

**ORDINANCE 2000-6  
AMENDMENT 1**

**AN ORDINANCE TO AMEND AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR TATTOO AND BODY ART BUSINESSES WITHIN THE CITY OF DAHLONEGA.**

**BE IT ORDAINED** by the City Council of the City of Dahlonega that Ordinance 2000-6 is hereby amended and restated in its entirety to read as follows:

Tattoo and Body Art  
Rules and Regulations

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## 1. PURPOSE

The purpose of these rules and regulations is to establish standards for individuals performing tattoo and body art procedures and the facilities from which the procedures are provided. Such standards should insure the health and safety of all individuals performing and receiving these services. These standards are written to insure the health and safety of the public.

## 2. DEFINITIONS

The following terms used in these regulations and ordinances are defined as follows:

- 2.1 "AFTERCARE" means written instructions given to the client, specific to the body art procedure(s) rendered, about caring for the body art and surrounding area. These instructions will include information about when to seek medical treatment, if necessary.
- 2.2 "ANTISEPTIC" means an agent that destroys disease-causing microorganisms on human skin or mucosa.
- 2.3 "BODY ART" means the practice of physical body adornment by permitted establishments and operators using, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures by a state medical board, such as implants under the skin, which shall not be performed in a body art establishment. Nor does this definition include, for the purposes of this code, piercing of the outer perimeter or lobe of the ear with pre-sterilized single-use stud-and-clasp ear piercing systems.
- 2.4 "BODY ART ESTABLISHMENT" means any place or premise, whether public or private, temporary or permanent in nature or location, where the practices of body art, whether or not for profit, are performed.
- 2.5 "BODY PIERCING" means puncturing or penetration of the skin of a person with pre-sterilized single-use needles and the insertion of pre-sterilized jewelry or other adornment thereto in the opening, except that puncturing the outer perimeter or lobe of the ear with a pre-sterilized single-use stud-and-clasp ear piercing system shall not be included in this definition.
- 2.6 "CONTAMINATED WASTE" means any liquid or semi liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined in 29 Code of Federal Regulations Part 1910.1030 (latest edition), known as "Occupational Exposure to Blood borne Pathogens".
- 2.7 "COSMETIC TATTOOING" see "TATTOOING".
- 2.8 "DEPARTMENT" means the agency or its authorized representatives, having jurisdiction

to promulgate, monitor, administer, and enforce these regulations. Defined here to mean the Lumpkin County Health Department as agent of the City of Dahlonega and Lumpkin County, together with other designated authorities of the City of Dahlonega and Lumpkin County.

2.9 "DISINFECTION" means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

2.10 "EAR PIERCING" means the puncturing of only the outer perimeter or lobe of the ear with a pre-sterilized single-use stud-and-clasp ear piercing system following manufacturer's instructions. Under no circumstances shall ear piercing studs and clasps be used anywhere on the body other than the outer perimeter and lobe of the ear.

2.11 "EQUIPMENT" means all machinery; including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of a body art establishment.

2.12 "HAND SINK" means a lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms, or other portions of the body.

2.13 "HOT WATER" means water that attains and maintains a temperature of at least 100 degrees Fahrenheit.

2.14 "INSTRUMENTS USED FOR BODY ART" means hand pieces, needles, needle bars, and other instruments that may come in contact with a client's body or may be exposed to bodily fluids during body art procedures.

2.15 "INVASIVE" means entry into the body either by incision or insertion of an instrument into or through the skin or mucosa, or by any other means intended to puncture, break, or compromise the skin or mucosa.

2.16 "JEWELRY" means any personal ornament inserted into a newly pierced area, which must be made of surgical implant-grade stainless steel; solid 14k or 18k white or yellow gold, niobium, titanium, or platinum; or a dense, low-porosity plastic, which is free of nicks, scratches, or irregular surfaces and which has been properly sterilized prior to use.

2.17 "LIQUID CHEMICAL GERMICIDE" means a disinfectant or sanitizer registered with the U.S. Environmental Protection Agency or dilution of household chlorine bleach made fresh daily and dispensed from a spray bottle (500 ppm, 1/4 cup per gallon or 2 tablespoons per quart of tap water).

