

**VILLAGE PRESIDENT**  
Seth Speiser

**VILLAGE CLERK**  
Jerry Menard

**VILLAGE TRUSTEES**  
Ray Matchett, Jr.  
Steve Smith  
Mike Blaies  
Mathew Trout  
Dean Pruett  
Elizabeth Niebruegge

# VILLAGE OF FREEBURG

**FREEBURG MUNICIPAL CENTER**  
14 SOUTHGATE CENTER, FREEBURG, IL 62243  
PHONE: (618) 539-5545 • FAX: (618) 539-5590  
Web Site: www.freeburg.com

**VILLAGE ADMINISTRATOR**  
Tony Funderburg

**VILLAGE TREASURER**  
Bryan A. Vogel

**PUBLIC WORKS DIRECTOR**  
John Tolan

**POLICE CHIEF**  
Stanley Donald

**VILLAGE ATTORNEY**  
Weilmuenster Law Group, P.C

September 22, 2014

## NOTICE

### **MEETING OF LEGAL AND ORDINANCE COMMITTEES** **Annexation; Building; Zoning; Subdivision** **(Trout/Matchett/Pruett)**

A Legal and Ordinance Committee Meeting of the Village of Freeburg will be held at the Municipal Center, Executive Board Room, **Wednesday, September 24, 2014, at 5:00 p.m.**

### **LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA**

I. Items to be Discussed:

A. Old Business

1. Approval of August 27, 2014 Minutes
2. Zoning Report/Nuisance Properties
3. Update Code Book
4. Occupancy Permit Inspections

B. New Business

1. IML Recap
2. Time limits on donation collection requests
3. Ordinance Establishing Rules for Tattoo Parlors

C. General Concerns

D. Public Participation

E. Adjourn

At said Legal and Ordinance Meeting, the Village Trustees may vote on whether or not to hold an Executive Session to discuss the selection of a person to fill a public office [5 ILCS, 120/2 - (c)(3)], litigation [5 ILCS, 120/2 - (c)(11)] personnel [5 ILCS, 120/2 - (c)(1)]; collective negotiating matters between the public body and its employees or their representatives [5 ILCS 120/2 (C)(2)] or real estate transactions [5 ILCS, 120/2 - (c)(5)].

**VILLAGE PRESIDENT**  
Seth Speiser

**VILLAGE CLERK**  
Jerry Menard

**VILLAGE TRUSTEES**  
Ray Matchett, Jr.  
Steve Smith  
Mike Blaies  
Mathew Trout  
Dean Pruett  
Elizabeth Niebruegge

# VILLAGE OF FREEBURG

## FREEBURG MUNICIPAL CENTER

14 SOUTHGATE CENTER, FREEBURG, IL 62243

PHONE: (618) 539-5545 • FAX: (618) 539-5590

Web Site: [www.freeburg.com](http://www.freeburg.com)

Legal and Ordinance Committee Meeting  
(Annexation; Building; Zoning; Subdivision)  
(Trout/Matchett/Pruett)

Wednesday, September 24, 2014 at 5:00 p.m.

**VILLAGE ADMINISTRATOR**  
Tony Funderburg

**VILLAGE TREASURER**  
Bryan A. Vogel

**PUBLIC WORKS DIRECTOR**  
John Tolan

**POLICE CHIEF**  
Stanley Donald

**VILLAGE ATTORNEY**  
Weilmuenster Law Group, P.C

The meeting of the Legal and Ordinance Committee was called to order at 5:00 p.m. by Chairman Matt Trout on Wednesday, September 24, 2014, in the Freeburg Municipal Center. Members attending were Chairman Matt Trout, Trustee Ray Matchett (absent), Trustee Dean Pruett, Mayor Seth Speiser, Village Clerk Jerry Menard, Trustee Elizabeth Niebruegge, Trustee Steve Smith (5:20 p.m.), Zoning Administrator Gary Henning, Village Administrator Tony Funderburg and Office Manager Julie Polson.

### A. OLD BUSINESS:

1. Approval of August 27, 2014 Minutes: Trustee Dean Pruett motioned to approve the August 27, 2014 minutes and Trustee Matt Trout seconded the motion. All voting yea, the motion carried.
2. Status of Public Hazard Homes: Zoning Administrator Henning advised O'Reillys is working towards opening by the end of October. M's Nail Salon is moving from High Street to N. State St.
3. Update code book: Tony advised the changes to the proposed code book have been made. Tony said some of our requested changes have not been made. The committee agreed to schedule a Committee as a Whole meeting so everyone can review the code book to make sure we have all our proposed changes in there. The committee agreed to meet Wednesday, October 1<sup>st</sup> at 5:30 p.m.
4. Occupancy permits inspections: Trustee Trout stated we need to review the information that was previously passed out. He talked to Marissa and they love the program. They said it was hard at first but everyone is used to it now.

### B. NEW BUSINESS:

1. IML Recap: Trustee Niebruegge asked Julie to place this item on all committee agendas. Tony said one topic discussed was paperless agendas. Since Julie is copying everyone on all packets, we will probably go over on our allotment per the terms of the copier contract and could owe over \$2,000. He would rather put that money towards the purchase of tablets so everyone could access their packets during the meetings. We will look into the costs to purchase some.

Tony said another topic that was discussed was having Committee as a Whole meetings instead of the smaller 3-member committee meetings we currently have. It is very easy to violate the rules of the Open Meetings Act and by conducting our business under the Committee as a Whole setting, we would eliminate that exposure. Elizabeth said our time would be better utilized under the Committee as a Whole setting. If we finished up on one topic more quickly, we could move onto the next one. Tony will talk to Brian Manion about the logistics of moving to the two

Legal and Ordinance Committee Meeting  
Wednesday, September 24, 2014

Committee as a Whole meetings per month, and have him look into the pay aspect and revision to the codebook. Tony also said we are working towards getting everyone a village-issued email address so no personal emails will need to be used. Matt said a topic that was an eye opener to him was fraud. It covered several areas of fraud and what would be considered fraud. For example, we can't have a salaried employee earning comp time.

Gary found a grant opportunity for \$35,000 to use towards demolition of buildings, grass/weeds, and tree removal. Lastly, Tony brought up the topic of becoming NIMS compliant. He said Investigator Schutzenhofer is working with Brian Vielweber to help Freeburg attain this designation. Everyone working for the Village would need to get certified.

2. Time limits on donation collection requests: With the recent request from an organization to collect two full days, we need to get the times designated in our code book on when and how long an organization can collect donations. Tony will ask the Chief for his input on this. The Chief has expressed his concern over collection donations during peak hours, for example, when school lets out or at the end of a work day. Elizabeth suggested 4-hour blocks excluding early in the morning and late afternoon/early evening. Julie said the Knights of Columbus ignored the time limits set for collection last weekend.
3. Ordinance establishing rules for tattoo parlors: Tony advised we need to have a policy in our code book that addresses tattoo parlors. The proposed ordinance was adopted by Fairview Heights, and Tony stated they did a lot of research to ensure it was a complete policy.

*Trustee Dean Pruett motioned to recommend to the full Board we approve Ordinance 1515, An Ordinance Establishing Chapter 112 of the Village of Freeburg Code of Ordinances and Establishing Definitions, Regulations and Restrictions for Tattoo or Body Piercing Establishments in the Village of Freeburg and Trustee Matt Trout seconded the motion. All voting yea, the motion carried.*

Gary brought up video gaming and said it is getting out of hand. At IML, he found out from other municipalities that many companies are trying to come in and have the video gaming machines installed at quick marts/convenience stores that have a liquor license. Those municipalities have instituted a rule that the company has to be in business one year before they can apply for a video gaming license. Mayor Speiser said some of the cities charge \$6,000 for each video machine being brought into their town.

**C. GENERAL CONCERNS:** None.

**D. PUBLIC PARTICIPATION:** None.

**E. ADJOURN:** *Trustee Dean Pruett motioned to adjourn at 5:23 p.m. and Trustee Matt Trout seconded the motion. All voting yea, the motion carried.*

Julie Polson  
Office Manager



**VILLAGE PRESIDENT**  
Seth Speiser

**VILLAGE CLERK**  
Jerry Menard

**VILLAGE TRUSTEES**  
Ray Matchett, Jr.  
Steve Smith  
Mike Blaies  
Mathew Trout  
Dean Pruett  
Elizabeth Niebruegge

# VILLAGE OF FREEBURG

**FREEBURG MUNICIPAL CENTER**  
14 SOUTHGATE CENTER, FREEBURG, IL 62243  
PHONE: (618) 539-5545 • FAX: (618) 539-5590  
Web Site: [www.freeburg.com](http://www.freeburg.com)  
Legal and Ordinance Committee Meeting  
(Annexation; Building; Zoning; Subdivision)  
(Trout/Matchett/Pruett)  
Wednesday, August 27, 2014 at 5:00 p.m.

**VILLAGE ADMINISTRATOR**  
Tony Funderburg

**VILLAGE TREASURER**  
Bryan A. Vogel

**PUBLIC WORKS DIRECTOR**  
John Tolan

**POLICE CHIEF**  
Stanley Donald

**VILLAGE ATTORNEY**  
Weilmuenster Law Group, P.C

The meeting of the Legal and Ordinance Committee was called to order at 5:05 p.m. by Chairman Matt Trout on Wednesday, August 27, 2014, in the Freeburg Municipal Center. Members attending were Chairman Matt Trout, Trustee Ray Matchett, Trustee Dean Pruett, Mayor Seth Speiser, Village Clerk Jerry Menard, Trustee Elizabeth Niebruegge, Zoning Administrator Gary Henning, Public Works Director John Tolan, Village Administrator Tony Funderburg and Office Manager Julie Polson. Guest present: Janet Baechle.

## A. OLD BUSINESS:

1. Approval of July 30, 2014 Minutes: Trustee Ray Matchett motioned to approve the July 30, 2014 minutes and Trustee Matt Trout seconded the motion. All voting aye, the motion carried.
2. Status of Public Hazard Homes: Village Administrator Funderburg advised the County has taken over the demolition project of the Ernst property. They have had it inspected and it will come down properly. Tony advised it is on their bid list. The owner will retain the land once the demolition is complete. Zoning Administrator Henning advised we had a limb come down for the second time at 12 N. Vine. Since the tree was dead and in a hazardous position, Gary had a tree removal service come in and get rid of the tree. Tony advised we have implemented a new procedure where Gary will write up a work order for these types of situations and have Public Works Director Tolan responsible from that point on.
3. Update Code Book: Tony advised we will need another meeting with Frank where all the changes have been incorporated into the proposed code. We will also need to conduct a hearing for any changes that fall under the review of the Plan Commission. We also received a copy of Breese's code regarding manufactured homes as well as an anti-bullying policy. We need to decide if we want to incorporate those into our code.
4. Occupancy permits inspections: Trustee Trout had several examples of occupancy permit inspection procedures from surrounding municipalities. Julie will get them copied to everyone. Both Mayor Speiser and Public Works Director Tolan have been approached by the local landlords. They would like to be able to attend upcoming meetings where the policy will be discussed and decided upon.

- B. NEW BUSINESS:** Trustee Trout went to the Park Board meeting last Monday night. He said no decisions are being made on any suggestions we make. He and Tony have discussed creating a park action/improvement committee to try and get things going. The committee members would represent the Village, the Park District, FCAA,

Legal and Ordinance Committee Meeting  
Wednesday, August 27, 2014

Glen Polacek/Park Concession and the Junior Midgets. Matt stated the Park District is very much in favor of the creation of this committee.

C. **GENERAL CONCERNS:** None.

D. **PUBLIC PARTICIPATION:** None.

E. **ADJOURN:** *Trustee Dean Pruett motioned to adjourn at 5:22 p.m. and Trustee Ray Matchett seconded the motion. All voting yea, the motion carried.*



Julie Polson  
Office Manager

ORDINANCE NO. 1515

**AN ORDINANCE ESTABLISHING CHAPTER 112 OF THE  
VILLAGE OF FREEBURG'S CODE OF ORDINANCES AND  
ESTABLISHING DEFINITIONS, REGULATIONS AND  
RESTRICTIONS FOR TATTOO OR BODY PIERCING  
ESTABLISHMENTS IN THE VILLAGE OF FREEBURG**

**WHEREAS**, the Village of Freeburg finds the Zoning Ordinance as it pertains to Tattoo Parlors requires updating; and

**WHEREAS**, this Ordinance is intended to ensure the protection of the health, safety and general welfare of the residents of the Village of Freeburg.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Freeburg, St. Clair County, Illinois, as follows:

Section 112 of The Code of Ordinances of the Village of Freeburg is hereby amended by the addition of tattoo or body-piercing establishments which shall read as follows:

**TATTOO OR BODY-PIERCING ESTABLISHMENTS**

**Section 112.01** **DEFINITIONS.** For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

(A) **Tattoo, Tattooed and Tattooing.** Any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instruments designed to touch or puncture the skin.

(B) **Pierce, Pierced or Piercing.** Any method to make a hole in the body in order to insert or allow the insertion of any ring, hoop, stud, or other object for the purpose of ornamentation of the body. This Section shall not refer to nor prohibit ear piercing.

(C) **Tattoo or Body-Piercing Establishments.** Any establishment having a fixed place of business where any person, firm, association or corporation engages in or carries on, or permits to be engaged in or carried on any of the activities mentioned in paragraph (A) or (B) of this Section.

(D) **Out-Call Tattooing or Body-Piercing Service.** Any business, the function of which is to engage in or carry on Tattooing or Body-Piercing at a location designated by the customer or client rather than at a Tattoo, Body-Piercing establishment.

(E) **Tattooer.** Any person who, for any consideration whatsoever, engages in the practice of Tattooing as herein defined.

(F) **Body Piercer.** Any person who, for any consideration whatsoever, engages in the practice of Body-Piercing as herein defined.

(G) **Employee.** Any person and all persons including Tattooer, Body-Piercer, who render any service to the Permittee, who receives compensation directly from the Permittee, and who have no physical contact with customers and clients.

(H) **Persons.** Any individual, co-partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

(I) **Permittee.** The operator of a Tattoo or Body-Piercing establishment.

**Section 112.02 PERMITS AND CERTIFICATES REQUIRED.** It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on in or upon any premises in the Village the operation of a Tattoo or Body-Piercing establishment as herein defined, without first having obtained a permit from the Mayor.

Prior to applying for a permit to operate a Tattoo or Body-Piercing establishment the applicant and/or employee shall obtain a health certificate from a licensed physician. A health certificate shall be issued only upon a finding of a licensed physician that the applicant is free from any communicable disease and all employees of any Tattoo or Body-Piercing establishment must also subject themselves to an annual physical examination by a licensed physician, and it shall be unlawful to employ any person in the business of a Tattooeer or Body-Piercer who does not hold a valid health certificate.

Furthermore, all persons shall be required to secure **One Million Dollars (\$1,000,000.00)** Liability Insurance in order to operate a Tattooing or Body-Piercing establishment.

**Section 112.03 FILING OF APPLICATION AND FEE PROVISION.** Every applicant for a permit to maintain, operate or conduct a Tattoo, Body-Piercing establishment shall file an application in duplicate under oath with the Mayor upon a form provided by said Mayor and pay a non-refundable filing fee of **One Hundred Dollars (\$100.00)** for an original application and **One Hundred Dollars (\$100.00)** for a renewal application to the Mayor, who shall issue a receipt which shall be attached to the application filed with the Mayor.

The Mayor shall within **five (5) days** refer copies of such application to the Police Department and other applicable departments. The appropriate departments shall within **thirty (30) days** inspect the premises proposed to be operated as a Tattoo or Body-Piercing establishment and make written recommendations to the Mayor concerning compliance with the codes that they administer. The Police Department, shall within **sixty (60) days** conduct a background investigation and make written recommendations to the Mayor concerning the applicants background compliance. Within **ten (10) days** of receipt of the recommendations of the aforesaid departments, the Mayor shall notify the applicant that his application is granted, denied or held for further investigation. The period of such additional investigation shall not exceed an additional **thirty (30) days** unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation the Mayor shall advise the applicant in writing whether the application is granted or denied.

Whenever an application is denied or held for further investigation, the Mayor shall advise the applicant in writing of the reasons for such action.

The failure or refusal of the applicant to promptly give any information relevant to the investigation of the application or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding the said application or his or her refusal to submit to or cooperate with any inspection required by sections in this Chapter shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof by the Mayor.

Every Tattoo or Body-Piercing permit issued pursuant to this Section in this Chapter, shall terminate at the expiration of **one (1) year** from the date of issuance, unless suspended or revoked.

**Section 112.04 APPLICATION FOR TATTOO OR BODY-PIERCING ESTABLISHMENT.** The application for a permit to operate a Tattoo, Body-Piercing establishment shall set forth the exact

nature of the Tattooing or Body-Piercing to be administered, and the proposed place of business and facilities therefore.

In addition, to the foregoing, any applicant for a permit, including any partner, or limited partner of a partnership applicant, and any officer or director of a corporate applicant and any stockholder holding more than **ten percent (10%)** of the stock of a corporate applicant, shall furnish the following information:

- (A) Name and address;
- (B) Written proof that the individual is at least at **twenty-one (21) years** of age;
- (C) All residential addresses for the past **five (5) years**;
- (D) The applicant's height, weight, color of eyes and hair;
- (E) The business, occupation or employment of the applicant for **five (5) years** immediately preceding the date of application.
- (F) The Tattooing or Body-Piercing or similar business license history of the applicant; whether such person, in previously operating in this or another Village or State under license, has had such license revoked or suspended, the reasons hereof, and the business activity or occupation subsequent to such action of suspension or revocation.
- (G) All criminal or Village Ordinance violation convictions, forfeitures of bond, pleadings of nolo contendere, and court supervision on all charges, except minor traffic violations.
- (H) The fingerprints and photograph of the applicant.
- (I) If the applicant is a corporation, or a partner of a partnership is a corporation, the name of the corporation shall be set forth exactly as shown in its Articles of Incorporation.

**Section 112.05 ISSUANCE OF PERMIT FOR A TATTOO OR BODY-PIERCING ESTABLISHMENT.** Upon receipt of the recommendations of the departments referred to in **Section 8-9-3**, that the establishment is in compliance with all of the requirements of **Section 8-9-3**, the Mayor shall issue a permit to maintain, operate or conduct a Tattoo or Body-Piercing establishment, unless he finds:

- (A) That the operation, as proposed by the applicant, if permitted, would not have complied with all applicable laws, including but not limited to, the Building, Health, Planning, Housing, Zoning and Fire Code of the Village of Freeburg; or
- (B) That the applicant and any other person who will be directly or indirectly engaged in the management and operation of a Tattoo or Body-Piercing establishment has been convicted of:
  - (1) an offense involving sexual misconduct, or,
  - (2) the following sections of **720 ILCS 5** or a similar Village Ordinance; 11 et al (Sex Offense); 12-10 (Tattooing the Body of a Minor); 12-10.1 (Piercing the Body of a Minor); 12-33 (Ritualized Abuse of a Minor); and 12-34 (Female Genital Mutilation).

Every Tattoo or Body-Piercing Establishment Permit issued pursuant to Sections in this Chapter will terminate at the expiration of **one (1) year** from the date of its issuance, unless sooner suspended or revoked.

**Section 112.06 FACILITIES NECESSARY.** No Tattoo or Body-Piercing establishment shall be issued a permit, nor be operated, established or maintained in the Village unless an inspection by the Code Enforcement Officer reveals that the establishment complies with each of the following minimum requirements.

- (A) All Tattooing and Body-Piercing areas and floors shall have surfaces that may be readily disinfected;
- (B) Adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering Tattoos and Body Piercings.
- (C) Closed cabinets for the storage of clean linens, towels and other materials used in connection with administering Tattoos and Body Piercing. Covered containers or cabinets for the keeping of soiled linens, towels, and other materials that is separate from clean storage areas;
- (D) A Tattoo or Body-Piercing establishment shall not carry on, engage in or conduct business before **9:00 A.M.** or after **9:00 P.M.**
- (E) The room in which Tattooing or Body Piercing is done shall have an area of not less than **one hundred (100) square feet** with walls, floors and ceiling having an impervious, smooth and washable surface. All pre-existing tattoo establishments as of the date of passage shall be exempt from this paragraph **five (5) years** from the date of passage of this Ordinance or until such time as they renew their lease or renovated their facilities, which ever comes first.
- (F) A toilet shall be located in the parlor and shall be accessible at all times that the Tattoo or Body Piercing establishment is open for business. The lavatory shall be supplied with hot and cold running water, soap and sanitary towels;
- (G) All tables and other equipment shall be constructed of easily cleanable material, shall be painted or finished in a light color, with a smooth washable finish, and be separated from waiting customers or observers by a panel at least **six (6) feet** high or by a solid wall and door combination.
- (H) The entire premises and equipment shall be maintained in a sanitary condition and in good repair.
- (I) All clean, sterilized, and ready-to-use instruments shall be kept in a closed glass or metal case or storage cabinet while not in use. Such cabinet shall be maintained in a sanitary manner at all times.
- (J) A steam sterilizer (autoclave) shall be provided for sterilizing all reusable instruments before use on any customer, person, or patron. Alternative sterilizing procedures may be used only when specifically approved by the St. Clair County Health Department. Sterilization of equipment will be accomplished by exposure to live steam for at least **thirty (30) minutes** at a minimum pressure of **fifteen (15) pounds** per square inch, temperature of **two hundred forty (240) degrees Fahrenheit** or **one hundred sixteen (116) degrees Celsius.**
- (K) Instruments that are new or required to be sterilized shall be so used, handled, and temporarily placed during tattooing and body-piercing so that they will not be contaminated.
- (L) Toilet facilities shall be provided in convenient locations and in such a manner as to comply with the Illinois State Plumbing Code and all other applicable Building Codes of the Village.
- (M) Lavatories or washbasins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule. Lavatories or washbasins shall be provided with a soap dispenser and with sanitary towels.
- (N) The premises shall be equipped with a service sink for custodial services.

- (O) Every portion of the tattoo, body-piercing establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.

The Village Code Enforcement Officer shall certify that the proposed tattoo, body-piercing establishment complies with all the requirements of this Section of this Article and shall send such certification to the Mayor.

**Section 112.07 REVOCATION OR SUSPENSION OF PERMIT FOR TATTOO OR BODY-PIERCING ESTABLISHMENT.** Any permit issued for a tattoo or body-piercing establishment may be revoked or suspended by the Mayor after a hearing for good cause, or in any case where any of the provisions of this Article are violated or any employee of the permittee, including a tattooer or body-piercer, is engaged in any conduct at the permittee's place of business, which violates any of the provisions of any sections of this Article or any State law which provides for imprisonment, and the permittee has actual or constructive knowledge of such violations or the permittee should have had actual or constructive knowledge by due diligence, or where any applicant has made a false statement on an application for a permit under this Article or in any case where the permittee or licensee refuses to permit any duly authorized Police or Code Enforcement Officer or Health Inspector of the Village and the County of St. Clair to inspect the premises or the operations wherein. Such permit may also be revoked or suspended by the Mayor, after hearing upon the recommendation of the Code Enforcement and Fire Department that such business is being managed, conducted or maintained without regard for the public health or health of patrons or customers or without due regard to proper sanitation or hygiene.

Any violation of this Article by any employee of the permittee, including a tattooer or body-piercer, may be cause for suspension of the permit for not more than **thirty (30) days** for the first violation. Any subsequent violation of this Article by any employee of the permittee, including a tattooer or body-piercer, shall be cause for suspension or revocation of the permit.

The Mayor, before revoking or suspending any permit, shall give the permittee at least **ten (10) days** written notice of the charges against him or her and the opportunity for a public hearing before the Mayor, at which time the permittee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing.

**Section 112.08 TATTOOING OR BODY-PIERCING PERMIT.** Any person, including an applicant for a tattoo or body-piercing establishment permit, who engages in the practice of tattooing or body-piercing as herein defined shall file an application for a tattooing or body-piercing permit with the Mayor upon a form provided by said Mayor and shall pay a nonrefundable filing fee of **Sixty-Five Dollars (\$65.00)** for an original application and **Sixty-Five Dollars (\$65.00)** for a renewal application, to the Village Clerk, who shall issue a receipt which shall be attached to the application filed with the Mayor.

**Section 112.09 APPLICATION FORM FOR TATTOOING OR BODY-PIERCING PERMIT.** The application for a tattooing or body-piercing permit shall contain the following:

- (A) Name and residence address;
- (B) Social Security Number and drivers license number, if any;
- (C) Applicant's weight, height, color of hair and eyes;
- (D) Written evidence that applicant is at least **twenty-one (21) years** of age;
- (E) Business, occupation or employment of the applicant for **five (5) years** immediately preceding the date of application;

- (F) Whether the applicant has ever received court supervision, 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 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 Chief of Police, or his delegate, shall have the right to take fingerprints and a photograph of the applicant and the right to confirm the information submitted.

**Section 112.10** **ISSUANCE OF TATTOOING OR BODY-PIERCING PERMIT.** The Mayor may issue a temporary permit within **sixty (60) days** following application unless he finds that the applicant or any other person who will be directly or indirectly engaged in the management or operation of a tattoo or body-piercing establishment has been convicted of:

- (A) an offense involving sexual misconduct or,
- (B) the following sections of **720 ILCS Sec. 5** or a similar City ordinance: 11 et al (Sex Offenses); 12-10 (Tattooing the Body of a Minor); 12-10.1 (Piercing the Body of a Minor); 12-33 (Ritualized Abuse of a Minor); and 12-34 (Female Genital Mutilation).

Every permit issued pursuant to this Section in this Chapter shall terminate at the expiration of **one (1) year** from the date of its issuance, unless suspended or revoked.

**Section 112.11** **REVOCAION OF TATTOOING OR BODY-PIERCING PERMIT.** A tattooing or body-piercing permit issued by the Mayor shall be revoked or suspended where it appears that the tattooer or body-piercer has been convicted of any offense which would be cause for denial of a permit upon an original application, has made a false statement on an application for a permit, or has committed an act in violation of this Article.

The Mayor, before revoking or suspending a tattooing or body-piercing permit, shall give the permit holder a written notice specifying the grounds thereof. Such person may within **ten (10) days** of such revocation or suspension, file a written request with the Mayor for a public hearing before the Mayor at which time the tattooer or body-piercer may present evidence bearing upon the question.

**Section 112.12** **OPERATING, HEALTH, AND SANITARY REQUIREMENTS.**

- (A) The operator shall wash his/her hands thoroughly with soap and water before starting to tattoo and his hands shall be dried with individual, single use towels. The operator shall wear a clean pair of latex gloves, designed for use in surgery, for each customer.
- (B) No tattooing shall be penetrated, abraded, or treated with chemicals for the purpose of removing, camouflaging, or altering any blemish, birthmark, scar, or tattoo.
- (C) No intoxicated person shall be tattooed on the licensed premises.
- (D) Employees shall at all times, comply with the regulations of the Department of Labor's Occupational Safety and Health Administration (29 CFR 1910.1030), 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.

- (E) For shaving, a new, single-service, disposable safety razor shall be used for each customer or patron.
- (F) The area to be tattooed shall be first thoroughly washed for a period of **two (2) minutes** with warm water to which has been added an antiseptic liquid soap. A sterile single-use sponge shall be used to scrub the area. After shaving and alcohol shall be applied with a sterile instrument. before tattooing is begun, a solution of **seventy percent (70%)**
- (G) Only petroleum jelly in collapsible metal or plastic tubes, or its medically acceptable equivalent shall be used on the area to be tattooed and it shall be applied with sterile gauze.
- (H) The use of styptic pencils, alum blocks, or other solid styptic to check the flow of blood is prohibited.
- (I) Patrons with a history of recent jaundice or hepatitis shall not be tattooed. Patrons shall sign an affidavit attesting that they do not have a recent history of jaundice or hepatitis. This affidavit shall be kept on file by the tattoo or body-piercing establishment for at least **one (1) year**.
- (J) 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 a patron and any dye in which the needles were dipped shall not be used on another person.
- (K) Excess dye or ink shall be removed from the skin with an individual sterile sponge or disposable paper tissue that shall be used only on one person and then immediately discarded.
- (L) After completing work on any person, the tattooed area shall be washed with sterile gauze saturated with antiseptic soap solution, or a **seventy percent (70%)** alcohol solution. The tattooed area shall be allowed to dry and petroleum jelly from a collapsible or plastic tube shall be applied, using sterile gauze. A sterile gauze dressing shall then be fastened to the tattooed area with adhesive.
- (M) Only new, single-service needles shall be used for tattooing or body-piercing.

**Section 112.13 DAILY REGISTER.** Every permittee operating a tattoo or body-piercing establishment shall keep a bound appointment book showing all patrons, with names, addresses, date of birth, age, type of identification presented, identification control number, and hours of arrival. Such daily register, shall, at all times during business hours, be subject to inspection by the Police Department or Code Enforcement Officer and shall be kept on file for **one (1) year**. Only the following picture identification documents shall be acceptable for proof of age and daily register documentation:

- (A) State driver's license.
- (B) Military identification.
- (C) Passport.
- (D) State identification card.

**Section 112.14 OUT-CALL SERVICE.** No "Out-Call Tattooing or Body-Piercing Service" may be operated.

**Section 112.15** **INSPECTIONS.** The Police Department and the Code Enforcement Officer shall, from time to time, make an inspection of each tattoo or body-piercing establishment granted a permit under the provisions of this Article for the purposes of determining that the provisions of this Article are complied with. Such inspections shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any person as defined in **Section 8-9-1(H)** to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

**Section 112.16** **EMPLOYMENT OF PERSON UNDER THE AGE OF TWENTY-ONE (21) PROHIBITED.** It shall be unlawful for any owner, proprietor, manager or other person in charge of any tattoo or body-piercing establishment to employ any person to perform tattooing or body-piercing who is not at least **twenty-one (21) years** of age.

**Section 112.17** **IDENTIFICATION CARD.** The Police Department shall provide each tattooer or body-piercer granted a permit with an identification card which shall contain a photograph of the tattooer or body-piercer and the full name and permit number assigned to said tattooer or body-piercer, which must be worn on the front of the outermost garment at all times during the hours of operation of any establishment granted a permit, pursuant to this Article.

