

ORDINANCE NO. 16-2025

AN ORDINANCE OF THE TOWNSHIP OF EAST HANOVER, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, CREATING A NEW CHAPTER 212 “PERMANENT COSMETICS” OF THE TOWNSHIP MUNICIPAL CODE.

WHEREAS, the Township of East Hanover has been approached by permanent cosmetics businesses seeking to locate in the Township; and

WHEREAS, the Township of East Hanover has reviewed the business of permanent cosmetics as a beneficial procedure; and

WHEREAS, the Township of East Hanover is desirous of permitting permanent cosmetics in certain Zones of the Township.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Township Council that:

SECTION 1. The Township Code shall be amended to create a new Chapter 212 “Permanent Cosmetics” which shall read as follows:

§ 212-1 – PERMANENT COSMETICS REGULATIONS

The New Jersey Department of Health and Senior Services has promulgated certain regulations known as the "New Jersey State Sanitary Code, Title 8 “Health” Chapter 27, “Body Art and Ear Piercing Facility Standards," N.J.A.C. 8:27-1.1 through 8:27-11.5, which establishes standards for sterilization, sanitation and safety for persons engaged in the business of permanent cosmetics and same is hereby adopted, with the exception of Subchapters 6 (“Body Piercing”), 7 (“Tattooing”), 9 (“Ear Piercing”) and 10 (“Temporary Establishments”) which operations/facilities are prohibited in the Township of East Hanover.

§ 212-2 – DEFINITIONS

AREOLA RESOTRATION: Tattooing the areola to restore or enhance its appearance, often after breast surgery

COMBINATION BROWS: A blend of microblading and powder brows, providing natural hair strokes and shading.

FRECKLE OR BEAUTY MARKS: Creating the appearance of natural freckles or beauty marks.

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

HENNA BROWS: A natural, temporary method of coloring the eyebrows.

HYBRID TINTIN: A semi-permanent brow tint combining traditional tinting and henna effects.

LIP LINING OR SHADING: A technique to enhance the color and shape of the lips with a natural tint

MICROBLADING: A semi-permanent technique for creating fine hair-like strokes on the eyebrows.

NANO BROWS: A precise technique using a digital machine for finer and more defined strokes in the brows.

PERMANENT COSMETICS: *The micropigmentation or intradermal implanting of inert pigments, colors, and/or dyes, which results in permanent alteration of tissue to gain a cosmetic effect as defined in N.J.A.C. 8:27-1.1 et seq. or as the same may be from time to time amended and supplemented and includes the form of micropigmentation known as microblading.*

PERMANENT COSMETICS ESTABLISHMENT: *Any public place or premises where the practice of Permanent Cosmetics, whether or not for profit, are performed.*

PERMANENT EYELINER: Tattooing the lash line to create the appearance of fuller lashes or eyeliner.

POWDER BROWS: A method that gives the eyebrow a soft, powdered look, similar to brow makeup.

REMOVAL (Non Laser Saline): Techniques to lighten or remove unwanted permanent makeup.

SCALP MICROPIGMENTATION: Creating the illusion of hair follicles on the scalp for thinning hair or bald spots.

SCAR CAMOFLAGING: Pigmentation applied to scars to blend them with the surrounding skin.

§ 212-3 - PROHIBITIONS

All persons who own or operate an establishment that practices or performs permanent cosmetics within the Township of East Hanover shall do so only in complete compliance with the provisions of N.J.A.C. 8:27-1.1 through 8:27-11.5. It is prohibited to operate a permanent cosmetics business or perform a permanent cosmetics procedure within a facility licensed by the board of cosmetology, within a private home or from an unapproved facility. It is also prohibited to advertise a permanent cosmetics business or operation without obtaining appropriate permits and approvals.

§ 212-4- CERTIFICATE OF INSPECTION.

No person shall own or operate a Permanent Cosmetics Establishment within the Township of East Hanover unless such person has registered such establishment with the East Hanover Department of Health and has received a certificate of inspection from the Health Officer. No certificate of inspection shall be issued unless the establishment has been inspected by the Department of Health and found to be in compliance with the requirements of this chapter and all applicable provisions of the New Jersey Administrative Code. The Department of Health shall

inspect each Permanent Cosmetics Establishment annually to ensure that said establishment complies with all applicable provisions of the New Jersey Administrative Code.

§ 212-5 – LICENSE TO OPERATE; FEES; RENOVATIONS.

- (a) No person shall own or operate a Permanent Cosmetics Establishment without first obtaining a license from the Department of Health to engage in such business.
- (b) An application for a license to operate a Permanent Cosmetics Establishment shall be accompanied by an annual fee in the amount of \$300. Any change in ownership of a Permanent Cosmetics Establishment shall require a new application and license, requiring payment of an additional license fee.
- (c) All licenses shall expire on the 31st day of December annually.
- (d) Every license shall be displayed in a conspicuous place within the Permanent Cosmetics Establishment so that same may be readily seen by persons entering the premises.
- (e) In the event of any initial construction of, renovations and/or alterations to a Permanent Cosmetics Establishment, the applicant shall submit the proposed plans, signed and sealed by the appropriate architect and/or engineer duly licensed in the State of New Jersey, to the Department of Health detailing the nature and extent of any construction, renovations and/or alterations. A fee associated with the review of plans shall be charged in accordance with Chapter 79-15

§ 212-6 - OPERATING REQUIREMENTS. All establishments and practitioners of Permanent Cosmetics shall comply with all requirements enacted by the State Department of Health pursuant to N.J.S.A. 26:1A-7 et seq., and the regulations promulgated thereunder pursuant to N.J.A.C. 8:27-1.1 – 11.5, as they pertain to the practice of Permanent Cosmetics.

§ 212-7 – REVOCATION OR SUSPENSION OF LICENSE TO OPERATE; PENALTIES.

- (a) The Department of Health shall have the authority, as established by N.J.A.C. 8:27-11.1 through 8:27-11.5 to suspend or revoke any license to operate issued to any owner/operator of a Permanent Cosmetics Establishment in the event of any material violation of the provisions of this chapter or the provisions of the New Jersey Administrative Code. In the event the Health Officer finds that an owner/operator of a Permanent Cosmetics Establishment has violated the provisions of this chapter or the Administrative Code, the Department of Health may suspend or revoke any license to operate the establishment or impose any applicable penalties as authorized by the New Jersey Administrative Code.
- (b) Penalty. Any establishment, permanent cosmetics operator or practitioner who violates any section of this chapter or fails to comply with any provisions of this chapter, or the State Department of Health or sanitary codes, shall be subject to a fine of not less than \$50 nor more than \$1,000 for each violation, or imprisonment in the county jail up to 90 days, or both. Each day that the violation exists shall be considered to be a separate offense.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

SECTION 3. If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable.

SECTION 4. This Ordinance shall take effect upon final publication as provided by law.

Attest:

TOWNSHIP OF EAST HANOVER

Nicolette Calabro
Nicolette J. Calabro, RMC, Township Clerk

Joseph Pannullo
Joseph Pannullo, Mayor

Introduced: April 7, 2025
Adopted: May 5, 2025

I, Nicolette J. Calabro, RMC, Township Clerk of the Township of East Hanover, County of Morris, do hereby certify the foregoing to be a true copy of an Ordinance adopted by the Township Council at a duly convened meeting held on May 5, 2025

Nicolette Calabro
Nicolette J. Calabro, RMC, Township Clerk