2.18 "MOBILE BODY ART ESTABLISHMENT/UNIT" means a mobile establishment or unit or person who performs body art in various locations.

2.19 "OPERATOR/TECHNICIAN" means any person who controls, operates, manages, conducts, or practices body art activities. This person is responsible for compliance with these

regulations, whether actually performing body art activities or not. The term includes technicians who work under the operator and perform body art activities.

2.20 "PERMIT" means written approval by the Department to operate a body art establishment. Approval is given in accordance with these regulations and is separate from any other licensing requirement that may exist within communities or political subdivisions comprising the jurisdiction.

2.21 "PERSON" means an individual, any form of business or social organization or another non-governmental entity, including but not limited to, corporations; partnerships; limited-liability companies; associations; trusts or unincorporated organizations.

2.22 "PHYSICIAN" means a person licensed by the state to practice medicine in all its branches and may include other areas such as dentistry, osteopathy, depending on the rules and regulations particular to the state.

2.23 "PROCEDURE SURFACE" means any surface of an inanimate object that contacts the client's unclothed body during a body art procedure, skin preparation of the area adjacent to and including the body art procedure, or any associated work area, which requires sanitizing.

2.24 "SANITIZATION PROCEDURE" means a process of reducing the number of microorganisms on cleaned surfaces and equipment to a safe level as judged by public health standards, and which has been approved by the Department.

2.25 "SHARPS" means any objects (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa, including but not limited to, pre-sterilized, single-use needles; scalpel blades; and razor blades.

2.26 "SHARPS CONTAINER" means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal; and that is labeled with the international biohazard symbol.

2.27 "SINGLE USE" means products or items that are intended for one-time one-person use and are disposed of after use on each client, including but not limited to, cotton swabs or balls; tissues or paper products; paper or plastic cups; gauze and sanitary coverings; razors; piercing needles; scalpel blades; stencils; ink cups; and protective gloves.

2.28 "STERILIZATION" means a very powerful process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores or viruses.

2.29 "TATTOOING" means any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing.

2.30 "TEMPORARY BODY ART ESTABLISHMENT" means any place or premise operating at a location where an operator performs body art procedures.

2.31 "UNIVERSAL PRECAUTIONS" means a set of guidelines and controls, published by the Centers for Disease Control and Prevention (CDC), as "Guidelines for Prevention of Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Health-Care and Public-Safety Workers" in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol.38, No S-6, and as "Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures", in MMWR, July 12, 1991, Vol.40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV, and other blood pathogens. Precautions include hand washing, gloving, personal protective equipment, injury prevention, and proper handling and disposal of needles; other sharp instruments; and blood-and body fluid-contaminated products.

### 3. REQUIREMENTS AND PROFESSIONAL STANDARDS for BODY ART OPERATOR/TECHNICIAN

3.1 The following information shall be kept on file on the premises of a body art establishment and available for inspection by the Department:

a. Employee information must be kept on file on the premises for each and every operator or technician:

1. Full names and exact duties
2. Date of birth
3. Gender
4. Home address
5. Home/work phone numbers
6. Photo identification (driver's license)
7. Yearly health examination with photo identification stating perator/technicians to be free of communicable diseases (including, but not limited to HIV, HBV, and TB).
8. Law enforcement certification stating that operator/technician has not been convicted of a felony.

b. Establishment information:

1. Establishment name, address and telephone number
2. Hours of operation
3. Owner's name, residential address and telephone number
4. Current biohazard collection contract
5. Current liability insurance in amount not less than \$200,000.
6. Emergency contact name and phone number. This emergency contact information must be posted on the main exterior door of the establishment.

c. A complete description of all body art procedures performed.

d. An inventory of all instruments and body jewelry, all sharps, and all inks used for any and all body art procedures, including names of manufacturers and serial or lot numbers, if applicable. Invoices or orders shall satisfy this requirement.

e. A copy of these regulations.

3.2 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 permit.

3.3 The body art operator/technician must be a minimum of 18 years of age.

3.4 Smoking, eating, or drinking is prohibited in the area where body art is performed.

3.5 Operators/technicians shall refuse service to any person who is under the influence of alcohol or drugs or appears to be under the influence.

3.6 The operator/technician shall maintain a high degree of personal cleanliness, conform to hygienic practices, and wear clean clothes when performing body art procedures. Before performing body art procedures, operators/technicians must thoroughly wash their hands in hot 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.

3.7 In performing body art procedures, the operator shall wear disposable medical gloves. Gloves must 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 set of gloves is donned. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable medical gloves does not preclude or substitute for hand washing procedures as part of a good personnel hygiene program.

3.8 If, while performing a body art procedure, the operator's/technician's glove is pierced, torn, or otherwise contaminated, the procedure delineated in section 2.7 shall be repeated immediately. The contaminated gloves shall be immediately discarded, and the hands washed thoroughly (see 3.7 above) before a fresh pair of gloves is applied. Any item or instrument used for body art that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.

3.9 Contaminated waste, as defined in this code, that may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled must be placed in an approved "red" container marked with the international biohazard symbol. It must then be disposed of by a waste hauler approved by the Department or, at a minimum, in compliance with 29 CFR Part 1910.1030, "Occupational Exposure to Blood borne Pathogens". Sharps ready for disposal shall be disposed of in approved sharps containers. Contaminated 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,

approved disposal methods. Storage of contaminated waste onsite shall not exceed the period specified by the Department or more than a maximum of 30 days, as specified in 29 CFR Part 1910.1030, whichever is less.

3.10 No person shall perform any body art procedure upon a person under the age of 18 years. Regardless of whether parental consent is given, it is illegal to perform any body art on a person under 18 years of age.

3.11 Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.

3.12 The skin of the operator/technician shall be free of rash or infection. No person or operator affected with boils, infected wounds, open sores, abrasions, keloids, weeping dermatological lesions or respiratory infection shall work in any area of a body art establishment in any capacity in which there is a likelihood that that person could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.

3.13 Proof shall be provided upon request of the Department that all operators/technicians have completed the Hepatitis B vaccination series. This should be included as a pre-employment requirement.

3.14 No operator/technician shall be under the influence of drugs or alcohol while performing body art. Department inspectors who suspect drug or alcohol use on the premises may call law enforcement to perform a field sobriety test or alcohol/drug test.

#### 4. EXEMPTIONS

4.1 Physicians licensed by the State of Georgia who perform independent of body art procedures as part of patient treatment are exempt from these regulations.

4.2 Individuals who pierce only the outer perimeter and lobe of the ear with a pre-sterilized single-use stud-and-clasp ear piercing system are exempt from these regulations. Individuals who use ear-piercing systems must conform to the manufacturer's directions on use and applicable U.S. Food and Drug Administration requirements. The Department retains authority to investigate ear piercing establishments as well as consumer complaints relating to alleged misuse or improper disinfection of ear-piercing systems.

#### 5. PUBLIC NOTIFICATION REQUIREMENTS

5.1 Verbal and written public educational information, approved by the Department, shall be required to be given to all clients wanting to receive body art procedure(s). Verbal and written instructions, approved by the Department, for the aftercare of the body art procedure site shall be provided to each client by the operator upon completion of the procedure. The written instructions shall advise the client to consult a physician at the first sign of infection or swelling and shall contain the name, address, and phone number of the establishment as well as emergency contact name and telephone numbers. These documents shall be signed and dated by

both parties, with a copy given to the client and the operator retaining the original with all other required records. In addition, all establishments shall prominently display a Disclosure Statement, approved by the Department, which advises the public of the risks and possible consequences of body art services. The facility permit holder shall also post in public view the name, address and phone number of the local/state Department that has jurisdiction over this program and the procedure for filing a complaint. The Disclosure Statement and the Notice for Filing a complaint shall be included in the establishment Permit Application Packet.

5.2 All infections, complications, or diseases resulting from any body art procedure that become known to the operator shall be reported to the Department by the operator within 24 hours.

## 6. CLIENT RECORDS

6.1 Photo identification must be kept with client records.

6.2 So that the operator/technician can properly evaluate the client's medical condition for receiving a body art procedure and not violate the client's rights or confidential medical information, the operator or technician shall ask for the information as follows:

"So your body art procedure heals properly; we ask that you disclose if you have or have had any of the following conditions:

- a. Diabetes
- b. History of hemophilia (bleeding)
- c. History of skin disease, skin lesions, or skin sensitivities to soaps, disinfectants, etc
- d. History of allergies or adverse reactions to pigments, dyes, or other skin sensitivities
- e. History of epilepsy, seizures, fainting, or narcolepsy
- f. Use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting."

6.3 The operator/technician should ask the client to sign a Release Form confirming that the above information was obtained or that the operator/technician attempted to obtain it. The client should be asked to disclose any other information that would aid the operator/technician in evaluating the client's body art healing process.

6.4 Each operator shall keep records of all body art procedures administered, including date, time, identification and location of the body art procedure(s) performed; operator's name; and copy of photo identification of client. All client records shall be confidential and be retained for a minimum of three(3) years and made available to the Department upon notification.

6.5 Should the establishment close, all records must be stored within Lumpkin County for a minimum of three(3) years. The Department must be notified of the storage location and how to access the information.



6.6 Nothing in this section shall be construed to require the operator to perform a body art procedure upon a client.

## 7. RECORD RETENTION

7.1 The body art establishment shall keep a record of all persons who have had body art procedures performed. The record shall include the name, date of birth, address, and copy of photo identification (driver's license) of the client; the date of the procedure; the name of the operator who performed the procedure(s); type and location of procedure performed; and signature of client. Such records shall be retained for a minimum of three(3) years and shall be available to the Department upon request. The Department and the body art establishment shall keep such records confidential. The Department may use such record for the health and safety of the client, the body art technicians and/or the general public.

## 8. PREPARATION AND CARE OF THE BODY ART AREA

8.1 Before a body art procedure is performed, the immediate skin area and the areas of skin surrounding where the body art procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation, depending on the type of body art to be performed. If shaving is necessary, single-use disposable razors or safety razors with single-service blades shall be used. Blades shall be discarded after each use, and reusable holders shall be autoclaved after use. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.

8.2 In the event of blood flow, all products used to check the flow of blood or to absorb blood shall be single use and disposed of immediately after use in appropriate covered, leak proof biohazard containers. All blood products shall be placed in bio-waste containers.

## 9. SANITATION AND STERILIZATION PROCEDURES

9.1 All non-single-use, non-disposable instruments used for body art shall be cleaned thoroughly in a separate sink not less than three feet from the hand wash sink after each use by scrubbing with an appropriate soap or disinfectant solution and hot water or by following the manufacturer's instructions to remove blood and tissue residue; and shall be placed in an ultrasonic unit also operated in accordance with manufacturer's instructions.

9.2 After being cleaned, all non-disposable instruments used for body art shall be packed individually in peel-packs and subsequently sterilized (see 9.3). All peel-packs shall contain either a sterilizer indicator or internal temperature indicator. Peel-packs must be dated with an expiration date not to exceed six(6) months.

9.3 All cleaned, non-disposable instruments used for body art shall be sterilized in a steam autoclave or dry-heat sterilizer (if approved by the Department). The sterilizer shall be used, cleaned, and maintained according to manufacturer's instruction. A copy of the manufacturer's recommended procedures for the operation of the sterilization unit must be available for

inspection by the Department. Sterile equipment may not be used if the package has been breached or after the expiration date without first repackaging and re-sterilizing. Sterilizers shall be located away from workstations or areas frequented by the public. If the body art establishment uses only single-use, disposable instruments and products, and uses sterile supplies, an autoclave shall not be required.

9.4 Each holder of a permit to operate a body art establishment shall demonstrate that the sterilizer used is capable of attaining sterilization by monthly spore destruction tests. These tests shall be verified through an independent laboratory. The permit shall not be issued or renewed until documentation of the sterilizer's ability to destroy spores is received by the Department. These test records shall be retained by the operator for a period of three(3) years and made available to the Department upon request. The cost of these tests shall be borne by the operator.

9.5 All reusable needles used in tattooing and cosmetic tattooing shall be cleaned and sterilized prior to use and stored in peel-packs. After sterilization, the instruments used for tattooing/body piercing shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.

9.6 All instruments used for tattooing/body piercing shall remain stored in sterile packages until just prior to the performance of a body art procedure. When assembling instruments used for body art procedures, the operator shall wear disposable medical gloves and use medically recognized techniques to ensure that the instruments and gloves are not contaminated.

9.7 All inks, dyes, pigments, needles, and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions. The mixing of approved inks, dyes, or pigments or their dilution with potable water is acceptable. Immediately before a tattoo is applied, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single use paper cups or plastic cups. Upon completion of the tattoo, these single cups and their contents shall be discarded in non-leaking biohazard containers.

## 10. REQUIREMENTS FOR SINGLE-USE ITEMS

10.1 Single-use items shall not be used on more than one client for any reason. After use, all single-use needles, razors, and other sharps shall be immediately disposed of in approved sharps biohazard containers.

10.2 All products applied to the skin, including body art stencils, shall be single-use and disposable. Acetate stencils shall not be allowed for reuse. The gauze shall be used only once and then discarded.

## 11. REQUIREMENTS FOR PREMISES

11.1 Body art establishments applying after adoption of this code shall submit a scale drawing and floor plan of the proposed establishment for a plan review by the Department, as part of the Permit Application process. The Department may charge a fee for this review.

11.2 All walls, floors, ceilings, and procedure surfaces of a body art establishment shall be smooth, free of open holes or cracks, light colored, washable, and in good repair. Walls, floors, and ceilings shall be maintained in a clean condition. All procedure surfaces, including client chairs/benches, shall be of such construction as to be easily cleaned and sanitized after each client. All body art establishments shall be completely separated, by solid partitions or by walls extending from floor to ceiling, from any room used for human habitation; any food establishment or room where food is prepared; any hair salon; any retail sales; or any other such activity that may cause potential contamination of work surfaces.

11.3 Effective measures shall be taken by the body art operator to protect against entrance into the establishment and against the breeding or presence on the premises of insects, vermin, and rodents. Insects, vermin, and rodents shall not be present in any part of the establishment, its appurtenances, or appertaining premises.

11.4 There shall be a minimum of 45 square feet of floor space for each operator in the establishment. All body art stations shall be screened from public view. Multiple body art stations shall be separated by permanent walls.

11.5 The establishment shall be well-ventilated and provided with an artificial light source equivalent to at least 20-foot candles three feet off the floor, except that at least 100-foot candles shall be provided at the level where the body art procedure is being performed, and where instruments and sharps are assembled.

11.6 No animals of any kind shall be allowed in a body art establishment except service animals used by persons with disabilities (e.g. guide dogs). Fish aquariums shall be allowed in waiting rooms and non-procedural areas.

11.7 A separate, readily accessible hand sink with hot and cold running water, under pressure, preferably equipped with wrist or foot operated controls and supplied with liquid soap and disposable paper towels, shall be readily accessible within the body art establishment. One hand sink shall serve no more than three operators. In addition, there shall be a minimum of one lavatory, excluding any service sinks, and one toilet in a body art establishment. An additional sink shall be available for contaminated equipment, which shall be at least three feet from the hand-washing sink.

11.8 At least one covered waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator area shall be emptied daily, and solid waste shall be removed from the premises at least weekly. All refuse containers shall be lidded, cleanable, and kept clean.

11.9 All instruments and supplies shall be stored in clean, dry, and covered containers.

11.10 Reusable cloth items shall be mechanically washed with detergent and dried after each use. The cloth items shall be stored in a dry, clean environment until used.

11.11 All working areas must be accessible to emergency medical services and equipment.

## 12. PERMIT REQUIREMENTS

### A. Establishment Permit

12.1 No person, firm, partnership, joint venture, association, business trust, corporation or organized group or persons may operate a body art establishment except with a body art establishment permit from the Department.

12.2 Any person operating a body art establishment must obtain an annual permit from the Department.

12.3 The applicant shall pay fees as set periodically by the Department for each body art establishment permit.

12.4 A permit for a body art establishment shall not be transferable from one place or person to another.

12.5 A current body art establishment permit shall be posted in a prominent and conspicuous area where it may be readily observed by clients.

12.6 The holder of a body art establishment permit must only hire operators who have complied with the operator permit requirements of this code.

### B. Operator Permit

12.7 No person shall practice body art procedures without first obtaining an operator permit from the Department. The Department shall set a fee for such permits and inspections.

12.8 The operator permit shall be valid from the date of issuance and shall automatically expire in one (1) year from the date of issuance unless revoked sooner by the Department in accordance with Section 13.

12.9 Application for operator permits shall include:

- a. Name shown on photo identification
- b. Date of birth
- c. Gender
- d. Residence address
- e. Mailing address
- f. Phone numbers
- g. Prior place(s) of employment
- h. Training and/or experience
- i. Proof of attendance at a Blood borne pathogen training program (or equivalent), given or approved by the Department

- j. Health certificate not more than 90 days old showing operator/technician to be free of communicable disease (including but not limited to TB, HBV, HIV).
- k. Liability insurance in the amount of \$200,000.
- l. Statement signed by the operator/technician that he/she has not been denied a permit to practice body art in another location and has never had a permit revoked in another location.
- m. Biohazard waste disposal contract.
- n. Law enforcement certification that operator/technician has not been convicted of a felony.

12.10 Applicant shall demonstrate knowledge of the following subjects:

- a. Anatomy
- b. Skin diseases, disorders and conditions (including diabetes)
- c. Infectious disease control, including waste disposal, hand-washing, techniques, sterilization equipment operation and methods, and sanitization/disinfection/sterilization methods and techniques.

Facility safety and sanitation knowledge of the above subjects may also be demonstrated through submission of documentation of attendance and completion of courses or completion of an examination approved, or given by the Department with a passing grade of 80 percent, attained prior to issuance of the operator's permit. Examples of courses approved by the Department include courses as "Preventing Disease Transmission" (American Red Cross) and "Bloodborne Pathogen Training" (U.S. OSHA). Training/courses provided by professional body art organizations or associations or by equipment manufacturers may also be submitted to the Department for approval.

12.11 No operator permit shall be issued unless, following investigation by the Department, the body art operator has demonstrated compliance with the provisions of this section and all other provisions of this code.

12.12 All operator permits shall be conditioned upon continued compliance with the provisions of this section as well as all applicable provisions of this code.

12.13 All operator permits shall be posted in a prominent and conspicuous area where they may be readily observed by clients.

### 13. PROHIBITIONS

The following acts are prohibited:

13.1 It is prohibited to perform body art on a person under the age of 18.

13.2 It is prohibited to perform body art on a person who is inebriated or appears to be under the influence of alcohol or drugs.

13.3 It is prohibited to own, operate, or solicit business as a body art establishment or operator without first obtaining all necessary permits and approvals from the Department.

13.4 It is prohibited to obtain or attempt to obtain any body art establishment or operator permit by means of fraud, misrepresentation, or concealment.

13.5 Temporary body art and mobile body art establishments are prohibited.

13.6 No person may perform tattooing/body art in any form without a permit from the Department.

#### 14. ENFORCEMENT

14.1 Licensed and inspected establishments operating at the time of the enactment of this code shall be given 90 days to comply with these regulations. Establishments that continue to operate without proper permits from the Department or operate in violation of these regulations will be closed immediately and subject to legal remedial actions and sanctions as provided by law. This may include a jail term of not more than 90 days and fines not to exceed \$10,000.

14.2 A representative of the Department shall identify him or herself upon entering a body art establishment to make an inspection. Such an inspection shall be conducted as often as necessary throughout the year to ensure compliance with this code. A medical specialist or biohazard sterilization expert may be brought in for inspection purposes. The cost of this inspection shall be borne by the operator.

14.3 It is unlawful for any person to interfere with the Department in the performance of its duties. Establishments refusing inspection will be closed immediately.

14.4 A copy of the inspection report shall be furnished to the permit holder or operator of the body art establishment, with the Department retaining possession of the original.

14.5 If, after investigation, the Department should find that a permit holder or operator is in violation of this code, the Department may advise the permit holder or operator, in writing, of its findings and instruct the operator to take specific steps to correct such violations within a reasonable period of time, not to exceed 30 days.

14.6 If the Department has reasonable cause to suspect that communicable disease is or may be transmitted by an operator or technician, by use of unapproved or malfunctioning equipment, or by unsanitary or unsafe conditions that may adversely affect the health of the public, upon written notice to the owner or operator, the Department may do any or all of the following:

a. Issue an order excluding any or all operators from the permitted body art establishment who are responsible, or reasonably appear responsible, for the transmission of a communicable disease until the Department determines there is no further risk to public health.

b. Issue an order to immediately suspend the permit of the licensed establishment until the Department determines there is no further risk to the public health. Such an order shall state the cause for the action.

14.7 Any person performing body art in violation of these regulations may be subject to a fine not to exceed \$10,000 and /or a jail term not to exceed 90 days.

14.8 The Department may refuse to grant a permit for the operation of any body art establishment which does not fulfill the requirements of these rules and regulations and may revoke a permit which has been issued and invoke other sanctions if a studio violates any of these rules or regulations.

## 15. SUSPENSION OR REVOCATION OF PERMITS

15.1 Permits issued under the provisions of this code may be suspended temporarily or permanently by the Department for failure of the holder to comply with the requirements of this code or for falsification or misrepresentation of any documents.

15.2 Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of this code, the operator shall be notified in writing that the permit is, upon service of this notice, immediately suspended. The notice must also contain a statement informing the permit holder or operator that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Department within the time specified by law.

15.3 Any person whose permit has been suspended may, at any time, make application for reinstatement of the permit. Within 10 days of receipt of a written request, including a statement signed by the applicant that in his or her opinion the conditions causing the suspension have been corrected and submission of the appropriate re-inspection fees, the Department shall re-inspect the body art establishment or evaluate documentation provided by an operator. If the applicant is in compliance with the provisions of this code, the permit will be reinstated.

15.4 For repeated or serious (any code infraction that threatens the health of the client of operator) violations of any of the requirements of this code or for interference with Department personnel in the performance of their duties, a permit may be permanently revoked after a hearing. Before taking such actions, the Department shall notify the permit holder or operator in writing, stating the reasons for which the permit is subject to revocation and advising the permit holder or operator of the requirements for filing a request for a hearing. A permit may be suspended for cause, pending its revocation or hearing relative thereto.

15.5 The Department may permanently revoke a permit after five (5) days following service of the notice, unless a request for a hearing is filed within the five (5) day period with the Department by the permit holder.

15.6 The hearings provided for in this section must be conducted by the Department at a time and place designated by the Department. On the basis of the record of the hearing, the Department shall make a finding and may sustain, modify, or rescind any official notice or order

considered in the hearing. A written report of the hearing decision must be furnished to the permit holder or operator by the Department.

#### 16. COMPETENCY REQUIREMENT

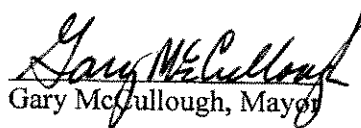
16.1 Medical persons trained in sterilization techniques may be used by the Department for inspections at the expense of the operator.

#### 17. INTERPRETATION AND SEVERABILITY

17.1 In the interpretation of this code, the singular may be read as the plural, the masculine gender as the feminine, and the present tense as the past or future, where the context so dictates.

17.2 In the event any particular clause or section of this code should be declared invalid or unconstitutional by any court of competent jurisdiction, the remaining portions shall remain in full force and effect. Toward that end, the provisions of these regulations are declared to be severable.

IT IS SO ORDAINED this 3<sup>rd</sup> day of March, 2008.

  
Gary McCullough, Mayor

  
Janet Jarrard, City Clerk