



COMMITTEE OF THE WHOLE MEETING
MONDAY, SEPTEMBER 17, 2018
(Immediately following the Village Board Meeting)

AGENDA

CALL TO ORDER

ROLL CALL

AUDIENCE COMMENTS

TRUSTEE COMMENTS

DISCUSSION

1. 2 N. Lincolnway T.I.F. Grant
2. Tattoo Amendments

EXECUTIVE SESSION

ADJOURN

Initials

SB

VILLAGE OF NORTH AURORA BOARD REPORT

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
CC: STEVE BOSCO, VILLAGE ADMINISTRATOR
FROM: MIKE TOTH, COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR
SUBJECT: 2 N. LINCOLNWAY TAX INCREMENT FINANCING FAÇADE GRANT
AGENDA: 9/17/2018 COMMITTEE OF THE WHOLE MEETING

DISCUSSION

The North Aurora Tax Increment Financing Grant Program (NATIFGP) provides financial assistance to property owners to make building, landscaping and signage improvements within the TIF district. The NATIFGP offers reimbursement up to 50% of the cost of improving storefronts, building facades or landscaping up to \$20,000.

On June 18, 2018 the Village Board approved amendments to the North Aurora Tax Increment Financing Grant Program (NATIFGP) guidelines. The program now includes potential funding for the demolition of structures considered to be of visual blight and demolition of residential buildings considered non-conforming to the use, bulk and yard regulations of the Zoning Ordinance.

The owner of 2 N. Lincolnway has applied for the demolition of the residential building and detached garage located on the subject property. The subject property is located in the R-2 Single Family District, is of substandard R-2 District lot size, contains structures that do not meet the R-2 District setback requirements and is a multi-family residence in a single family district. Staff notes that the house and garage could not be rebuilt as-is in the event they are damaged or destroyed beyond 50% of their value.

The applicant was originally cited by code enforcement for a lack of interior and exterior maintenance. The case is currently in the adjudication process as the applicant has stated that there is no desire to expend funds to conduct the necessary repair the buildings. As an alternative, the applicant was presented with the ability to demolish the structures utilizing TIF funds. If demolished, there would be no further code enforcement action needed and staff believes that removing the dilapidated structures would improve neighborhood aesthetics.

After receiving at least two separate quotes for the project, X.D. Excavating and Demolition provided the lowest bid. Staff notes that both submitted bids did not include all of the necessary items for the demolition – utility disconnection, asbestos testing, etc. The original bid submitted by X.D. Excavating and Demolition was \$33,535. Staff added the estimated amounts of the utility disconnection and asbestos testing to the bid provided by X.D. Excavating and Demolition and that bid was still the lowest bid. Staff notes the other bid not include water shut off and disconnection. The property owner is requesting \$17,342.50 in NATIFGP funding for the demolition totaling \$34,685.

Staff is soliciting feedback from the Village Board regarding this TIF Façade Grant application.

RECEIVED

AUG 30 2010

VILLAGE OF
NORTH AURORA



TAX INCREMENT FINANCING DISTRICT FAÇADE GRANT PROGRAM
[Application Form]

Loan Amount Requested: \$ 17,342.50 Total Project Cost: \$ 34,685

1. Applicant Information

Name: DIPTI J. PATEL

Home Address: 2 N. LINCOLNWAY

Phone: (847) 409-0074 Email: Jaakp9419@yahoo.com

Applicant is: Owner ☒ Tenant ☐ If tenant, term of lease: _____

If tenant, name & phone of owner: _____

2. Property Information

Address: 2 N. LINCOLNWAY, N. AURORA

Business Name (if applicable): _____

Property Identification Number #: 15-04-205-032

3. Proposed use of funds:

☐ Canopy/awning

☐ Signage

☐ Windows/doors

☐ Exterior lighting

☐ Painting/tuck pointing

☐ Restoration of architectural feature

☐ Landscaping

☐ Exterior ADA accessibility

☒ Demolition

☐ Parking lot improvements

☐ Other (please specify) _____

4. Breakdown of Project:

Estimated Amount	Description of Work
A. \$ <u>34,700.00</u>	<u>GREEN TRAIL Demolition</u>
B. \$ <u>33,335.00</u>	<u>X.D. Excavation & Demolition</u>
C. \$ _____	_____
D. \$ _____	_____

TO COMPLETE THIS APPLICATION, PLEASE ATTACH THE FOLLOWING INFORMATION TO FURTHER DESCRIBE THE PROPOSED PROJECT:

- Preliminary cost estimates (typically a copy of itemized contractor estimates/quotes).
- Site plan and elevation drawn to scale, with scale(s) noted, illustrating the proposed improvements. Proposed materials, colors, finishes and details, including signage (if any).
- Elevations of any façade proposed to be drawn to a scale of at least 1/8" = 1'; each elevation drawing should include notations of proposed materials, colors, finishes, and details. The drawing should clearly show proposed signage (if any).
- Clear and identifiable photographs, at least 5"x7" in size, of the building facades and facades of buildings on the same block. If more than one façade is proposed for renovation, photographs of each façade and buildings on the same block should be submitted.

5. Statement of Understanding:

- A. The applicant (undersigned) agrees to comply with the guidelines and procedures of the Village of North Aurora Tax Increment Financing District Grant Program and the conceptual design and outline specifications as agreed to by the applicant and the grantor.
- B. The applicant understands that the applicant must submit detail cost documentation, copies of building permits, bids contracts and invoices and contractor's final waivers of lien upon completion of the approved improvements.

Applicant's Signature: _____

Date: 08/01/18

If the applicant is other than the owner, the following line must be completed:

I certify that I, the owner of the property at _____, do authorize the applicant to apply for a grant under the Village of North Aurora Tax Increment Financing District Grant Program and to undertake the approved improvements.

Lease beginning date: _____

Lease ending date: _____

Owner's signature: _____

Date: _____

Return completed application form to:

**Michael Toth
Community and Economic Development Director
Village of North Aurora
25 East State Street
North Aurora, IL 60542**

Date application received: 2/27/18

Zoning: R-2

Minimum of two cost estimates for each work item: Yes ☒ No ☐

Ineligible improvements, if any: _____

Grant Approved Date: _____

Grant Denied Date: _____

Total estimated project cost: \$ _____

Reason: _____

Percent applied for grant: _____

Total amount of grant: \$ _____

ESTIMATE



Jack
2 N. Lincolnway
Aurora, Ill. 60542
(815) 409-0074

Dynamic X.D. Excavation& Demolition

1809 Central Rd
Glenview , Ill 60025
Phone: (224) 478-5454
Email: xdjoesdemo@gmail.com
Web: xddemolition.com

Estimate # 017022
Date 02/27/2017
Business / Tax # 2244785454

Description	Total
Demolition	\$33,535.00
Demo 2 story frame house. \$12000.00	
Demo 1 car garage . \$2500.00.	
Demo & remove all concrete foundation & flat work.	\$5500.00
Fill in with suitable fill.	
Install 6" of topsoil grade & seed	
\$3100.00	
Install 6ft perimeter fence. \$1500.00	
Install silt fence. \$900.00	
Sewer & water	
Disconnect water at main per village code at main	
Disconnect sewer at main per village at main	
\$5500.00	
Permits & fees. \$235.00	
Comed&nicor disconnects to be done by home owner \$1500.00	
,asbestos testing, by home owner \$800.00	
Total \$33535.00	
Deposit \$1000.00 with signed contract	
Deposit day we start.\$ 15767.00	
Final upon completion \$16767.00	

Subtotal	\$33,535.00
Total	\$33,535.00

Notes:

Jack this is your pricing . No comed ,nicor or asbestos , in price you have take care of that.

By signing this document, the customer agrees to the services and conditions outlined in this document.

