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
NAPERVILLE, IL 60566-7020

ORDINANCE NO. 19 - 080

AN ORDINANCE AMENDING CHAPTER 7 (TATTOOING AND BODY PIERCING) OF TITLE 4 (HEALTH AND SANITATION) 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, Chapter 7 (Tattooing and Body Piercing) of Title 4 (Health and Sanitation) of the Naperville Municipal Code defines tattoo, tattooed and tattooing as "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"; and

WHEREAS, microblading, which is a new form of permanent cosmetic that uses the principles of tattooing to place permanent ink under the skin to create the likeness of hair, is classified as a tattoo in accordance with the definition provided above; and

WHEREAS, Section 4-7-4, passed in 1999, only allow tattooing and body piercing to be performed by a physician or osteopath as a public health protection to prevent the spread of communicable diseases and;

WHEREAS, persons performing tattooing and body piercing are licensed, regulated, and inspected by the State and must comply with all the requirements of the Illinois Tattoo and Body Piercing Establishment and Registration Act, 450 ILCS 54/1 et. seq. and;

WHEREAS, the State of Illinois tattoo and body piercing regulations appropriately address public health concerns and the prevention of communicable diseases and;

WHEREAS, the City Council has determined that it is appropriate to remove the requirements related to a physician or osteopath from Section 4-7-4 (Prohibitions).

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, as follows:

4-7-1: - DEFINITIONS:

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

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.
~~OSTEOPATH:~~	~~Includes any person licensed to practice osteopathic medicine.~~
~~PHYSICIAN:~~	~~Includes any person licensed to practice medicine.~~
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.

4-7-2: - RECORDS TO BE MAINTAINED: - 4-7-3: - INFECTIONS TO BE REPORTED:

* * *

4-7-4: - PROHIBITIONS:

~~1. It is prohibited for any person to tattoo or do body piercing on another human being unless it is performed by a physician or osteopath or in the presence of and under the direction of a physician or osteopath.~~

~~2. It is prohibited for any person to engage in or operate a tattoo parlor or body piercing establishment for tattooing or body piercing human beings unless he or she is a physician or osteopath.~~

1~~3~~. Any person under the age of eighteen (18) years shall be prohibited from receiving the services of tattoo parlors and body piercing establishments unless such person is accompanied by a parent or legal guardian who authorizes, in writing, such tattooing or body piercing.

2~~4~~. It is prohibited for any operator or employee of the tattoo and body piercing establishments to tattoo or pierce any person under the influence of alcohol, drugs or a controlled substance.

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

SECTION 3: This Ordinance shall be in full force and effect upon its passage and approval as required by law.

PASSED this 4th day of June, 2019.

AYES: CHIRICO, BRODHEAD, COYNE, HINTERLONG, KELLY, SULLIVAN

NAYS: GUSTIN, WHITE

ABSENT: KRUMMEN

APPROVED this 5th day of June, 2019.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk