
THE VILLAGE OF BLOOMINGDALE
DUPAGE COUNTY, ILLINOIS

ORDINANCE
NUMBER 2022-28

**AN ORDINANCE AMENDING
TITLE 4 OF
THE VILLAGE OF BLOOMINGDALE
CODE OF ORDINANCES
(DERMAL PIGMENTATION ESTABLISHMENTS)**

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Village Board

Published in pamphlet form by authority of the
President and the Board of Trustees of the Village of Bloomingdale
on this the 13th day of June, 2022

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**AN ORDINANCE AMENDING
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CODE OF ORDINANCES
(DERMAL PIGMENTATION ESTABLISHMENTS)**

WHEREAS, the Village of Bloomingdale (hereinafter referred to as "Village") is a Home Rule unit of local government with authority granted pursuant to the Illinois Constitution of 1970, to exercise certain powers and perform certain functions pertaining to its local government and affairs;

WHEREAS, the Illinois Constitution of 1970 provides that the Village President and Board of Trustees (collectively, the "Corporate Authorities") of a Home Rule Unit may exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; to license, to tax; and to incur debt;

WHEREAS, the Village has in full force and effect a codified set of those ordinances of the Village which are of a general and permanent nature, which said codified set is known and designated as the Village Code of the Village of Bloomingdale, as amended;

WHEREAS, Title 4 (Business and License Regulations) provides for the business and license regulations, requirements, and restrictions in the Village;

WHEREAS, the Village Code does not currently provide operating regulations for dermal pigmentation establishments which are otherwise required to obtain, in turn, a business license for such;

WHEREAS, the Corporate Authorities of the Village desire to amend the Village Code to provide for said regulations and further permit the operation of said establishments as contemplated herein; and

WHEREAS, the Corporate Authorities of the Village of Bloomingdale are of the opinion that the aforementioned amendment to the Village's Code of Ordinances is in the best interest of the public safety, health and welfare of the residents of the Village of Bloomingdale.

NOW, THEREFORE, BE IT ORDAINED, in open meeting assembled, by the Village President and Board of Trustees of the Village of Bloomingdale, DuPage County, Illinois, pursuant to the Village's Home Rule Powers, as follows:

Section One - Recitals

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preamble to the Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

Section Two – Amendment to Title 4

Title 4 (Business and License Regulations) Chapter 1 (General Business License Provisions) Section 4-1-5-1 (License Fee Schedule) shall be amended by adding a business license classification and associated fee for Dermal Pigmentation Establishments, as follows:

Dermal Pigmentation Establishment \$44.00

Title 4 (Business and License Regulations) shall be amended to create Chapter 12 (Dermal Pigmentation Establishments), as follows:

CHAPTER 12 – DERMAL PIGMENTATION ESTABLISHMENTS

4-12-1: DEFINITIONS:

For purposes of this Chapter, the words and terms defined below shall have the following meanings:

Body piercing: Any procedure whereby a part or parts of the human body are pierced by a sharp instrument in order to allow insertion of a piece or pieces of jewelry, a ring(s) or other ornamental device(s) through the orifice(s) thus created.

Dermal Pigmentation Establishment, Permanent: Any establishment at which the act of puncturing the skin and inserting indelible colors to create permanent pigmentation or color is performed, as is often associated with tattoos.

Operator: Any individual, firm, company, corporation or association that owns or operates an establishment where dermal pigmentation is performed and any individual who performs or practices the art of dermal pigmentation on other human beings.

Dermal Pigmenting, Permanent: Any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin by the aid of needles or other instruments designed to touch or puncture the skin.

4-12-2: LICENSE REQUIRED:

It shall be unlawful for any person, firm or corporation to maintain and operate a Dermal Pigmentation Establishment, Permanent, with or without body piercing, without first having obtained a license as hereinafter provided.

4-12-3: APPLICATION; FEE:

Every applicant for a license to maintain, operate or conduct a permanent dermal pigmentation establishment, shall file an application upon a form provided by the Village Building Commissioner and pay a nonrefundable filing fee of forty-four dollars (\$44.00) to the Village Building & Zoning Department. The Building Commissioner shall, within fifteen (15) days thereafter, refer copies of such application and all additional information to the Police Department and Village Administrator. The Village departments shall, within forty-five (45) days, inspect the premises proposed to be operated as a dermal pigmentation establishment, and make recommendations to the Building Commissioner concerning compliance with the Codes of the Village. Upon receipt of the recommendations of the respective Village departments, the Building Commissioner shall notify the applicant as to whether his application has been granted, denied or held for further investigation. The period of such additional investigation shall not exceed an additional thirty (30) days.

4-12-4: DURATION OF LICENSE; RENEWAL:

A license as provided for herein shall expire and shall be renewable as set forth within Chapter 1 of this Title.

4-12-5: PREMISES:

No permanent dermal pigmentation establishment shall receive a license or be operated, established or maintained unless the establishment shall comply with each of the following minimum regulations:

A. The establishment shall have a certificate of compliance with or inspection by the DuPage County Health Department, if available.

B. The room in which pigmenting is done shall have an enclosed area of not less than five hundred (500) square feet. The walls, floors and ceiling shall have an impervious, smooth and washable surface.

C. Toilet facilities shall be provided within the establishment. When five (5) or more employees or patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided. Lavatories shall be provided with both hot and cold running water and shall be installed in the toilet room. Lavatories shall be provided with soap and a dispenser with sanitary towels.

D. All tables and other equipment shall be constructed of easily cleanable material, shall be painted or finished in a light color, with a smooth washable finish, and shall be separated from waiting customers or observers by a solid wall or door totally eliminating any view into the pigmenting room.

E. Closed cabinets shall be provided for use in the storage of clean linens, towels, needles, and other materials and instruments used in pigmentation. All used linens, towels, equipment, instruments, and other materials shall be kept in properly covered containers or cabinets which shall be kept separate from the clean storage areas.

A steam sterilizer shall be provided to properly sterilize all needles and instruments before use on any customer, person or patron. Such needles and instruments required to be sterilized shall be so used, handled and temporarily placed during their use so that they will not be contaminated.

F. The entire premises and equipment shall be maintained in a clean, sanitary condition and in good repair.

G. No permanent dermal pigmentation establishment shall be open to the public for business between the hours of 10:00 P.M. and 7:00 A.M.

H. The main entrance door of any permanent dermal pigmentation establishment shall be visible from a public street and shall remain unlocked during business hours.

I. The business shall also comply with all of the terms and conditions set forth within Chapter 1 of this Title 4 with respect to business licenses.

4-12-6: OPERATING REQUIREMENTS:

A. The operator shall wash his hands thoroughly with antiseptic soap and water before starting any dermal pigmentation; the hands shall be dried with individual, single use towels.

B. The area on the patron to be pigmented shall first be thoroughly washed with a sterile, single use sponge with warm water containing an antiseptic liquid soap. The area should be shaved with a safety razor, using single service blades for each customer or patron, followed by a solution of seventy (70) percent alcohol to be applied to the area before pigmentation/tattooing is begun.

C. Only petroleum jelly in collapsible metal or plastic tubes shall be used on the area to be tattooed, and it shall be applied with sterile gauze.

D. Single service or individual containers of dye or ink shall be used for each patron, and the container therefor shall be discarded immediately after completing work on each patron. Any dye in which the needles are dipped shall not be used on another person. All needles, pigments, dyes, colors and any other material used in pigmentation and all bandages and surgical dressings used in connection with pigmentation shall be sterile and free from bacteria, virus particles and noxious agents and substances. After completing work on any person, the pigmented area shall be washed with sterile gauze and seventy (70) percent alcohol solution and allowed to dry. A sterile gauze dressing shall be fastened to the pigmented area.

E. Operators shall at all times while in the performance of their services wear uniforms or garments which cover the torso, and said garments shall be kept clean and in a sanitary condition.

F. No person, while on the premises of any permanent dermal pigmentation establishment, shall possess, sell, dispense, provide, give, keep or maintain any alcoholic beverage.

G. No intoxicated person shall be pigmented by an operator on the licensed premises.

H. Operators shall at all times comply with the regulations of the Department of Labor's Occupational Safety and Health Administration (29 CFR §1910.1030), as presently existing or hereafter amended, with respect to occupational exposure to blood, bloodborne pathogens or other potentially infectious materials, which regulations are incorporated by reference herein.

4-12-7: INSPECTIONS:

Any Village department or agency may perform an inspection of each establishment granted a license under the provisions of this Chapter for the purposes of determining compliance with the provisions of this Chapter.

4-12-8: LICENSE REVOCATION AND SUSPENSION:

It shall be cause for revocation or suspension that a licensee has violated the provisions of this Chapter or any Code or ordinance of the Village relative to operation of the business or use of the premises, has made a false statement on any application for license under this Chapter or, in the event that the licensee shall refuse to permit any authorized police officer or authorized member of the Police Department or Building Department of the Village to inspect the premises or the operations thereof at reasonable times.

4-12-9: TRANSFER OF LICENSE PROHIBITED:

No license for the operation of a permanent dermal pigmentation establishment shall be transferable.

4-12-10: DISPLAY OF LICENSE REQUIRED:

Each licensee shall display a valid current license in a conspicuous place within the licensed establishment so that the same may be readily seen by persons entering the establishment.

4-12-11: EXEMPTIONS:

The provisions of this Chapter shall not apply to licensed medical doctors or doctors of osteopathic medicine who perform body piercing or dermally pigment individuals while in the course of their medical practice.

4-12-12: DERMAL PIGMENTING OF MINORS:

In accordance with 720 ILCS 5/12-10, no person under the age of twenty-one (21) may be pigmented except by a person authorized to practice medicine or osteopathic medicine as hereinabove set forth.

4-12-13: VIOLATIONS; PENALTIES:

A. Nuisance Declared: Any building used as a massage establishment in violation of this chapter with the intentional knowing, reckless or negligent permission of the owner thereof, or the agent of the owner managing the building, together with all

fixtures and other property used in violation of this chapter, is hereby declared a nuisance.

B. Penalties: In addition to license suspension or revocation as hereinabove provided, any person, firm or corporation violating the terms and provisions of this Chapter shall be liable for a penalty in the amount of one hundred percent (100%) of any unpaid fee or applicable license and, furthermore, shall be punishable as provided in section 1-4-1 of this Code. A separate offense shall be determined to have been committed each day during which or on which the violation occurs or continues.

Section Three – Codification

The title, chapter(s) and section(s) adopted by this Ordinance shall be numbered and placed in an appropriate title, chapter(s), and sections(s) sections when and during the codification of the Bloomingdale Municipal Code.

Section Four – Home Rule Preemption

This Ordinance represents an exercise of the home rule powers conferred upon the Village of Bloomingdale by the Constitution of the State of Illinois. This Ordinance is specifically intended to preempt state law pertaining to the extent permitted under the Constitution of the State of Illinois.

Section Five – Effective Date:

This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Section Six - Publication

This Ordinance shall be published in book or pamphlet form as provided by the Illinois Municipal Code.

Section Seven - Conflict Clause

That all ordinances or parts of ordinances in conflict with the terms of this Ordinance shall be repealed to the extent of said conflict.

Section Eight– Saving Clause

If any section, paragraph, clause or provision of this Ordinance is declared by a court of law to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity of the remaining provisions of the Village’s Municipal Code, which are hereby declared to be separable.

Section Nine - Recording

This Ordinance shall be entered into the minutes and upon the journals of the Board of Trustees of the Village of Bloomingdale.

[Remainder of Page Intentionally Left Blank; Roll Call to Follow]

DECIDED pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Vince Ackerman				
William Belmonte	X			
Bill Bolen	X			
Frank Bucaro	X			
Patrick Shannon	X			
Judi Von Huben	X			
Franco A. Coladipietro (only if necessary)				
TOTAL	5	0	1	

PASSED AND APPROVED by the Village of Bloomingdale Board of Trustees on the 13th day of June, 2022.



Franco A. Coladipietro
Village President

ATTEST:



Pamela S. Hager
Village Clerk