Joseph Vidak

Jack

Financing options are available

We offer financing through industry leading partners. Loans range from \$1,000 to \$100,000 with APR's as low as 6.16%. Check your rate in minutes without affecting your credit score. In proud partnership with:



Green Iron Demolition Job Proposal

Demolition Services

PROPOSAL SUBMITTED TO:

Jack P

PROPOSAL NO:

2 N Lincolnway North Aurora IL

BILLING ADDRESS:

Will Need

DESCRIPTION OF WORK **Demolish and remove SFR/ Garage**

CITY, STATE, ZIP:

SITE LOCATION:

Same

ATTENTION:

Jack

ADDRESS:

PHONE NO:

847 409 0074

CITY, STATE, ZIP:

Same

E-MAIL ADDRESS:

jackp9419@yahoo.com

FAX NO:

NA

Green Iron Proposes the Following Scope of Work-

Green Iron Proposes the following Scope of Work Demolish and remove House and Garage located at 2 n lincolnway North Aurora IL. Green Iron will remove all Debris Via Dumpsters and Trucking. Foundation will be taken down 2-4 feet and broken on Bottom for Drainage. The Garage pad can be buried as well. The Land will be left Backfilled Leveled and graded upon completion. The land will be seeded upon completion.

North Aurora Demo permit Included

Green Iron Will provide proper Insurance and Bonding with 5 million General Liability Umbrella and a 1 million Work Comp provided upon request

Construction Fencing will be in place through Demolition process

Water Shut off NA

Comed Shut off owner Intiate with Com Ed

Gas Shut off 1100.00 Included owner to intiate with Gas provider

Will provide Pictures through entire process.

payment(s) to be made as follows: 50% down to Ramp up and perform work/permits 50% upon completion of project

We propose to furnish material and labor - complete in accordance with all of the above Scope of Work, for the sum of:

Call Rob w/ any questions at 708-774-5526

\$34,700.00

Payment(s) to be made as follows:
In the event payment are not made as outlined herein, the undersigned agrees to pay all costs of collection and attorney's fees incurred by Green Iron Demolition & Excavation Corporation.
All material is guaranteed to be specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration of deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation

Authorized Signature

RMcD

Note: This proposal may be withdrawn by us if not accepted within 30 DAYS.

Acceptance of Proposal:

The above prices, and conditions are satisfactory and hereby accepted.

You are authorized to do the work as specified.

Payment will be outlined

Signature: _____

Signature: _____

Date of Acceptance:

Green Iron Demolition
220 Pembroke Ave
Joliet IL 60433

Phone: (312) 243-3366
Fax 708-234-7112



November 17, 2017

Dipti & Jignesh Patel
9419 Michael Ct
Morton Grove, IL 60053

Re: The interior and exterior condition of 2 N. Lincolnway, North Aurora, IL

Dear Jack:

The Code Enforcement Division has been conducting a Code Compliance sweep of commercial and residential properties north and south of State Street on Lincolnway. The Village has contacted several property owners regarding property maintenance deficiencies that were found during the property maintenance sweep. I know that you have been in contact with Code Enforcement Officer, Marcy Augustyn, regarding the exterior property deficiencies at 2 N. Lincolnway which are noted in her attached correspondence dated September 1, 2017.

Your tenant Stella Blancarte, contacted the Code Enforcement Division requesting an interior inspection at the same property. That inspection was conducted by myself and Code Enforcement Officer Augustyn on Friday, October 20, 2017, in which the following interior deficiencies were noted.

1. *The boiler in the basement needs to be serviced by a technician (cleaned and serviced for safety).*
2. *There is a leak in the PVC waste pipe in the basement.*
3. *All three toilets on the first floor are leaking causing mold and damage to the floor, subfloor and floor joists.*
4. *There is a leaking water pipe in the basement.*
5. *The roof is in poor condition and is allowing water and dampness to enter the structure causing deterioration and mold to the structure.*
6. *There is no glass in the door of the rear second floor entrance.*
7. *The window on the rear second floor entrance has rotted framing and header.*
8. *The rear second floor entrance ceiling is rotted and has a hole.*
9. *Windows are broken, nonfunctional, cracked and missing throughout the structure.*
10. *Interior wall and ceiling surfaces are cracked and there are holes.*
11. *There are several exposed electrical outlets and boxes that have exposed wiring which are not capped and covered.*
12. *There is an extension cord where the studio apartment was that goes through a wall that needs removal.*
13. *Possible LEAD WATER SERVICE. Highly suggested that is replaced.*
14. *There is no floor covering on the rear porch floor.*
15. *Floor on second floor apartment where the kitchen, bedroom and hall meet is spongy.*

- 16. More outlets are needed in the kitchen of the second floor. Extension cords are being used to operate appliances.*
- 17. There were no smoke detectors or carbon monoxide detectors apparent within the structure.*
- 18. The garage is in disrepair.*

The following interior deficiencies must be remedied immediately:

1. All the plumbing issues. There are several leaks (pipes in basement and toilets) that need repair immediately
2. The boiler needs to be serviced and cleaned
3. Because of the many leaks caused by the deterioration of roof, the roof shingles will need a complete tear off and replacement immediately. Any rotted wood or roofing structure that is found to be damaged/rotted will need replacement
4. All missing and broken windows, including but not limited to, the basement, rear porch, around the structure and the second floor rear exterior door will need to be repaired/reglazed/replaced immediately
5. Repair/replace all rotted window trim/framing and window headers
6. All the electrical wiring and outlets that are exposed will need to be repaired/ Covered/replaced immediately
7. The subflooring around all the first floor toilets and the floor joists in the basement by the leaking PVC pipe and water pipes will need to be repaired/ replaced immediately after the toilet leaks are eliminated
8. Smoke detectors and carbon monoxide detectors must be installed on all levels of the structure

The above violations shall be corrected no later than 30 days from the above date of this letter.

9. Patch and painting of interior walls and ceilings on the first floor and at the top of the second floor rear stairway
10. Second floor apartment kitchen/hallway floor is spongy and needs repair
11. Install additional outlets in the second floor apartment kitchen so that the use of electrical cords are eliminated.
12. Remove the electrical cord in what was the studio apartment
14. Replace missing floor covering in the rear porch
15. Garage needs to be rebuilt or demolished

Items 8 through 12 shall be corrected no later than 60 days from the above date of this letter.

The deficiencies that I haven't address in this letter that are addressed in the attached letter from Code Enforcement Officer, Marcy Augustyn, dated September 1, 2016 must be complied with no later than March 30, 2018.

In addition to the above, the Village's Water Department believes that the water service leading to the house is a lead service pipe. The Water Department highly suggests that the water service from the BBox to the structure be replaced.

I have attached various code sections for your review. Please be advised that permits will be required for all of the above work and any contractors you hire will need to be registered with the Village of North Aurora's Building Division.

If you feel that this letter was sent error or if you have concerns, feel free to contact the Code Enforcement Division at 630-897-1457 ext. 231.

Your compliance is greatly appreciated.

Rhonda Klecz, CCEO
Code Enforcement Officer

A handwritten signature in black ink, appearing to be 'R. Klecz', with a long horizontal line extending to the right.

Cc: Mike Toth, Community and Economic Development Director
Marcy Augustyn, Code Enforcement Officer

Attachments; letter dated September 1, 2017 and code sections.

The 2006 International Property Maintenance Code states: **601.2 Responsibility.** The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

*The 2006 International Property Maintenance Code states: **501.2 Responsibility.** The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.*

*The 2006 International Property Maintenance Code states: **504.1 General.** All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition*

*The 2006 International Property Maintenance Code states: **504.3 Plumbing system hazards.** Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.*

*The 2006 International Property Maintenance Code states: **506.1 General.** All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.*

*The 2006 International Property Maintenance Code states: **506.2 Maintenance.** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.*

*The 2006 International Property Maintenance Code states: **304.7 Roofs and drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.*

*The 2006 International Property Maintenance Code states: **305.2 Structural members.** All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.*

*The 2006 International Property Maintenance Code states: **305.3 Interior surfaces.** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.*

*The 2006 International Property Maintenance Code states: **304.15 Doors.** All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.*

*The 2006 International Property Maintenance Code states: **304.13 Window, skylight and door frames.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.*

*The 2006 International Property Maintenance Code states: **604.1 Facilities required.** Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.*

*The 2006 International Property Maintenance Code states: **605.1 Installation.** All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.*

*The 2006 International Property Maintenance Code states: **605.2 Receptacles.** Every *habitable space* in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every *bathroom* shall contain at least one receptacle. Any new *bathroom* receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.*

*The 2006 International Property Maintenance Code states: **605.4 Wiring.** Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.*

*The 2006 International Property Maintenance Code states: **302.7 Accessory structures.** All accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.*

*The 2006 International Property Maintenance Code states: **305.4 Stairs and walking surfaces.** Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.*



September 1, 2017

Dipti & Jignesh Patel
9419 Michael Ct
Morton Grove, IL 60053

Re: 2 North Lincolnway, North Aurora, IL, Property Maintenance Violations

Dear Mr. Patel:

The Village of North Aurora is committed to maintaining quality neighborhoods, businesses and excellent community environment. Our citizens and business owners expect us to do everything we can in this regard. We know this can only be achieved through the cooperation of everyone involved. On Friday, September 1, 2017 Code Enforcement inspected the above addresses and noticed the following property maintenance violations.

- The roof on the house and garage are need of replacement. There are holes in the roof and missing and deteriorated shingles. Depending on the number and type of layers, overlaying may not be allowed. A permit is required and the work must be done by a licensed roofer.
- The cracks in the foundation wall need to be repaired.
- All the rotted/missing trim, soffit, window frames and/or siding needs to be replaced and painted.
- The entire structure, including doors, windows, trim and soffit have peeling/chipping paint and is in need of painting.
- Window screens are required on all windows from May 1 to November 1.
- The storm windows with broken frames need to be repaired.
- Re-glaze windows where needed. Replace broken glass on windows where needed.
- The gutters are not anchored to the structure and need to be cleaned out.
- Basement windows are all broken and/or missing glass and lack the required window guards.
- Handrail on unit B needs to be anchored to the building.
- All the crumbling and upheaved sidewalks need to be replaced.
- Trash and debris under the back enclosed porch area needs to be cleaned out.
- The rotted/missing wood on the garage siding, doors and trim on the garage needs to be replaced.
- The garage has peeling/chipped paint and needs repainting.
- The fire damage on the north side of the garage needs to be repaired.

- The vegetation around the house needs to be cut back and all the scrub trees removed.
- Remove the brush, trash and debris from around the property.
- The concrete steps at the west and south rear side of property need to be leveled.
- Vehicles parked in the grass need to be moved to an approved hard surface.

The Village requests that you please provide a timeline for completion of the necessary repairs within the next fifteen (15) business days.

Feel free to contact me at (630) 897-1457 ext. 231, if you should have any further questions or concerns.

Your cooperation is greatly appreciated.

Respectfully,

Marcy Augustyn
Code Enforcement Officer

Cc: Rhonda Klecz, Code Enforcement Officer













VILLAGE OF NORTH AURORA BOARD REPORT

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
CC: STEVE BOSCO, VILLAGE ADMINISTRATOR
FROM: MIKE TOTH, COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR
SUBJECT: TATTOO ESTABLISHMENT CODE AMENDMENTS
AGENDA: 9/17/2018 COMMITTEE OF THE WHOLE MEETING

DISCUSSION

Per Section 5.36 of the North Aurora Municipal Code, tattoo and body piercing establishments and operators are required to obtain a license to operate in the Village. Tattoo and body piercing establishments are also required to register with the State of Illinois through the Tattoo and Body Piercing Establishment Registration Act. The Illinois Department of Public Health's Body Art Code specifies the standard for the conduct of body art procedures and sets standards for the process by which the Department and its delegate agencies inspect and register body art establishments.

There are currently three registered establishments in the Village conducting business. After working with those businesses through the Village's license application process, some of the Village's license provisions again came into question by the Village when the Village's requirements began to conflict with the State requirements. Staff has been working with the Village Attorney's office to revisit the license requirements to allow the Village to maintain a program that would allow the Village to monitor certain establishment requirements, while allowing the State to provide oversight of the tattoo and body piercing operations. Staff believes that operational oversight should be a function of the Illinois Department of Public Health and not the Village of North Aurora, who currently does not have trained personnel to oversee the tattoo and body piercing operations.

Staff is soliciting feedback from the Village Board on the proposed amendments.

Attachments:

1. Memorandum drafted by the Village Attorney's Office, dated August 2, 2018
2. Illinois Department of Public Health Body Art Code Operational Requirements
3. Illinois Tattoo and Body Piercing Establishment Registration Act
4. Draft amendments

MEMORANDUM

TO: MICHAEL TOTH, COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR

FROM: EJB

DATE: 8/02/201

RE: VONA – REGULATORY OVERLAP BETWEEN STATE AND VILLAGE

You asked me to determine where the Village's Ordinance regulating tattoo and body piercing establishments is different from or overlaps with State regulation of tattoo and body piercing establishments.

Non-proffered advice

The Village may not want to have separate regulations governing the actual procedure performed on a customer. For example, the Village regulation requires aseptic soap to be applied before putting on surgical gloves, whereas the State only requires "regular" soap. The greater the inconsistency between the regulations, the greater the chance the Village risks a challenge. It may, however, want to keep some of its regulations pertaining to the establishment itself. For example, having separate bathrooms if occupancy exceeds six individuals. Second, the Village may lose a constitutional challenge regarding individuals over the age of 18, but under the age of 21 operating, performing, or receiving a tattoo or body piercing. Similar to alcohol, the Village cannot unilaterally change the drinking age inconsistent with State law without a compelling reason. Finally, the Village may want to keep some sort of inspection role; if only to alert the State of a potential violation. Though complete speculation, these establishments may not be inspected very often and the response time may not be adequate.

Exclusively State Regulation

- Establishment Licensure
 - While both the Village and State require registration of the establishment, the State's registration is open to individuals who are 18 or older and includes:
 - Telephone number(s) (applicant and establishment), type and year of the equipment to be used, sterilization procedures to be used, number of stations, and any other requested information
 - \$500.00 fee plus \$50.00 for each station (i.e. body artist)
 - Mobile Body Art Stations
- No Body Artist License
 - The State does not require a separate license for each body artist, rather, it requires the identifying information of each body artist to be on file and subject to inspection, including proof of training documentation
 - A tattoo artist may be 18 years of age

MEMORANDUM

- **Body Art Proficiency requirement**
 - Body artist must possess certain knowledge regarding anatomy, diseases, disorders, conditions, and disposal methods
 - Blood borne pathogen training
- **Temporary Certificates**
 - The State will issue temporary certificates with certain conditions
- **Emergency Procedures**
 - The State requires the establishment to prepare, maintain, and implement emergency procedures for unexpected injuries, reactions, or sickness
- **Operational Requirements (more extensive than Village)**
 - Pigment reconstitution procedures
 - Application of ink procedures
 - Monthly spore destruction test for autoclaves, test results kept on file
- **Premises**
 - Doors self-closing and tight fitting, all windows with screens
 - Well ventilated with light equivalent to twenty candles
 - No animals other than fish tanks
 - Separate hand washing sink that is easily accessible to body artist, one sink per six stations
 - Toilet facilities, one per establishment minimum (Village requires sex separate bathrooms)
 - Covered waste receptacle at each station and bathroom, emptied daily and solid waste removed weekly
 - Washing procedures for reusable cloth (Village sort of covers)
 - Walls, floor, and ceiling between any room where food is prepared, any hair salon, or any other activity where contaminants could spread
 - Protective measure against insects, vermin, and rodents
- **Notification to customers**
 - Written procedures offered to all customers
 - Verbal and written instructions provided post-procedure
 - Signature on document indicating warning to consult doctor upon adverse reaction
 - Reporting of all infections and diseases resulting from procedure
- **Disclosure by customer of pre-existing conditions**
 - Customers required to provide notice of preexisting conditions
- **Inspection and enforcement**
 - Inspection by Department or its designee prior to issuance of license and periodic inspections thereafter
 - State may enlist local health departments to enforce, but only upon refusal of inspection by establishment
 - Training program
 - Certain steps taken upon suspecting
- **Revocation/Denial (some overlap)**
 - Violation of Act, conviction for an offense involving dishonesty, if the individual applicant was affiliated with another license that was suspended or revoked

MEMORANDUM

- Hearing
 - Applicant/licensee given 10 days to request hearing to contest denial or revocation
 - Administrative Procedure Law followed

Regulatory overlap between State and Village

- Annual Establishment Licensure (see State and Village sections respectively)
- Operational requirements
 - While the regulations differ in some respects, most of the operational requirements are similar, though the State regulations are more pervasive in many respects
 - All procedures performed using aseptic technique
 - Instruments and ink must be single use, prepackaged, or properly sterilized
 - Procedures performed in a manner that is consistent with aseptic techniques
 - Single use and prepackaged instruments or with sterilization techniques
 - Hands washed in soap (Village requires aseptic soap)
 - Perform with surgical gloves
 - Disposal consistent with federal regulations regarding blood borne pathogens
 - Area where tattoo or piercing is to occur shall be thoroughly washed and sterilized and shaved if necessary and subsequently washed (Village requires application of 70% alcohol solution afterwards)
 - Non-disposable instruments are packed individually and have a sterilization indicator with expiration dates
 - Keep manufacturer recommended procedures regarding sterilization and handling of non-disposable equipment on file
 - After sterilization, stored in a dry, clean cabinet
- Premises Requirements
 - While the regulations differ in some respects, most of the premises requirements are similar, though the State Regulations are more pervasive in many respects
 - Clean and sanitary environment requirement
 - All walls and floors in good repair, sanitary, smooth, free of holes and cracks
 - All chairs and benches easily cleaned and disinfected material
 - Instruments and supplies including contaminated equipment stored in separate area from procedure area
 - Certain areas must be screened from public view, separate work stations
- Prohibitions
 - No tattoo can be performed on someone with a skin condition (state allows doctor approval whereas Village does not)
- Enforcement and Fines
 - Both State and Village enforce and assess fines

Exclusively Village

- Certificate of Insurance
- Licensure
 - While both the Village and State require registration/licensure of the establishment, the

MEMORANDUM

Village's registration is limited to individuals 21 years of age or older and includes:

- Social security number, drivers license number, residential address for the past three years, height, weight, eye color, hair, employment history, prior tattoo or body piercing experience, including revocation of license history, criminal and municipal violation history, fingerprints and photograph, corporate information
- Revocation/Denial
 - While both the Village and State have revocation procedures, the Village will revoke for any felony convictions, a prior revocation of a tattoo or body piercing license by another governmental body, sexual misconduct offenses, employment of anyone under 21, or refusal to admit inspector
- Operator License
 - Unlike the State, which only requires that an individual operator's name be on file, the Village requires a separate license with a separate fee containing many of the same requirements for licensure
 - The Village also requires that the operator have six months experience as an apprentice or operator or otherwise show qualification whereas the State only requires completion of a training program
- Prohibitions
 - Tongue splitting unless performed by doctor
- Inspection
 - Must provide customer list with identifying information for prior three years
- Premises
 - Certificate of compliance from County (should be State)
 - Must have 500 square foot building and consistent with Village zoning
 - Separate toilet facilities if greater than five individuals at premises at same time and consistent with Village zoning
- Operating Requirements
 - Only petroleum jelly in collapsible tubes shall be used in area to be tattooed or pierced
 - Needles, pigments, dyes, colors, bandages and surgical dressings must be sterile and disposed of consistent with Illinois Pollution Control Board (state cites different regulations for disposal, but disposal is largely the same)
 - Uniforms, no alcohol on premises, comply with DOLs occupations safety and health regulations
 - Written consent from parents if under 21
 - Inspection annually by Kane County Health Department (County does not inspect unless asked to by State)

Joint Committee on Administrative Rules
ADMINISTRATIVE CODE

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD DRUGS AND COSMETICS
PART 797 BODY ART CODE
SECTION 797.400 OPERATIONAL REQUIREMENTS

Section 797.400 Operational Requirements

- a) It shall be unlawful for any person to perform body art procedures unless such procedures are performed in a body art establishment with a current certificate of registration.
- b) A body artist/apprentice shall be a minimum of 18 years of age.
- c) Eating or drinking by anyone other than a client is prohibited in the area where body art is performed.
- d) Smoking is prohibited in the body art establishment.
- e) *Body art procedures must not be performed, without medical clearance, on skin surfaces where sunburn, rash, acne, infection, open lesions, or other questionable skin lesions exist and must not be performed on any person who is impaired by drugs or alcohol. (Section 27 of Act) Medical clearance must be in the form of a written and signed statement by a physician.*
- f) The body artists/apprentice shall maintain a high degree of personal cleanliness, conform to good hygienic practices, and wear clean clothes when performing body art procedures. Before performing body art procedures, body artists/apprentices shall thoroughly wash their hands for a minimum of 20 seconds in tempered running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.
- g) In performing body art procedures, the body artist/apprentice shall wear single-use medical grade gloves. Gloves shall be changed if they become contaminated by contact with any non-clean surfaces or objects or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed before the next pair of gloves is donned. Under no circumstances shall a single pair of gloves be used on more than one person. The use of single-use, medical grade gloves does not preclude or substitute for hand-washing procedures as part of a good personal hygiene program.
- h) If, while performing a body art procedure, the body artist's/apprentice's glove is pierced, torn or otherwise compromised, the procedure in subsection (f) shall be repeated immediately. The contaminated gloves shall be immediately discarded, and the hands washed thoroughly (see subsection (e)) before a fresh pair of gloves is

applied. Any item or instrument used for body art that is contaminated during the procedure shall be replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.

- i) Regulated waste that may release liquid blood or body fluids when compressed, or may release dried blood or body fluids when handled, shall be placed in an approved bag marked with the international biohazard symbol. The regulated waste shall then be disposed of in compliance with 29 CFR 1910.1030. Sharps ready for disposal shall be disposed of in approved sharps disposal containers. Storage of regulated waste on site shall comply with the regulations in 29 CFR 1910.1030, and storage of regulated waste awaiting pick-up shall not exceed 30 days.
- j) Waste that does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal disposal methods.
- k) No person shall perform any tattoo procedure upon a person under the age of 18 years that is prohibited by Sections 12-10 through 12-10.2(c) of the Criminal Code of 1961. Age verification shall be obtained by government issued identification containing a birth date and photograph. In any procedure other than tattooing, the parent or legal guardian shall sign a consent form in the presence of an operator/body artist. The consent form shall indicate that the parent or legal guardian has read and understood the disclosure warning statement required under Section 797.600(c).
- l) Before the oral cavity of a person under 18 years of age may be pierced, the written consent form signed by the parent or legal guardian must contain a provision in substantially the following form:

I understand that the oral piercing of the tongue, lips, cheeks, or any other area of the oral cavity carries serious risk of infection or damage to the mouth and teeth, or both infection and damage to those areas, that could result in but is not limited to nerve damage, numbness, and life threatening blood clots. (Section 12-10.1 of the Criminal Code of 1961)
- m) Any skin or mucosal surface that is to receive a body art procedure shall be free of rash, irritation or any visible infection.
- n) No body artist/apprentice affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection, possibly manifested by fever, chills and/or a chronic productive cough, shall work in any area of a body art establishment in any capacity in which that person could contaminate body art equipment, supplies or working surfaces with body substances or pathogenic organisms.
- o) Any body artist can refuse service to any individual, at any time, and for any reason.

Information maintained by the Legislative Reference Bureau

Updating the database of the Illinois Compiled Statutes (ILCS) is an ongoing process. Recent laws may not yet be included in the ILCS database, but they are found on this site as [Public Acts](#) soon after they become law. For information concerning the relationship between statutes and Public Acts, refer to the [Guide](#).

Because the statute database is maintained primarily for legislative drafting purposes, statutory changes are sometimes included in the statute database before they take effect. If the source note at the end of a Section of the statutes includes a Public Act that has not yet taken effect, the version of the law that is currently in effect may have already been removed from the database and you should refer to that Public Act to see the changes made to the current law.

PUBLIC HEALTH

(410 ILCS 54/) Tattoo and Body Piercing Establishment Registration Act.

(410 ILCS 54/1)

Sec. 1. Short title. This Act may be cited as the Tattoo and Body Piercing Establishment Registration Act.

(Source: P.A. 94-1040, eff. 7-1-07.)

(410 ILCS 54/5)

Sec. 5. Purpose. It has been established that non-sterile needles can lead to the spread of certain blood-borne illnesses such as Hepatitis and HIV. Tattoo and body piercing practices affect the health, safety, and welfare of the public, therefore, the General Assembly finds that the regulation of tattoo and body piercing establishments by the State is necessary to ensure public health, safety, and welfare. It is further declared that the purpose of this Act is to provide for a safe and adequate blood supply. This Act shall be liberally construed to carry out these objectives and purposes.

(Source: P.A. 94-1040, eff. 7-1-07.)

(410 ILCS 54/10)

Sec. 10. Definitions. In this Act:

"Aseptic technique" means a practice that prevents and hinders the transmission of disease-producing microorganisms from one person or place to another.

"Body piercing" means penetrating the skin to make a hole, mark, or scar that is generally permanent in nature. "Body piercing" does not include practices that are considered medical procedures or the puncturing of the outer perimeter or lobe of the ear using a pre-sterilized, single-use stud and clasp ear piercing system.

"Client" means the person, customer, or patron whose skin will be tattooed or pierced.

"Communicable disease" means a disease that can be transmitted from person to person directly or indirectly, including diseases transmitted via blood or body fluids.

"Department" means the Department of Public Health or other health authority designated as its agent.

"Director" means the Director of Public Health or his or her designee.

"Establishment" means a body-piercing operation, a tattooing operation, or a combination of both operations in a multiple-type establishment.

"Ink cup" means a small container for an individual portion of pigment that may be installed in a holder or palette and in which a small amount of pigment of a given color is placed.

"Multi-type establishment" means an operation encompassing both body piercing and tattooing on the same premises and under the same management.

"Person" means any individual, group of individuals, association, trust, partnership, corporation, or limited liability company.

"Procedure area" means the immediate area where instruments and supplies are placed during a procedure.

"Operator" means an individual, partnership, corporation, association, or other entity engaged in the business of owning, managing, or offering services of body piercing or tattooing.

"Sanitation" means the effective bactericidal and veridical treatment of clean equipment surfaces by a process that effectively destroys pathogens.

"Single use" means items that are intended for one time and one person use only and are to then be discarded.

"Sterilize" means to destroy all living organisms including spores.

"Tattooing" means making permanent marks on the skin of a live human being by puncturing the skin and inserting indelible colors. "Tattooing" includes imparting permanent makeup on the skin, such as permanent lip coloring and permanent eyeliner. "Tattooing" does not include any of the following:

- (1) The practice of electrology as defined in the Electrologist Licensing Act.

- (2) The practice of acupuncture as defined in the Acupuncture Practice Act.

- (3) The use, by a physician licensed to practice medicine in all its branches, of colors, dyes, or pigments for the purpose of obscuring scar tissue or imparting color to the skin for cosmetic, medical, or figurative purposes.

(Source: P.A. 99-117, eff. 1-1-16; 100-863, eff. 8-14-18.)

(410 ILCS 54/15)

Sec. 15. Registration required.

(a) A certificate of registration issued by the Department shall be required prior to the operation of any establishment or multi-type establishment. The operator of the facility shall file an application for a certificate of registration with the Department that shall be accompanied by the requisite fee, as determined by the Department, and include all of the following information:

- (1) The applicant's (operator) name, address, telephone number, and age. In order to qualify for a certificate of registration under this Act, an applicant must be at least 18 years of age.

- (2) The name, address, and phone number of the establishment.

- (3) The type and year of manufacture of the equipment proposed to be used for tattooing or body piercing.

- (4) The sterilization and operation procedures to be used by the establishment.

- (5) Any other information required by the Department.

(b) If the operator owns or operates more than one establishment, the operator shall file a separate application for each facility owned or operated.

(Source: P.A. 99-117, eff. 1-1-16.)

(410 ILCS 54/20)

Sec. 20. Temporary registration. A temporary certificate of registration may be issued by the Department for educational, trade show, or product demonstration purposes only. The temporary certificate of registration shall be valid for a maximum of 14 calendar days.

(Source: P.A. 94-1040, eff. 7-1-07.)

(410 ILCS 54/25)

Sec. 25. Operating requirements. All establishments registered under this Act must comply with the following requirements:

(1) The operator of an establishment must ensure that all body piercing and tattooing procedures are performed in a clean and sanitary environment that is consistent with sanitation techniques established by the Department.

(2) The operator of an establishment must ensure that all body piercing and tattooing procedures are performed in a manner that is consistent with an aseptic technique established by the Department.

(3) The operator of an establishment must ensure that all equipment and instruments used in body piercing and tattooing procedures are either single use and pre-packaged instruments or in compliance with sterilization techniques established by the Department.

(4) The operator of an establishment must ensure that single use ink is used in all tattooing procedures.

(Source: P.A. 99-117, eff. 1-1-16.)

(410 ILCS 54/27)

Sec. 27. Prohibitions. Body piercing procedures must not be performed, without medical clearance, on skin surfaces where sunburn, rash, acne, infection, open lesions, or other questionable skin lesions exist and must not be performed on any person who is impaired by drugs or alcohol.

(Source: P.A. 94-1040, eff. 7-1-07.)

(410 ILCS 54/30)

Sec. 30. Duties of the Department; rulemaking.

(a) Before issuing a certificate of registration to an applicant, the Department, or its designee, shall inspect the premises of the establishment to insure compliance under the requirements of this Act.

(b) Once a certificate of registration is issued, the Department may periodically inspect each establishment registered under this Act to ensure compliance.

(c) The Department shall adopt any rules deemed necessary for the implementation and administration of this Act.

(Source: P.A. 94-1040, eff. 7-1-07.)

(410 ILCS 54/35)

Sec. 35. Expiration and renewal of registration; display.

(a) A certificate of registration issued under this Act shall expire and may be renewed annually. The Department may assess a late fee if the renewal application and renewal fee are not submitted on or before the registration expiration date. The Department shall by rule determine the amount of the fee assessed under this subsection (a).

(b) Registration is valid for a single location and only for the operator named on the certificate. Registration is not transferable.

(c) The certificate of registration issued by the Department shall be conspicuously displayed within the sight of clients upon entering the establishment.

(Source: P.A. 99-117, eff. 1-1-16.)

(410 ILCS 54/40)

Sec. 40. Change of operator. In the event of a change of operator, the new operator must apply for a certificate of registration prior to taking possession of the property. A provisional certificate of registration may be issued by the

Department until an initial inspection for a certificate of registration can be performed by the Department or its designee. (Source: P.A. 99-117, eff. 1-1-16.)

(410 ILCS 54/45)

Sec. 45. Denial; suspension; revocation; nonrenewal of registration. A certificate of registration may be denied, suspended, revoked, or the renewal of a certificate of registration may be denied for any of the following reasons:

Violation of any of the provisions of this Act or the rules and regulations adopted by the Department under this Act.

Conviction of an applicant or registrant of an offense arising from false, fraudulent, deceptive, or misleading advertising. The record of conviction or a certified copy shall be conclusive evidence of the conviction.

Revocation of a certificate of registration during the previous 5 years or surrender or expiration of the certificate of registration during the pendency of action by the Department to revoke or suspend the certificate of registration during the previous 5 years, if before the certificate of registration was issued to the individual applicant, a controlling owner or controlling combination of owners of the applicant, or any affiliate of the individual applicant or controlling owner of the applicant or affiliate of the applicant, was a controlling owner of the prior certificate of registration.

(Source: P.A. 94-1040, eff. 7-1-07.)

(410 ILCS 54/50)

Sec. 50. Administration; enforcement.

(a) The Department may establish a training program for the Department agents for administration and enforcement of this Act.

(b) In the administration and enforcement of this Act, the Department may designate and use State-certified, local public health departments as its agents in the administration and enforcement of this Act and rules.

(c) The Department shall issue grants to State-certified, local public health departments acting as agents of the Department based on 75% of the total fees and fines collected in the jurisdiction of the State-certified, local public health department for the enforcement and administration of this Act.

(d) The Department or a State-certified, local public health department acting as an agent of the Department in the administration and enforcement of this Act may use the local administrative review process of the State-certified, local public health department to resolve disputes.

(Source: P.A. 94-1040, eff. 7-1-07.)

(410 ILCS 54/55)

Sec. 55. Investigation; hearing; notice. The Department may, upon its own motion, and shall upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for the denial of an application for a certificate of registration, or refusal to renew a certificate of registration, or revocation of a certificate of registration, or suspension of a certificate of registration, investigate the applicant or registrant. The Department, after notice and opportunity for hearing, may deny any application for or suspend or revoke a certificate of registration or may refuse to renew a certificate of registration. Before denying an application or refusing to renew, suspending, or revoking a certificate of registration, the Department shall notify the applicant in writing. The notice shall specify the charges or reasons for the Department's contemplated action. The applicant or registrant

must request a hearing within 10 days after receipt of the notice. Failure to request a hearing within 10 days shall constitute a waiver of the right to a hearing.
(Source: P.A. 94-1040, eff. 7-1-07.)

(410 ILCS 54/60)

Sec. 60. Conduct of hearing.

(a) The hearing shall be conducted by the Director, or an individual designated in writing by the Director as a hearing officer. The Director or hearing officer may compel by subpoena or subpoena duces tecum the attendance and testimony of witnesses and the production of books and papers, and administer oaths to witnesses. The hearing shall be conducted at a place designated by the Department. The procedures governing hearings and the issuance of final orders under this Act shall be in accordance with rules adopted by the Department.

(b) All subpoenas issued by the Director or hearing officer may be served as provided for in civil actions. The fees of witnesses for attendance and travel shall be the same as the fees for witnesses before the circuit court and shall be paid by the party to the proceedings at whose request the subpoena is issued. If a subpoena is issued at the request of the Department, the witness fee shall be paid as an administrative expense.

(c) In cases of refusal of a witness to attend or testify, or to produce books or papers, concerning any matter upon which he or she might be lawfully examined, the circuit court of the county wherein the hearing is held, upon application of any party to the proceeding, may compel obedience by proceeding as for contempt as in cases of a like refusal to obey a similar order of the court.

(Source: P.A. 94-1040, eff. 7-1-07.)

(410 ILCS 54/65)

Sec. 65. Findings of fact; conclusions of law; decision. The Director or hearing officer shall make findings of fact and conclusions of law in a hearing, and the Director shall render his or her decision, or the hearing officer his or her proposal for decision within 45 days after the termination of the hearing unless additional time is required by the Director or hearing officer for a proper disposition of the matter. A copy of the final decision of the Director shall be served upon the applicant or registrant in person or by certified mail.

(Source: P.A. 94-1040, eff. 7-1-07.)

(410 ILCS 54/70)

Sec. 70. Review under Administrative Review Law; venue; costs. All final administrative decisions of the Department under this Act shall be subject to judicial review under the provisions of Article III of the Code of Civil Procedure. The term "administrative decision" is defined under Section 3-101 of the Code of Civil Procedure.

Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides; provided, that if the party is not a resident of this State, the venue shall be in Sangamon County.

The Department shall not be required to certify any record or file any answer or otherwise appear in any proceeding for judicial review unless the party filing the complaint deposits with the clerk of the court the sum of 95¢ per page representing costs of certification of the record or file. Failure on the part of the plaintiff to make the deposit shall be grounds for dismissal of the action.

(Source: P.A. 94-1040, eff. 7-1-07.)

(410 ILCS 54/75)

Sec. 75. Administrative Procedure Act; application. The provisions of the Illinois Administrative Procedure Act are hereby expressly adopted and shall apply to all administrative rules and procedure of the Department under this Act, except that in case of conflict between the Illinois Administrative Procedure Act and this Act the provisions of this Act shall control, and except that Section 5 of the Illinois Administrative Procedure Act relating to procedures for rulemaking does not apply to the adoption of any rules required by federal law in connection with which the Department is precluded by law from exercising any discretion.

(Source: P.A. 94-1040, eff. 7-1-07.)

(410 ILCS 54/80)

Sec. 80. Penalties; fines. The Department is authorized to establish and assess penalties or fines against any person who violates this Act or rules adopted under this Act. In no circumstance will any penalties or fines exceed \$1,000 per day for each day the violation continues.

(Source: P.A. 99-117, eff. 1-1-16.)

(410 ILCS 54/85)

Sec. 85. Public nuisance.

(a) The operation or maintenance of an establishment in violation of this Act or any rule adopted by the Department under this Act constitutes a public nuisance inimical to the public welfare.

(b) A person convicted of knowingly maintaining a public nuisance commits a Class A misdemeanor. Each subsequent offense under this Section is a Class 4 felony.

(c) The Director, in the name of the people of the State and through the Attorney General or State's Attorney of the county in which the establishment is located, may, in addition to the other remedies set forth in this Act, bring an action for an injunction to restrain the violation of this Act or to enjoin the future operation or maintenance of any establishment in violation of this Act.

(Source: P.A. 94-1040, eff. 7-1-07.)

(410 ILCS 54/90)

Sec. 90. Tattoo and Body Piercing Establishment Registration Fund. There is hereby created in the State treasury a special fund to be known as the Tattoo and Body Piercing Establishment Registration Fund. All fees and fines collected by the Department under this Act and any agreement for the implementation of this Act and rules under this Act and any federal funds collected pursuant to the administration of this Act shall be deposited into the Fund. The amount deposited shall be appropriated by the General Assembly to the Department for the purpose of conducting activities relating to tattooing and body piercing establishments.

(Source: P.A. 94-1040, eff. 7-1-07.)

(410 ILCS 54/905)

Sec. 905. (Amendatory provisions; text omitted).

(Source: P.A. 94-1040, eff. 7-1-07; text omitted.)

(410 ILCS 54/999)

Sec. 999. Effective date. This Act takes effect July 1, 2007.

(Source: P.A. 94-1040, eff. 7-1-07.)

VILLAGE OF NORTH AURORA



VILLAGE OF NORTH AURORA
KANE COUNTY, ILLINOIS

Ordinance No. _____

**ORDINANCE AMENDING TITLE 5 CHAPTER 5.36 OF THE
NORTH AURORA MUNICIPAL CODE REGARDING TATTOO AND BODY PIERCING
ESTABLISHMENTS**

Adopted by the
Board of Trustees and President
of the Village of North Aurora
this ____ day of _____, 2018

Published in Pamphlet Form
by authority of the Board of Trustees of the
Village of North Aurora, Kane County, Illinois,
this ____ day of _____, 2018
by _____.

Signed _____

VILLAGE OF NORTH AURORA

ORDINANCE NO. _____

**ORDINANCE AMENDING TITLE 5 CHAPTER 5.36 OF THE
NORTH AURORA MUNICIPAL CODE REGARDING TATTOO AND BODY PIERCING
ESTABLISHMENTS**

WHEREAS, Tattoo and body piercing establishments and operators are required to obtain license to operate in the Village; and

WHEREAS, the Village believes it is in the best interest to amend the tattoo and body piercing establishment provisions in order to allow for reasonable licensing of such businesses.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of North Aurora, Kane County, Illinois, as follows:

SECTION 1: The recitals set forth above are adopted and incorporated herein as the material findings of the President and Board of Trustees.

SECTION 2: That Title 5, Chapter 5.36 of the Code of North Aurora, Illinois is hereby amended to read in its entirety, as follows:

Chapter 5.36 - TATTOO AND BODY PIERCING ESTABLISHMENTS

Sections:

5.36.010 - Definitions.

The following definitions shall apply to this chapter:

"Body piercing" means to make a hole in the body or oral cavity in order to insert or allow the insertion of any ring, hoop, stud, or other object for the purpose of ornamentation of the body, but specifically excluding the standard transverse piercing of the ear lobe that is commonly performed in retail establishments in conjunction with the sale of ear rings.

"Licensee" means any owner or operator licensed under this chapter.

"Operator(s)" means any individual who performs or practices the art of tattooing or body piercing on other human beings.

"Owner" means any individual, firm, company, corporation or association that owns or operates an establishment where tattooing or body piercing is performed.

"Person" means any individual, firm, company, corporation, association or other entity.

~~"Superintendent" means the superintendent for building and zoning for purposes of this chapter.~~

"Director" means the Community and Economic Development Director, or his/her designee, for purposes of this chapter.

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"Tattoo" means to insert pigment under the surface of the skin of a human being, by pricking with a needle or otherwise, so as to produce an indelible mark or figure visible through the skin. 720 ILCS 5/12-10.

"Tongue splitting" means the cutting of a human tongue into two or more parts.

Use of the words "he," "him," and "his" or other words having a masculine meaning are meant as gender neutral and shall apply with equal force to the female gender.

5.36.020 - License required.

It is unlawful for any person to maintain and operate a tattoo or body piercing establishment in the Village of North Aurora, without first having obtained a license as hereinafter provided which shall be renewed on an annual basis.

It is unlawful for any individual to practice the art of tattooing or body piercing on the person of another in the Village of North Aurora without first obtaining a license.

5.36.030 - Application and fee.

A. Tattoo or body piercing establishment:

1. Every applicant for a license to maintain, operate or conduct a tattoo or body piercing establishment shall file an application upon a form provided by the village and pay a nonrefundable annual filing fee of two hundred fifty dollars (\$250.00). ~~to the building and zoning superintendent. The building and zoning superintendent shall thereafter refer copies of such application and all additional information to the police department, fire department, village administrator, and village president. The application shall state the location of the premises of the proposed establishment.~~ The ~~superintendent~~ Director shall inspect the premises proposed to be operated as a tattoo or body piercing establishment, and make recommendations to the village administrator concerning compliance with the ordinances of the village. Upon receipt of the recommendations of the Director, the village administrator shall notify the applicant as to whether his/her application has been granted, denied or held for further investigation. The period of such addition investigation shall not exceed an additional thirty (30) days, unless otherwise agreed to by the applicant.
2. The applicant shall also provide a certificate of insurance from an insurance company licensed to do business in the state of Illinois certifying that the applicant has the following coverages in force:

Personal:	
Bodily Injury	\$200,000.00

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Property Damage	\$25,000.00
OR	
Combined Single Limit	\$225,000.00
Worker's Compensation:	
Coverage A:	Statutory Amount
Coverage B, each accident	\$100,000.00

3. All applicants for a tattoo or body piercing establishment license, including all partners and limited partners of a partnership, all officers, directors, and stockholders holding more than ten (10) percent of the stock of a corporate applicant, and all members of a limited liability company shall furnish the following information in the application:
- Name, residence, address and date of birth.
 - Social security number and driver's license number, if any.
 - Written proof that the individual is at least eighteen (18) ~~twenty-one (21)~~ years of age.
 - All residential addresses for the past three years.
 - The applicant's height, weight, color of eyes and hair.
 - The business, occupation or employment of the applicant for the three years immediately preceding the date of application.
 - The tattoo, body piercing or similar business experience of the applicant, whether such person has had a business license revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation.
 - All criminal or municipal ordinance violations resulting in either a conviction, a forfeiture of bond, or pleadings of nolo contendere, except minor traffic violations.
 - The fingerprints and photograph of the applicant.
 - If the applicant is a corporation, or a limited liability company, the state of incorporation or organization and the name of the corporation or limited liability company exactly as shown in its articles of incorporation or articles of organization.

~~4.—No tattoo or body piercing establishment license shall be issued or renewed for:~~

- ~~a.—A person who is not of good character and reputation in the community in which the person resides.~~

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- ~~b.—A person who has been convicted of a felony under any federal or state law, unless the administrator receives a certificate from the chief of police who, after an investigation, certifies that the applicant has been sufficiently rehabilitated to warrant the public trust.~~
- ~~c.—A person who is under twenty-one (21) years of age.~~
- ~~d.—A person who had a tattoo or body piercing license or similar business license revoked by another governmental body for cause.~~
- ~~e.—A person convicted of any offense involving sexual misconduct with children or of pandering, prostitution or solicitation.~~
- ~~f.—Any location that permits any use other than that of a tattoo or body piercing establishment or any location that fails to pass the annual inspection of the regional health department of the state of Illinois or fails to meet any of the standards set forth in the chapter.~~
- ~~g.—Any owner, proprietor, manager or other person in charge of any tattoo or body piercing establishment that employs any person who is not at least twenty-one (21) years of age.~~

B. Tattoo or body piercing operator:

1. Any person, including the owner of a tattoo or body piercing establishment, before he/she engages in the practice of tattooing or body piercing as herein defined, shall file an application for a license ~~with the superintendent~~ upon a form provided by the village and shall pay an initial license fee of one hundred dollars (\$100.00).
2. The application for a tattoo or body piercing operator's license shall contain the following:
 - a. Name, residence, address and date of birth.
 - b. Social security number and driver's license number, if any.
 - c. Applicant's weight, height, color of hair and eyes.
 - d. Written evidence that the applicant is at least eighteen (18) ~~twenty-one (21)~~ years of age.
 - e. Business, occupation or employment of the applicant for the three years immediately preceding the date of application.
 - f. A statement whether the applicant has ever been convicted of, pleaded nolo contendere to, or suffered a forfeiture on a bond charge of committing any crime except minor traffic violations. If the answer is in the affirmative, a further statement must be made giving the place and the court in which such conviction, plea or forfeiture was had, the specific charge under which the conviction, plea or forfeiture was obtained, and the sentence imposed as a result thereof.
 - g. The fingerprints and photograph of the applicant.
- ~~3.—No tattoo or body piercing operator's license shall be issued for:~~
 - ~~a.—A person who is not of good character and reputation in the community in which he/she resides.~~
 - ~~b.—A person who has been convicted of a felony under any federal or state law unless the clerk receives a certificate from the chief of police who, after an investigation, certifies that the applicant has been sufficiently rehabilitated to warrant the public trust.~~
 - ~~c.—A person who is under twenty-one (21) years of age.~~

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- ~~d. A person who had a tattoo or body piercing operator's license or similar license revoked by another governmental body for cause.~~
- ~~e. A person convicted of any offense involving sexual misconduct with children or of pandering, prostitution or solicitation.~~
- ~~f. Any person who has not had six months experience as an apprentice or a tattoo or body piercing operator or cannot demonstrate that he/she is qualified to be a tattoo or body piercing operator.~~
- ~~g. Any person who fails to pass the initial or annual medical examination specified in this chapter.~~

C. No tattoo or body piercing establishment license or operator's license shall be issued for:

- a. A person who has been convicted of a felony under any federal or state law unless the clerk receives a certificate from the chief of police who, after an investigation, certifies that the applicant has been sufficiently rehabilitated to warrant the public trust.
- b. A person who is under eighteen (18) years of age.
- c. A person who had a tattoo or body piercing establishment license, operator's license or similar license revoked by another governmental body for cause.
- d. A person convicted of any offense involving sexual misconduct with children or of pandering, prostitution or solicitation.
- e. Any person who has not had six months experience as an apprentice tattoo or body piercing operator or cannot demonstrate that he/she is qualified to be a tattoo or body piercing operator.
- f. Any location that permits any use other than that of a tattoo or body piercing establishment or any location that falls to pass the annual inspection of the regional health department of the state of Illinois or fails to meet any of the standards set forth in the chapter.
- g. Any owner, proprietor, manager or other person in charge of any tattoo or body piercing establishment that employs any person who is not at least eighteen (18) years of age.

5.36.040 - Duration of license

A tattoo or body piercing establishment license as provided for herein shall be for a term of one year.

5.36.050 - Premises.

No tattoo or body piercing 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 State of Illinois Department of Public Health ~~Kane County health department, if available.~~
- B. Any room in which tattooing or body piercing is done shall have ~~an enclosed area of not less than five hundred (500) square feet. The walls, and~~ floors ~~and ceiling shall have~~ with an impervious, smooth and washable surface.

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- C. Toilet facilities shall be provided within the establishment which are installed in accordance with the various ~~building~~ codes of the Village of North Aurora ~~and State of Illinois~~. ~~When five or more employees or patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided and designated as to the sex accommodated therein. 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. The premises shall have equipment for disinfecting and sterilizing nondisposable instruments and materials used in administering tattoos or body piercing, and such nondisposable instruments and materials shall be disinfected after use on each patron. All reusable equipment used in the application of the tattoo or body piercing shall be washed, rinsed, sanitized, and air dried after each use. Then such equipment shall be decontaminated by autoclaving or by applying a high level disinfectant and then stored in a clean, dry and enclosed location so as to prevent contamination.
- E. All tables and other equipment shall be constructed of easily cleanable material, ~~shall be painted or finished in a light in~~ 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 tattooing or body piercing room.~~
- F. Closed cabinets shall be provided for use in the storage of clean linens, towels, needles and other materials and instruments used in tattooing and body piercing. All used linens, towels, equipment, instruments and other material shall be kept in properly covered containers or cabinets, which shall be kept separate from the clean storage areas.
- G. The entire premises and equipment shall be maintained in a clean, sanitary condition and in good repair at all times.
- H. No tattoo or body piercing establishment shall be open to the public for business between the hours of 10:00 p.m. and 7:00 a.m.
- I. The main entrance door of any tattoo or body piercing establishment shall be visible from a public street and shall remain unlocked during business hours.

~~5.36.060—Operating requirements.~~

- ~~A.—The operator shall wash his/her hands thoroughly with antiseptic soap and water before starting any tattoo or body piercing; the hands shall be dried by individual, single use towels. All operators shall be required to use surgical gloves in the performance of their services.~~
- ~~B.—The area on the patron to be tattooed or pierced shall first be thoroughly washed with a sterile, single use sponge with warm water containing an antiseptic liquid soap. The area should be shaved, if necessary, with a safety razor, using single service blades for each customer or patron, followed by a solution of at least seventy (70) percent alcohol to be applied to the area before tattooing or piercing is begun.~~
- ~~C.—Only petroleum jelly in collapsible metal or plastic tubes shall be used on the area to be tattooed or pierced, 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 therefore shall be discarded immediately after completing work on each patron. Any dye in which~~

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~~the needles are dipped shall not be used on another person. All needles, pigments, dyes, colors and all bandages and surgical dressings used in connection with tattooing or body piercing shall be sterile and free from bacteria, virus particles and noxious agents and substances and disposed per the Illinois Pollution Control Board standards for potentially infectious medical waste materials. After completing work on any person, the tattooed or pierced area shall be washed with sterile gauze and at least seventy (70) percent alcohol solution and allowed to dry. A sterile gauze dressing shall be fastened to the tattooed or pierced 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 tattoo or body piercing establishment, shall possess, sell, dispense, provide, give, keep or maintain any alcoholic beverage.~~
- ~~G. No intoxicated person or person under the influence of illicit substances shall be tattooed or pierced by an operator on the licensed premises.~~
- ~~H. Licensees shall at all times comply with the regulations of the department of labor's occupational safety and health administration as presently existing or hereafter amended, with respect to occupational exposure to blood, blood borne pathogens or other potentially infectious materials, which regulations are incorporated by reference herein.~~
- ~~I. Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.~~
- ~~J. No tattooing or body piercing shall be done on any skin surface that has rash, pimples, boils, infections, or manifests any evidence of unhealthy conditions.~~
- ~~K. Written parental consent shall be obtained before any person under the age of twenty one (21) is tattooed or pierced.~~
- ~~L. Every owner of a tattooing or body piercing establishment shall have the premises inspected prior to the issuance of a license and annually thereafter, by the Kane County health department. A copy of the report, disclosing no health violations, shall be furnished the village annually. The issuance of a license, or renewal thereof, is contingent upon said report being furnished the village.~~

5.36.070 - Inspection.

- A. Any village department or agency may make 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.
- B. It shall be the duty of each tattoo or body piercing operator to keep and maintain an index card for three years for each person who is tattooed or pierced in their establishment. The customer card file shall be available for inspection by the village officials, and the following information shall be shown on each card of each person tattooed or pierced:
 - 1. Date of tattooing or body piercing.
 - 2. Name of customer.
 - 3. Address of customer.

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4. Age of customer.
5. Name of tattoo or body piercing operator.
6. Address of tattoo or body piercing operator.
7. Charges for tattooing or body piercing.
8. A brief and accurate description of the place on the body tattooed or pierced and a description of the tattoo or piercing.

5.36.080 - 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 refuses 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; or becomes ineligible to hold a license as required in Section 5.36.030.

5.36.090 - Transfer of license prohibited.

No license for the operation of a tattoo or body piercing establishment or operator's license shall be transferable.

5.36.100 - 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.

5.36.110 - Exceptions.

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

5.36.120 - Tattooing or body piercing of minors.

In accordance with 720 ILCS 5/12-10.1:

- A. No person may pierce the body of a person under eighteen (18) years of age without written consent of a parent or legal guardian of that person, which written consent must be obtained prior to the piercing and be in substantially the following form:

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"I understand that the oral piercing of the tongue, lips, cheeks, or any other area of the oral cavity carries serious risk of infection or damage to the mouth and teeth, or both infection and damage to those areas, that could result but is not limited to nerve damage, numbness, and life threatening blood clots."

- B. Any person who is an owner or employed by a business that performs tattooing or body piercing may not permit a person less than eighteen (18) years of age to enter or remain on the premises where tattooing or body piercing is being performed unless the person under eighteen (18) years of age is accompanied by his or her parent or legal guardian.

5.36.130 - Tongue splitting.

A person may not perform tongue splitting on another person unless the person performing the tongue splitting is licensed to practice medicine in all its branches under the Medical Practice Act of 1987 or licensed under the Illinois Dental Practice Act.

5.36.140 - Penalty.

In addition to license suspension or revocation as provided above, any licensee violating any of the provisions of this chapter shall be fined not less than seventy-five dollars (\$75.00) or more than seven hundred fifty dollars (\$750.00), and a separate offense shall be determined to have been committed each day during which or on which the violation occurs or continues.

SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, or any part thereof. The Village Board of Trustees hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that anyone or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 4: This Ordinance shall take immediate full force and effect from and after its passage, approval, publication and such other acts as required by law.

Presented to the Board of Trustees of the Village of North Aurora, Kane County, Illinois this _____ day of _____, 2018, A.D.

Passed by the Board of Trustees of the Village of North Aurora, Kane County, Illinois this _____ day of _____, 2018, A.D.

Mark Carroll _____

Laura Curtis _____

Mark Gaffino _____

Mark Guethle _____

Michael Lowery _____

Tao Martinez _____

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Approved and signed by me as President of the Board of Trustees of the Village of North Aurora,
Kane County, Illinois this _____ day of _____, 2018, A.D.

Dale Berman, Village President

ATTEST:

Lori Murray, Village Clerk