

PREPARED BY:

**CITY OF NAPERVILLE
LEGAL DEPARTMENT
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RETURN TO:

**CITY OF NAPERVILLE
CITY CLERK'S OFFICE
P.O. BOX 3020
400 SOUTH EAGLE STREET
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PZC 19-1-071

ORDINANCE NO. 19 -

**AN ORDINANCE AMENDING CHAPTER 7 (TATTOOING AND BODY PIERCING) OF
TITLE 4 (HEALTH AND SANITATION) AND CHAPTER 1 (ZONING TITLE, PURPOSE,
DEFINITIONS) AND CHAPTER 7 (BUSINESS DISTRICTS) OF
TITLE 6 (ZONING REGULATIONS) OF THE NAPERVILLE MUNICIPAL CODE**

WHEREAS, the City of Naperville, in its authority as a Home Rule community, has enacted Municipal Code Regulations for the purpose of improving and protecting the public health, safety, comfort, convenience and general welfare of the people; and

WHEREAS, on June 4, 2019, the Naperville City Council passed Ordinance 19-080 to permit tattooing, including microblading, and body piercing to be administered without the required involvement of a physician or osteopath; and

WHEREAS, on June 18, 2019, the Naperville City Council directed staff to process an amendment to Title 6 (Zoning Ordinance) to increase zoning options for tattooing and microblading establishments; and

WHEREAS, on July 17, 2019, the Planning and Zoning Commission conducted a public hearing regarding the proposed amendments and recommended approval of PZC 19-1-071 as presented; and

WHEREAS, the City Council has determined that it is appropriate to amend Chapter 7 (Tattooing and Body Piercing) of Title 4 (Health and Sanitation) and Chapter 1 (Zoning Title, Purpose, Definitions) and Chapter 7 (Business Districts) of Title 6 (Zoning Regulations) as proposed herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule authority, as follows:

SECTION 1: The recitals set forth above are incorporated herein.

SECTION 2: Chapter 7 (Tattooing and Body Piercing) of Title 4 (Health and Sanitation) of the Naperville Municipal Code is hereby amended by adding the underlined language and deleting the stricken language, as follows:

TITLE 4 – HEALTH AND SANITATION

CHAPTER 7 – BODY ART, TATTOOING, AND BODY PIERCING

4-7-1: - DEFINITIONS:

As used in this Section, the following words shall have the following meanings:

<u>BODY ART:</u>	<u>Art that is made on the human body, including body piercing, artistic and cosmetic tattooing, and permanent makeup.</u>
<u>BODY ART ESTABLISHMENT:</u>	<u>A facility licensed by the Illinois Department of Public Health to administer body art.</u>
BODY PIERCING:	The act of penetrating the skin to make, generally permanent in nature, a hole, mark or scar. Body piercing does not include practices that are considered medical procedures or the

	puncturing of the outer perimeter or the lobe of the ear using a pre-sterilized, single-use stud and clasp ear piercing system.
BODY PIERCING ESTABLISHMENT:	Any room or space where body piercing is practiced or where the business of body piercing is conducted or any part thereof.
TATTOO ESTABLISHMENT:	Any room or space where tattooing is practiced or where the business of tattooing is conducted or any part thereof.
TATTOO, TATTOOED AND TATTOOING:	Any method of placing designs, letters, scrolls, figures, symbols or any other marks upon, under or in the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin <u>for the purposes of art, cosmetics, and/or permanent makeup.</u>

4-7-2: - RECORDS TO BE MAINTAINED:

Each ~~tattoo and body piercing~~ body art establishment shall maintain permanent records for each patron. Such records shall be provided within the ~~tattoo and body piercing~~ body art establishment and shall be available for examination by the DuPage County Health Department or Will County Health Department, whichever is applicable. Such records shall be maintained by the ~~tattoo and body piercing~~ body art establishment for a period of at least two (2) years.

4-7-3: - INFECTIONS TO BE REPORTED:

* * *

4-7-4: - PROHIBITIONS:

1. Any person under the age of eighteen (18) years shall be prohibited from receiving the services of ~~tattoo parlors and body piercing~~ body art establishments unless such person is accompanied by a parent or legal guardian who authorizes, in writing, such ~~tattooing or body piercing~~ body art.
2. It is prohibited for any operator or employee of the ~~tattoo and body piercing~~ body art establishments to tattoo or pierce any person under the influence of alcohol, drugs or a controlled substance.

4-7-5: - VIOLATIONS AND PENALTIES: * * *

4-7-6: - ZONING ALLOWANCES:

Body art establishments shall be located in compliance with the requirements of Title 6 (Zoning Ordinance). Body art establishments shall be permitted as accessory to a permitted beauty shop/salon, health spa without lodging accommodations/massage establishments, and/or medical office/clinic provided that the area in which the body art services are provided shall not exceed 25% of the gross floor area of the principal permitted use.

