

ORDINANCE NUMBER 04 - 35

ORDINANCE AMENDING TITLE IX,
GENERAL REGULATIONS, CHAPTER 93,
NUISANCES, BY ADDING SECTION 93.12,
TATTOO ESTABLISHMENTS PROHIBITED

WHEREAS, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the President and the Board of Trustees of the Village of East Dundee have reviewed current medical literature and find that infectious diseases, including Hepatitis B and HIV (Human Immunodeficiency Virus, which tends to develop into AIDS - Acquired Immune Deficiency Syndrome) can be transmitted by tattooing; and

WHEREAS, tattooing establishments are not licensed nor regulated by the state nor are they self-regulated; and

WHEREAS, effective regulation by municipalities is a practical impossibility because of prohibitively extensive personnel and equipment which would be required to monitor cleanliness of premises, sanitary procedures, sterilized instruments, sterilized or single-use needles, health checks of prospective patrons, single-used or sterilized dye, permanent records of patrons, and the use of sterile bandages and dressings, all of which are necessary to prevent transmission of disease and to safeguard the public; and

WHEREAS, the President and Board of Trustees of the Village of East Dundee find and determine that to regulate tattooing without implementing all of the above procedures would not ensure that strict hygienic standards would be adhered to without exception; and

WHEREAS, the threat of diseases communicated by tattooing is too imminent, too dangerous and too deadly to permit it to depend on insufficient regulatory measures; and

WHEREAS, pursuant to Illinois Compiled Statutes, 65 ILCS 5/11-20-5, the Village of East Dundee has the power to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of diseases; and

WHEREAS, pursuant to Illinois Compiled Statutes, 65 ILCS 5/11-42-9, the Village of East Dundee has the power to prohibit any offensive or unwholesome business or establishment within the municipality and within the distance of one mile beyond the municipal limits; and

WHEREAS, pursuant to Illinois Compiled Statutes, 65 ILCS 5/11-60-2, the Village of East Dundee has the power to define, prevent and abate nuisances; and

WHEREAS, the President and Board of Trustees find tattoo parlors to be a nuisance because of the life and health threatening consequences of probable transmission of disease without complete regulation, which regulation is a practical impossibility.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS, AS FOLLOWS:

Section One. That the Municipal Code of the Village of East Dundee be amended by adding to Title XI, **General Regulations**, Chapter 93, **Nuisances**, a new Section 93.12, **Tattooing** as follows:

Section 93.12: **TATTOOING.** Tattooing parlors threaten the public health and welfare, and are hereby declared to be a nuisance.

It shall be unlawful for any person to tattoo a human being, except that tattooing may be performed for medical purposes by a person licensed or otherwise authorized by the State of Illinois to practice medicine or osteopathy.

For purposes of this ordinance, "tattoo" or "tattooing" shall mean 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.

Section Two. Severability. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

Section Three. Repeal. All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Four. Publication. This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Adopted this 4th day of October, 2004, pursuant to a roll call vote as follows:

AYES: Zaesch, Ruffalo, Bartels, Schock, VanOstenbridge, Scarpetti, President Ahrens
NAYES: None
ABSENT: None

Approved by me this 4th day of October, 2004.

Roger W. Ahrens
ROGER AHRENS, President

Published in pamphlet form this 8th day of October, 2004, under the authority of the President and Board of Trustees.

ATTEST:

Jane E. Theis

JANE THEIS, Village Clerk

Recorded in the Village Records on October 8th, 2004.

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