



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 023-001
DATE OF PASSAGE January 10, 2023

An Ordinance Amending "Chapter 25, Article XI" of the Code of Ordinances.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the City Council finds that it is appropriate and in the best interest of the City to amend Chapter 25, Article XI, Tattoo Establishments of the Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows: Chapter 25, Article XI, Tattoo Establishments of the Code of Ordinances is hereby amended as reflected in Exhibit A.

AND BE IT FURTHER ORDAINED: that the City Clerk and Corporation Counsel are hereby authorized to make any non-substantive, clerical or formatting changes and amendments to Exhibit A as necessary for codifying and updating this Ordinance in Municode.

AND BE IT FUTHERE ORDAINED, that any prior resolutions and ordinances that are inconsistent or conflict with this resolution shall be and hereby be repealed.

ORDINANCE NO. 023-001

LEGISTAR NO. 22-1047

PASSED AND APPROVED ON January 10, 2023

AYES 12 NAYS 0 NOT VOTING 0 ABSENT 0

ALDERMAN	Vote
Alderman Llamas, Ward 1	yes
Alderwoman Garza, Ward 2	yes
Alderman Mesiacos, Ward 3	yes
Alderman Donnell, Ward 4	yes
Alderman Franco, Ward 5	yes
Alderman Saville, Ward 6	yes
Alderwoman Hart-Burns, Ward 7	yes
Alderwoman Smith, Ward 8	yes
Alderman Bugg, Ward 9	yes
Alderwoman Baid, Ward 10	yes
Alderman Woerman, At Large	yes
Alderman Jenkins, At Large	yes

ATTEST:


City Clerk


Mayor

1 **ARTICLE 25-XI TATTOO AND BODY ART ESTABLISHMENTS**

2 Sec 25-265 Definitions

3 Sec 25-266 License Required; Limit On Number Issued

4 Sec 25-267 Application And Fee

5 Sec 25-268 Issuance Or Denial Of License

6 Sec 25-269 Display Of License

7 Sec 25-270 Transfer Of License Prohibited

8 Sec 25-271 Premises

9 Sec 25-272 (Reserved)

10 Sec 25-273 Piercing

11 Sec 25-274 Inspections

12 Sec 25-275 Exemptions

13 Sec 25-276 Tattooing And Piercing The Body Of Minors

14 Sec 25-277 Compliance With State And County Requirements

15 Sec 25-278 Insurance

16 Sec 25-279 Revocation Or Suspension Of License

17 Sec 25-280 Penalties

18 Sec 25-281 Sale or transfer of Tattoo or Body Art Business

19 **Sec 25-265 Definitions**

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

21 *Applicant(s)* means any person, firm, company, partnership, corporation or association that applies for a
22 license under this chapter.

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

26 *Licensee* means any person, firm, company, partnership, corporation or association that owns or
27 operates an establishment where tattooing is performed and any individual who performs or practices
28 the art of tattooing other human beings.

29 *Lipshade, or lipshading* (also known as lip blushing) is the technique of placing small dots of color under
30 the skin through the use of a tiny needle to provide semi-permanent color to the lips.

31 *Microblade, or microblading* is the technique of placing hair like strokes of color under the skin through
32 the use of a blade to create the appearance of eyebrow hairs.

33 *Microshade, or microshading* is the technique of placing hair like dots of color under the skin through
34 the use of a tiny needle to create the appearance of eyebrow hairs.

35 *Tattoo, tattooed or tattooing* means any method of placing designs, letters, scrolls, figures, symbols or
36 any other marks upon or under the skin by the aid of needles or other instruments designed to touch or
37 puncture the skin. Tattoo, tattooed, or tattooing does not include lipshading, microblading or
38 microshading.

1 (Ord. No. O12-040, § 2, 5-22-12)

2 HISTORY

3 Amended by Ord. [O21-083](#) on 12/14/2021

4 Amended by Ord. [O22-066](#) on 9/27/2022

5 **Sec 25-266 License Required; Limit On Number Issued**

- 6 1. It shall be unlawful for any person, firm, company, partnership, corporation or association to
7 maintain and operate a tattoo establishment, with or without body piercing, without first having
8 obtained a license as hereinafter provided.
- 9 2. A license may be issued for only one (1) tattoo establishment. Every applicant desiring to
10 operate more than one (1) tattoo establishment must have a license for each location.
- 11 3. Every license as provided for herein shall be issued on an annual basis and shall expire on the
12 last day of December following its issuance, unless sooner revoked, and must be renewed
13 before operation is allowed for the following year.
- 14 4. The maximum number of allowable licenses for tattoo establishments shall be determined by
15 resolution of the city council from time to time. In addition, the city council may regulate the
16 number of licenses by geographical areas within the city.

17 (Ord. No. O12-040, § 2, 5-22-12)

18 **Sec 25-267 Application And Fee**

19 Applicants for a license to operate or conduct a tattoo establishment shall file a written application upon
20 a form provided by the city and nonrefundable license fee, to the city treasurer. The license fee for
21 tattoo establishments shall be determined, from time to time, by separate ordinance or resolution of
22 the city council. The application for a tattoo establishment shall include the following information:

- 23 1. The name, complete address and phone numbers of the business for which the license is sought;
- 24 2. The name, address and phone number of the person(s) with the State Body Art licenses which
25 will be associated with the business and copies of said of state Body Art license(s) or the
26 equivalent thereof;
- 27 3. The names, addresses and phone numbers of all persons or entities having an ownership
28 interest in the applicant business;
- 29 4. Hours and days of the week of operation;
- 30 5. A complete description of all tattoo and body piercing to be performed and any other products
31 or services offered for sale;
- 32 6. A statement indicating whether or not the applicant has ever had their Body Art license revoked
33 or suspended. If so, an explanation as to the reason for the suspension and revocation and any
34 remedial action taken subsequent to the suspension and revocation;

- 1 7. Copy of the certificate of registration with the Illinois Department of Public Health and a
- 2 certificate of compliance with or inspection by the county health department;
- 3 8. Copy of professional liability insurance in the amount of at least one hundred thousand dollars
- 4 (\$100,000.00);
- 5 9. The written and notarized declaration by the applicant under penalty of perjury that the
- 6 foregoing information contained in the application is true and correct.

7 (Ord. No. 012-040, § 2, 5-22-12)

8 **Sec 25-268 Issuance Or Denial Of License**

9 Within forty-five (45) days of receipt of a completed application in full, whether original or renewal, the
10 city treasurer, shall grant or deny the requested license and give written notice to the applicant as to the
11 decision. A license shall issue to the licensee unless one (1) or more of the following conditions exist:

- 12 1. The applicant fails to supply all of the information requested on the application;
- 13 2. The applicant gave materially false, fraudulent or untruthful information on the application;
- 14 3. The applicant has not fully complied with this article or any other applicable, federal, state or
- 15 local laws, regulations or ordinances affecting the conduct of the applicant's business(s) and
- 16 health and safety of its patrons;
- 17 4. The applicant has had a license revoked for the same business or same type of business or has
- 18 had a license revoked elsewhere;
- 19 5. The applicant or any person who will perform the tattooing or body piercing work is under
- 20 twenty-one (21) years of age;
- 21 6. The applicant or any other person in charge employs any employee not engaged in the tattooing
- 22 or body piercing of customers who is not at least eighteen (18) years of age, with the exception
- 23 of an apprentice designated in writing by the applicant;
- 24 7. The applicant is delinquent on any debt owed the city;
- 25 8. The premises of the tattoo establishment does not comply with 25-271.

26 (Ord. No. 012-040, § 2, 5-22-12)

27 **Sec 25-269 Display Of License**

28 The licensee shall display its valid current state license in a conspicuous place within the licensed
29 establishment so that the license may be readily seen by persons entering the establishment.

30 (Ord. No. 012-040, § 2, 5-22-12)

31 **Sec 25-270 Transfer Of License Prohibited**

32 No license for the operation of a tattoo establishment shall be transferred or sold.

33 (Ord. No. 012-040, § 2, 5-22-12)

Sec 25-271 Premises

All licensed tattoo establishment shall comply with each of the following minimum regulations:

1. The establishment shall have a certificate of compliance with or inspection by the county health department.
2. The establishment shall have a certificate of registration with the Illinois Department of Public Health.
3. The entire premises and equipment shall be maintained in a clean, sanitary condition and in good repair.
4. No person, while on the premises of the tattoo establishment, shall possess, sell, dispense, provide, give, or keep any alcoholic beverage.
5. The tattoo establishment shall not be open to the public for business between the hours of 10:00 p.m. and 8:00 a.m. Licensed establishments shall not accept new customers or clients after 10:00 p.m.
6. The main entrance door of the tattoo establishment shall be visible from a public street, with the exception of the regional malls, being the Fox Valley Mall and the Chicago Premium Outlet Mall where the main entrance shall be visible from the public corridor. All windows and signage shall comply with chapter 41, Signs, of the Code of Ordinances. .
7. The business shall also comply with all city codes and ordinances including the terms and conditions set forth in this article, and the code of ordinances.

(Ord. No. O12-040, § 2, 5-22-12)

Sec 25-272 (Reserved)**Sec 25-273 (Piercing)**

Body piercing may only be performed within a licensed body art establishment. The piercing of ears shall be exempt from the provisions of this article.

(Ord. No. O12-040, § 2, 5-22-12)

Sec 25-274 Inspections

Applicants and licensees shall allow city code enforcement officers, police officers, fire fighters and the fire marshal to access to the premises for the purpose of determining compliance with all city codes and ordinance including the terms and conditions set forth in this article.

(Ord. No. O12-040, § 2, 5-22-12)

Sec 25-275 Exemptions

The provisions of this chapter shall not apply to a physician or osteopath authorized to practice medicine or osteopathic medicine in the State of Illinois as set forth in the Illinois Medical Practice Act of

1 1987 (225 ILCS 60/1 et seq.) or any amendment thereof who perform body piercing or tattoo individuals
2 while in the course of their medical practice.

3 (Ord. No. O12-040, § 2, 5-22-12)

4 **Sec 25-276 Tattooing And Piercing The Body Of Minors**

5 In accordance with 720 ILCS 5/12-C35, no person under the age of eighteen (18) may be tattooed except
6 by a person authorized to practice medicine or for the purpose of tattoo removal. In accordance with
7 720 ILCS 5/12C-40, no minor under the age of eighteen (18) may be pierced without written consent of a
8 parent or legal guardian, except by a person authorized to practice medicine.

9 (Ord. No. O12-040, § 2, 5-22-12)

10 **Sec 25-277 Compliance With State And County Requirements**

11 The licensee of the tattoo or body piercing establishment shall comply with all state and county health
12 requirements applicable to such establishments, and if there is any conflict between the provisions of
13 this chapter and such state and county requirements, the more restrictive shall control.

14 (Ord. No. O12-040, § 2, 5-22-12)

15 **Sec 25-278 Insurance**

16 The licensee shall keep and maintain professional liability insurance in an amount of at least one
17 hundred thousand dollars (\$100,000.00) and shall provide evidence of such insurance upon application
18 for or renewal of each license.

19 (Ord. No. O12-040, § 2, 5-22-12)

20 **Sec 25-279 Revocation Or Suspension Of License**

21 It shall be cause for revocation or suspension that a licensee has violated any provision of this article or
22 any code or ordinance of the city relative to operation of the business or use of the premises, has made
23 false statement on any application for license under this article. No license shall be revoked or
24 suspended without notice and hearing first being provided to the licensee, in accordance with chapter 3
25 of the Aurora Code of Ordinances.

26 (Ord. No. O12-040, § 2, 5-22-12)

27 **Sec 25-280 Penalties**

28 In addition to license suspension or revocation as hereinabove provided, every applicant and/or licensee
29 violating any provision of this article may be fined not less than fifty dollars (\$50.00) nor more than five
30 hundred dollars (\$500.00), and a separate offense shall be deemed to have been committed each day
31 during which or on which a violation occurs or continues.

32 (Ord. No. O12-040, § 2, 5-22-12)

33

1 **Sec 25-281 Sale or transfer of Tattoo or Body Art Business**

2 While a Tattoo and Body Art license cannot be transferred or sold, the purchaser or new owner of a
3 prior Tattoo and Body Art business will be given preference for a new license for the benefit of
4 protecting current license holders and their investment in their business. If the owner(s) of a Tattoo and
5 Body Art License holder in good standing seek(s) to sell or transfer ownership of their business; the
6 transferee or purchaser may fill out a license application prior to sale or transfer. The city will review
7 said application and if applicant meets all applicant requirements of this article, the city can provide a
8 conditional license which will be approved upon proof of sale or transfer of the current business which
9 terminates the existing businesses' body art license.