SECTION 3: Chapter 1 (Zoning Title, Purpose, Definitions) and Chapter 7 (Business Districts) of Title 6 (Zoning Regulations) of the Naperville Municipal Code is hereby amended by adding the underlined language and deleting the stricken language, as follows:

TITLE 6 – ZONING ORDINANCE

CHAPTER 1 - ZONING TITLE, PURPOSE, DEFINITIONS

6-1-6: - DEFINITIONS:

In the construction of this Title the definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise. The following definitions of word use shall apply:

1. - 8. * * *

ACCESSORY BUILDING OR STRUCTURE: - BASEMENT:	* *
BEAUTY SHOP/SALON:	An establishment (except those known as barbershops or men's hair stylist shops) where people go to receive beauty treatments, and/or purchase beauty products. These treatments primarily include one or more of the following: 1) cutting, trimming, shampooing, weaving, coloring, waving, or styling hair; 2) providing facials; 3) applying makeup (except permanent makeup); and 4) providing nail care services, such as manicures, pedicures, and nail extensions. Spa services may be provided as additional and secondary services,

	<p>including <u>body art</u> subject to the condition that said <u>body art services shall be accessory to the primary use of the facility as a beauty shop/salon and that the area in which the body art services are provided shall not exceed 25% of the gross floor area of the beauty shop/salon.</u></p>
BED AND BREAKFAST ESTABLISHMENT: - BOARDING ROOM:	* * *
<u>BODY ART ESTABLISHMENT:</u>	<u>A facility licensed by the Illinois Department of Public Health to administer body art, including body piercing, artistic and cosmetic tattooing, and permanent makeup, as defined in Chapter 7 (Body Art, Tattooing, and Body Piercing) of Title 4 (Health and Sanitation) of the Naperville Municipal Code.</u>
BODY PIERCING:	The act of penetrating the skin to make, generally permanent in nature, a hole, mark, or scar.
BODY PIERCING ESTABLISHMENT:	Any room or space where body piercing is practiced or where the business of body piercing is conducted or any part thereof.
BUILDING: - GUEST, PERMANENT:	* * *
HEALTH SPA WITHOUT LODGING ACCOMMODATION/ MASSAGE ESTABLISHMENT:	A nurturing, safe, clean commercial establishment, which employs professional licensed therapists or utilizes mechanical equipment whose services include massage and body or facial treatments. Private treatment rooms are provided for each client receiving a personal service. Massage treatments may include body packs and wraps, exfoliation, cellulite and heat treatments, electrolysis, body toning, waxing, aromatherapy, cleansing facials, medical facials, nonsurgical facelifts, electrical toning, and electrolysis. Hydrotherapy and steam and sauna facilities, nutrition and weight management, spa

	<p>cuisine, and exercise facilities and instruction may be provided in addition to the massage and therapeutic treatment services. Full service hair salons, makeup consultation and application and manicure and pedicure services may be provided as additional services. <u>Body art services may be provided as an additional service subject to the condition that said body art services shall be accessory to the primary use of the facility as a health spa/massage establishment and that the area in which the body art services are provided shall not exceed 25% of the gross floor area of the health spa/massage establishment.</u></p>
<p>HEIGHT, BUILDING OR STRUCTURE: - OFF STREET PARKING SPACE OR LOADING BERTH:</p>	<p>* * *</p>
<p>OFFICE/CLINIC, MEDICAL OR DENTAL:</p>	<p>A building, structure or portion thereof which is maintained or operated for the diagnosis, treatment, medical care or surgical care of persons. Medical or dental offices/clinics shall not include facilities operated overnight. <u>Body art services may be provided at a medical office/clinic subject to the condition that said services shall be accessory to the primary use of the facility as a medical office/clinic and that the area in which the body art services are provided shall not exceed 25% of the gross floor area of the medical office/clinic.</u></p>
<p>PERSON: - SUBJECT PROPERTY:</p>	<p>* * *</p>
<p>TATTOO PARLOR:</p>	<p>Any room or space where tattooing is practiced or where the business of tattooing is conducted or any part thereof.</p>

TATTOO, TATTOOED, TATTOOING:	Any method of placing designs, letters, scrolls, figures, symbols, or any other marks upon the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin.
USE: - ZONING DISTRICT MAP:	* * *

CHAPTER 7 – BUSINESS DISTRICTS

ARTICLE C. - B3 GENERAL COMMERCIAL DISTRICT

SECTION:

6-7C-1: - INTENT: * 6-7C-2: - PERMITTED USES: * *

6-7C-3: - CONDITIONAL USES:

The following conditional uses may be permitted in specific situations in accordance with the procedures outlined in Section 6-3-8 and Chapter 4 of this Title, as appropriate:

1. - 3. * * *
4. ~~Tattoo parlors and body piercing~~ Body art establishments as a principal use subject to the requirements of Title 4, Chapter 7 of this Code.
5. - 9. * * *

6-7C-4: - REQUIRED CONDITIONS: * 6-7C-8: - HEIGHT LIMITATIONS/BULK REGULATIONS: * * *

SECTION 4: This Ordinance shall be in full force and effect upon its passage and approval as required by law.

PASSED this ____ day of _____, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this ____ day of _____, 2019.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk