

**Ordinance No. 803-21**

**An Ordinance Amending, Repealing, and Replacing  
Bel Air Town Code Chapter 420. Tattooing**

**WHEREAS**, the Board of Town Commissioners wishes to amend Bel Air Town Code Chapter 420 Tattooing, by repealing all Sections, including §420-1 through §420-13, and replacing the Chapter, in its entirety, with the amended version, Chapter 420 Tattooing and Body Piercing, including Sections §420-1 through §420-7, to provide consistency with current practices, and to integrate State and Federal practices and mandates as they relate to tattooing and body piercing businesses.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Town Commissioners that Bel Air Town Code Chapter 420 Tattooing, adopted on March 11, 1980, by Ordinance No. 310 as Ch. 6, Art. 11 of the 1980 Code, is hereby repealed, in its entirety, and this Ordinance No. 803-21 is substituted as Chapter 420-21 Tattooing and Body Piercing, in place and stead of the repealed Chapter, as follows:

Chapter 420 Tattooing and Body Piercing

§420-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**COMMUNICABLE DISEASE**

A disease capable of being transmitted to the public as determined by a licensed physician in the State of Maryland.

**APPLICANT**

Any person or entity applying to the Town for a Tattoo and/or Body Piercing use under Chapter 165, Development Regulations or any person or entity performing services related to Tattooing and/or Body Piercing.

## BODY PIERCING

The act of puncturing the skin or the mucous membrane utilizing a single sterile needle or other sterile instrument for the purpose of inserting jewelry or other adornment into the body for non-medical purposes. Piercing of the ear lobe using a properly disinfected ear-piercing gun and a single use sterile stud(s) and clutches is excluded from this definition.

## TATTOOING

The act of pricking or penetrating the skin or the mucous membrane of an individual by inserting pigmented patterns, or by raising scars, to form a permanent design mark on the skin as a form of body decoration.

### § 420-2 Inspection of premises.

Upon receipt of an application for a tattooing and/or body piercing business, the Town or its designee, shall inspect the premises where the business is to be conducted to insure that such premises comply with all sanitation requirements set forth in this chapter and with all the other applicable laws and health regulations prior to use and occupancy.

### § 420-3 Use and Occupancy.

The operation, as proposed by the applicant, must comply with all applicable laws, including but not limited to the Town's building, zoning, and health regulations. All fees must be paid prior to the issuance of the Use and Occupancy permit which is conditioned on the following:

- A. Notification of the Town of Bel Air Police Department and the Harford County Health Department to provide an opportunity for inspection prior to opening.
- B. Applicant has not knowingly made any false, misleading, or fraudulent statement of fact in any document required by the Town in conjunction therewith.
- C. The applicant, and all its employees or other persons principally in charge of the operation of the business must be over the age of 18 years.

§ 420-4 Sanitation and safety requirements.

A. Inspections.

- (1) All premises used by the applicant may be periodically inspected by the Town and its authorized representatives for safety of the structure, including but not limited to adequacy of plumbing, ventilation, heating, and illumination. Floors shall be free from any accumulation of dust, dirt, or refuse. The use of equipment specifically designed for body tattooing and or body piercing shall be required.
- (2) All equipment specified and used in the tattoo and/or body piercing operation shall be maintained in a clean and sanitary condition. Towels, linen, and items for personal use of operators and patrons shall be clean and freshly laundered. Towels, cloths, and sheets shall not be used for more than one patron.

B. Other governmental regulations. Nothing contained herein shall be construed to eliminate other minimum requirements of federal, state, county or Town ordinances or regulations pertaining or applicable to the maintenance, control and operation of the premises nor to preclude any authorized inspections thereof by either the Town or its authorized representative, the Health Department or the Fire Department or any other authorized inspectors.

C. Right of entry. The premises used by the applicant hereunder shall be subject to the right of entry and examination by the Chief of Police, the Bel Air Building Official or their duly authorized agents or representatives or any other persons authorized to inspect premises of this nature as hereinabove set forth during business hours. This subsection shall not restrict or limit the right of entry vested in any law enforcement agency other than herein set forth.

§ 420-5 Supervision.

The applicant shall always have the premises supervised when open for business and shall personally ensure that all its employees comply with all local, state, and federal standards regarding skin penetrating body adornment procedures. The violation of any such provision by any agent or employee of the applicant shall constitute a Municipal Infraction.

§ 420-6 Unlawful acts.

- A. Alcoholic beverages and/or controlled dangerous substances are prohibited on the premises. No person shall sell, consume, be under the influence of, give, dispense, provide, or keep, or cause to be sold, any alcoholic beverage and/or controlled dangerous substance on the premises of any tattoo and/or body piercing business.
- B. It shall be unlawful to remain open or to provide services between the hours of 10:00 p.m. and 8:00 a.m.
- C. It shall be unlawful for any person to perform tattooing or body piercing in any place other than a licensed tattoo establishment.
- D. It shall be unlawful for any person to perform or administer tattooing or body piercing of or to any person under 18 years of age without the prior written and notarized consent of the parent or court-appointed guardian of the person. In addition, the parent or court-appointed guardian of the individual must be present during the service. The written permission, and a copy of the court order of guardianship when such permission is given by a guardian, shall be retained by the person administering the service for a period of five years.

§ 420-7 Violations and penalties.

- A. Every person convicted of a violation of any provision of this chapter shall be deemed guilty of a misdemeanor punishable as provided in Chapter 1, Article II of this Code.
- B. The penalties as set forth herein are in addition to, and not in derogation of, any other penalties provided in this chapter or under the applicable local, state, and federal regulations.

**BE IT FURTHER ORDAINED** that this Ordinance shall become effective on the twenty-first (21st) day after passage unless petitioned to referendum.

INTRODUCTION: July 19, 2021  
PUBLIC HEARING: August 16, 2021  
ENACTMENT:  
EFFECTIVE:  
AYES:  
NAYS:  
ABSENT:

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Amy G. Chmielewski, Chair  
Board of Town Commissioners

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Michael Krantz, Town Clerk