August 1988 or revised or late editions.” (Bloodborne Pathogen regulations)
- 2. All body art artists shall provide proof of a negative Mantoux test, or medical clearance in the event of a positive Mantoux test. This documentation shall be maintained by the parlor and available for review during inspections of the establishment.
- 3. Before working on each patron, each body art artist shall scrub and wash his hands thoroughly with hot water and antiseptic soap using his individual hand brush. Fingernails shall be kept clean and short.
- 4. Disposable vinyl or latex gloves shall be worn by the body art artists during preparation for all body art procedures and application to prevent contact with blood or body fluids except for clients with a sensitivity to latex, other methods acceptable to the Health Department shall be employed. Universal precautions described by the Centers for Disease Control and Prevention (CDC) shall be followed. All materials shall be disposed of in accordance with this subsection after contact with each patron. Hands shall be washed immediately after removal of gloves. Any skin surface that has contact with blood shall be washed immediately.
- 5. Immediately after performing an act of body art on a patron, body art artists shall advise the patron on the care of the body art in a written form and shall instruct the patron to consult a physician at the first sign of infection of the tattoo or body

piercing. Printed instructions regarding these points shall be given to each patron and submitted to the Health Officer for review at the time of the initial license application and in the event that changes and/or modifications are made to this form.

6. All infections resulting from the practice of body art which become known to the operator shall be promptly reported to the Health Officer by the person owning or operating the body art establishment or by the body art artist.

**b. Skin Preparation.**

1. All body art procedures must only be done only on normal, healthy skin surface that is free of moles or infection.
2. Only safety razors with disposable blades shall be used for the skin preparation. Blades shall be disposed of according to paragraph e. of this subsection after each use and new blades shall be used for each patron.
3. Following shaving, the area shall be thoroughly cleansed and scrubbed with bacterial soap, and warm water. Before placing the design or body piercing on the patron's skin, the area shall be treated with 70% alcohol and allowed to air dry. Piercing of mucous membranes (i.e. oral, nasal, vaginal, etc.) shall be treated with an industry-appropriate and medically indicated antiseptic solution prior to the procedure.
4. Only petroleum jelly (U.S.P. or National Formulary) or antiseptic ointment shall be applied to the tattoo area prior to tattooing or body piercing. The ointment shall be applied in a sanitary manner, disposing of the utensil after spreading. Collapsible tubes of ointment or jelly may also be used.

**c. Body Art, Tattooing or Body Piercing.**

1. The use of single service hectographic stencils shall be required for applying any body art to the skin. Multi-use stencils shall be prohibited.
2. Only non-toxic dyes or pigments may be used. Premixed sterile materials are preferred. Pre-mixed dyes shall be used without adulteration of the manufacturer's original formula. It shall be the responsibility of the operator to provide certification to the Health Officer of the non-toxicity of the dyes or inks at the time of license application and renewal.
3. Single service or individual containers of dye or ink shall be used for each patron and the container disposed of immediately after completing work on each patron.
4. The completed body art and/or tattoo shall be washed with sterile gauze. The area shall be allowed to air dry and antiseptic ointment shall be applied and spread with sterile gauze and sterile dressing attached.

5. Upon completion of piercing of the mucous membranes the area shall be disinfected with the industry-appropriate and medically indicated solutions.

**d. Needles and Instruments.**

1. Only single service sterilized needles and needle bars shall be used for each patron.
2. If solder is used in manufacturing needles, needle bars or needle tubes, it must be free of lead.
3. Any needle that penetrates the skin of the body art artist shall be immediately disposed of in accordance with paragraph e. of this subsection.
4. Needle tubes shall be soaked with soapy water, then scrubbed with a clean brush, then rinsed clean. Needle tubes shall be sterilized in accordance with paragraph d.5., stored in sterile bags and maintained in a dry, closed area.
5. Each item to be sterilized shall be individually wrapped using chemical indicator bags or chemical indicator strips. Sterilization shall be by steam sterilization. The sterilizer shall be well maintained with a tight fitting gasket and clean interior. The manufacturer's operating instructions and sterilization specifications shall be at hand. The sterilizer shall conform to the manufacturer's specifications with regard to temperature, pressure and time of sterilization cycle. Proper functioning of sterilization cycles shall be verified by the use of biologic indicators (i.e. spore tests) at a frequency recommended by the manufacturer, but shall be performed no less than once per month. A log book of these test results shall be continually maintained and available for review during inspections of the establishment, and a test of the adequacy of the sterilization equipment and procedures may be required during any such inspections.
6. If the primary source of sterilization malfunctions, the Health Officer shall be notified within 24 hours. In an emergent situation, the Health Officer may approve alternate sterilization techniques.
7. Needles and bars shall not be bent or broken prior to disposal. Tattoo artists or body piercers shall take precautions to prevent injuries from contaminated needles or tubes.

- e. **Disposal of Waste.** All used needles, needle bars or other tools used in the tattooing process, as well as gloves, gauze or other materials contaminated with blood or body fluids, shall be disposed of pursuant to N.J.A.C. 7:26-3A. (Regulated Medical Waste regulations).

**§ 112-7. Inspections; right of entry.**

The Health Officer may conduct periodic inspections, with or without notice, of any establishment engaged in body art procedures that are governed by this article for the purpose of determining whether or not such establishments and the persons performing the art therein are in compliance with all applicable health provisions. It shall be unlawful for any person or operator of a body art establishment to willfully prevent or restrain the Health Officer or his designee from entering any establishment where body art procedures are being performed for the purpose of inspecting such premises, equipment and records after proper identification is presented to the operator.

**§ 112-8. Revocation of license; closure of establishment; reinstatement.**

The Health Officer may revoke and remove the license for the operation of a body art establishment at any time and summarily order the establishment closed when, in the opinion of the Health Officer or his designee, such action is necessary to abate an existing or threatened menace to public health. In summarily ordering an establishment closed, the Health Officer or his designee may request assistance from public safety officers of the Borough of Garwood. Immediate closure shall be in addition to and shall supplement any other penalty or remedy that may be authorized by N.J.A.C. 8:27-1.1 et seq., or the Code of the Borough of Garwood, as the same may be from time to time amended and supplemented.

A person whose license has been revoked shall have the right to apply to the Borough of Garwood to reinstate that license. The applicant shall apply before the Borough Council of the Borough of Garwood demonstrating that it is in compliance with all local and state regulations, and the Union County Health Officer shall submit his/her position with respect to the reinstatement sought.

**§ 112-9. Penalties.**

- a. Unless otherwise provided by law, any person who violates any provision of this section shall, upon conviction, be liable to the penalty as stated in Chapter I, Section 1-9, Violations and penalties of the Borough Code.
- b. Reasonable counsel fees incurred by the Borough or Health Officer in the enforcement of this section shall be paid by the defendant. The amount of such reimbursable fees and costs shall be determined by the Court hearing the matter.
- c. After due notice the Health Officer may suspend or revoke any license issued under this section for violation of the provisions of this section.

**BE IT FURTHER ORDAINED**, that if any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and



Notice is hereby given that the foregoing Ordinance 25-26 was finally adopted at a meeting of the Borough of Garwood held on \_\_\_\_\_, \_\_\_\_\_, 2025 at 7:00 pm in the Borough Municipal Building, 403 South Avenue, Garwood, New Jersey 07027.

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Patricia Vazquez, Acting Borough Clerk