

ORDINANCE NO. 3606-22

AN ORDINANCE TO ADD CHAPTER 69 "PERMANENT COSMETICS ESTABLISHMENTS" TO THE BOROUGH CODE OF THE BOROUGH OF RUTHERFORD

WHEREAS the Governing Body of the Borough of Rutherford believes it is in the best interest of the Borough to permit PERMANENT COSMETICS ESTABLISHMENTS in certain zones within the Borough.

BE IT ORDAINED by the Mayor and Council of Rutherford, County of Bergen, State of New Jersey, as follows:

SECTION 1. Chapter 69 of the Borough Code of the Borough of Rutherford, entitled "PERMANENT COSMETICS ESTABLISHMENTS" is hereby added to read as follows:

§69-1. Permanent Cosmetics Regulations.

The New Jersey Department of Health 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 Permanent Cosmetics and same is hereby adopted in its entirety, except for N.J.A.C. 8:27-6.1 through 8:27-6.6, N.J.A.C. 8:27-7.1 through 8:27-7.5, N.J.A.C. 8:27-9.1 through 8:27-9.6, and N.J.A.C. 8:27-10.1 through 8:27-10.3 which are prohibited.

§69-2. Definitions.

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

HEALTH OFFICER — The appointed licensed municipal Health Officer or authorized representative.

PERMANENT COSMETICS - The implanting of inert pigments, colors, and/or dyes intradermally which results in permanent alteration of tissue to gain a cosmetic effect

PERMANENT COSMETICS ESTABLISHMENT — Any place or premises, whether public or private, where the practice permanent cosmetics, whether or not for profit, are performed.

§69-3. License required.

It shall be unlawful for any person to operate a permanent cosmetic 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 operation of the Permanent Cosmetic 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 permanent cosmetic 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 §69-1.

§ 69-4. Requirements to obtain 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 therefor. 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.
- C. A permanent cosmetic 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 90 days prior to the expiration of the license.
- D. A license shall not be issued for operation of a permanent cosmetic establishment or to perform permanent cosmetic procedures outside of the physical site of a licensed establishment.

§ 69-5 Fees.

- A. Initial application fee for permanent cosmetic establishment license: \$500; fee for license reinstatement after suspension or revocation: \$150; annual renewal fee for permanent cosmetic establishment license: \$500

§69-6. Violations and penalties.

Any person or business in violation of this chapter shall, upon conviction, be punished by a fine of not less than \$250 for each violation of this chapter. Each day that a violation exists shall be considered a separate offense.

SECTION 2. All ordinances of the Borough of Rutherford, which are inconsistent with the provisions of this ordinance, are hereby repealed to the extent of such inconsistency.

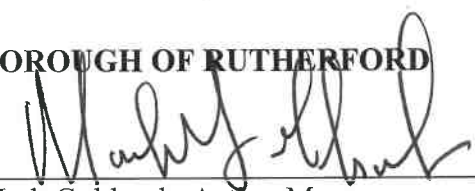
SECTION 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

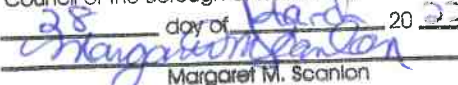
SECTION 4. All other provisions of the Code of the Borough of Rutherford are not further amended and remain in full force and effect.

The ordinance shall take effect immediately upon final passage.

ATTEST:


Margaret M. Scanlon, Borough Clerk

BOROUGH OF RUTHERFORD

Mark Goldsack, Acting Mayor

I hereby certify that this is a true and exact copy of an ordinance adopted by the Mayor and Council of the Borough of Rutherford on the 28 day of March 2022

Margaret M. Scanlon
Borough Clerk