**Section 112.18** **TRANSFER OF PERMITS.** No permit for the operation of a tattoo or body-piercing establishment issued pursuant to the provisions of this Article and sections shall be transferable. However, upon the death or incapacity of the permittee, the tattoo or body-piercing establishment may continue in business for a reasonable period of time to allow for an orderly transfer of the permit upon receiving written consent of the Mayor.

**Section 112.19** **DISPLAY PERMITS AND ORDINANCE.** Every permittee shall display a valid permit and a copy of the tattoo or body-piercing establishments and Tattooing and Body-Piercing Services Ordinance in a conspicuous place within the tattoo or body-piercing establishment so that persons entering the premises may readily see them.

**Section 112.20** **EMPLOYMENT OF TATTOOER OR BODY-PIERCERS.** It shall be the responsibility of the permittee for the tattoo or body-piercing establishment or the employer or any persons purporting to act as tattooer or body-piercer to insure that each person employed as a tattooer or body-piercer shall first have obtained a valid permit pursuant to this Article and sections.

**Section 112.21** **TIME LIMIT FOR FILING APPLICATION FOR PERMIT.** Applications for renewal of permits must be filed not more than **two (2) months** nor less than **one (1) month** prior to termination of an existing permit.

**Section 112.22** **AGE REQUIREMENTS FOR TATTOOS.** It shall be unlawful for any person, other than a person licensed to practice medicine in all its branches, to tattoo or offer to tattoo a person under the age restriction established by **720 ILCS Sec. 5/12-10** of the **Illinois Compiled Statutes**.

**Section 112.23** **AGE REQUIREMENTS FOR BODY-PIERCING.** It shall be unlawful for any person to pierce or offer to pierce the body of a person under the age restriction established by **720 ILCS Sec. 5/12-10** of the **Illinois Compiled Statutes** without written consent of a parent or legal guardian who shall be present at the time of the piercing.

**Section 112.24** **RULES AND REGULATIONS.** The Mayor may, after public hearing, make and enforce reasonable rules and regulations not in conflict with, but to carry out the intent of this Article and Section.



ATTEST:

---

Jerry Menard  
Village Clerk

Village President

Approval as to Legal Form:

---

Village Attorney

LEGAL-ORDNANCE MEETING  
ZONING REPORT SEPTEMBER 24, 2014

Gary Henning Zoning Administrator

Next week's Freeburg Tribune article will be September Permits Issued.

Attended the 101<sup>st</sup> IML Conference in Chicago last Thursday thru Sunday: Attended some really good programs:

- \*Technology trends for 2014
- \*Understanding the Intent and Purpose of Building Codes
- \*OMA & FOIA Updates: Avoiding Compliance Pitfalls
- \*Opening General Session with Governor Pat Quinn Speaking
- \*Open Meeting Act & FOIA in the Internet Age
- \*Demolitions, Vacant and/or Abandoned Properties
- \*What you Need to Know about Video Gaming
- \*Second Amendment & Zoning: The Other Side of Concealed Carry
- \*How much Process is Due Process?

The majority of programs I attended were very interesting and educational. Brings everyone thing up to current standards and goes over any new changes or additions.

14--Courtesy calls concerning high grass in September

8--Occupancy Permits issued in September

7--Building Permits issued in September:

- 1-Fence
- 1-New Deck
- 3-Sign
- 1-Set of Steps with Handrails
- 1-Pre-Fab Shed

Nuisances Corrected in September: 11

Nuisance Complaints with action to be taken:

1. The old G&S Foundry which has been vacant since 1998 is for sale-on hold at present due to owner's legal lawsuits.
2. Talked with owner about complaint on his rental property located at 107 S. Pitts—he is working on correcting the mess left by renters. He is making weekly progress.

New Businesses Working:

O'REILLY AUTO PARTS--Ground-breaking ceremony was held Monday August 4<sup>th</sup> at 9:00 am. Making good progress over the past 6 weeks.

POSSIBLE AUTO REPAIR AND PAINT SHOP: Jerry Kessler who runs and owns Kessler's Auto Body in St. Libory is presently in negotiations for various properties located within the Village to build state-of-art building and equipment to include 6 glass door bays for business.

Pickers has inquired on leasing part of their property to someone who wants to operate a Tattoo Parlor.

M's Nail Salon & Unique Boutique has changed location from 201B W. High to 205 N. State Street.