

# Chapter 1

## BODY PIERCING AND TATTOOING

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### **2-1-1: DEFINITIONS:**

The following terms, as used in this chapter, shall be defined as follows:

**ANTISEPTIC:** An agent that destroys disease causing microorganisms on human skin or mucosa.

**BIOMEDICAL WASTE:** Any solid or liquid waste which may present a threat of infection to humans, including non-liquid tissue, body parts, blood, blood products, and body fluids from humans and other primates; laboratory and veterinary wastes which contain human disease causing agents; and discarded sharps. The following are also included: a) used, absorbent materials saturated with blood, blood products, body fluids or excretions or secretions contaminated with visible blood and absorbent materials saturated with blood or blood products that have dried; and b) nonabsorbent, disposable devices that have been contaminated with blood but have not been treated by an approved method.

**BODY ART ESTABLISHMENT:** Any permanent place or premises where body art procedures are performed.

**BODY ART OR BODY ART PROCEDURE:** The practice of applying physical body adornment to an individual using such invasive methods as body piercing, tattooing, cosmetic tattooing, branding,

scarification, or similar procedures. This term does not include ear piercing or any procedure performed by a physician licensed pursuant to Illinois law.

**BODY PIERCING:** Penetrating the skin to make a hole, mark, or scar that is generally permanent in nature, including, but not limited to, micro-dermal anchors, acts of suspension and sub-dermal/trans-dermal implants. "Body piercing" does not include practices that are considered medical procedures or the puncturing of the non-cartilaginous portion or lobe of the ear using a pre-sterilized, single-use stud-and-clasp ear piercing system.

**DEPARTMENT:** The Grundy County health department.

**DISINFECTION:** The destruction of disease causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

**EAR PIERCING:** Puncturing the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system following manufacturer's instructions.

**EQUIPMENT:** 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.

**HAND SINK:** A lavatory equipped with hot and cold running water under pressure used solely for washing hands, arms or other portions of the body.

**HOT WATER:** Water which attains and maintains a temperature of at least one hundred degrees Fahrenheit (120°F).

**INSTRUMENTS USED FOR BODY ART:** Hand pieces, needles, needle bars, and other instruments that can come into contact with a client's body or may be exposed to bodily fluids during body art procedures.

**INVASIVE:** 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.

**JEWELRY:** Any personal ornament inserted into a newly pierced area, which has been properly sterilized prior to use.

**LIQUID CHEMICAL GERMICIDE:** A disinfectant or sanitizer registered with the environmental protection agency, or an approximate one to one hundred (1:100) dilution of household chlorine bleach made fresh daily and dispensed from a spray bottle (500 ppm; 1/4 cup/gal.; or 2 tablespoons/quart of tap water).

**MOBILE BODY ART VEHICLE:** A vehicle which is self-propelled or otherwise movable from place to place and is self-sufficient for utilities such as gas, water, electricity and liquid waste disposal, which operates at a fixed location and where a technician performs body art procedures for fourteen (14) consecutive days or less in conjunction with a product demonstration, industry trade show, educational training or other special event.

**PERMIT:** Written approval by the department to operate a body art establishment or to perform body art procedures. Permits are issued in accordance with these regulations and are separate and distinct from any other licensing or permit requirements of the local government.

**PERSON:** An individual, any form of business or social organization, or any other nongovernmental

legal entity including, but not limited to, a corporation, partnership, limited liability company, association, trust, or unincorporated organization.

**PHYSICIAN:** A person licensed by the state to practice medicine.

**PROCEDURE SURFACE:** The skin area adjacent to and including the area where a body art procedure is applied, any surface of an inanimate object that contacts the client's unclothed body during a body art procedure, or any associated work area which may require sanitizing.

**SANITIZE OR SANITIZATION PROCEDURE:** A process of reducing the numbers of microorganisms on cleaned surfaces and equipment to a safe level in accordance with public health standards by a method approved by the department.

**SHARPS:** Objects capable of puncturing, lacerating, or otherwise penetrating the skin.

**SHARPS CONTAINER:** A rigid, leak and puncture resistant container, designed primarily for the containment of sharps, clearly labeled with the phrase and international biological hazard symbol.

**SINGLE USE:** Are those products or items intended by the manufacturer for one time, one person use and disposal after use. Items include, but are 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.

**STERILIZATION:** A very powerful process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.

**TATTOOING:** Any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instruments used to puncture the skin which results in permanent coloration of the skin or mucosa, including all forms of cosmetic tattooing.

**TECHNICIAN OR BODY ART TECHNICIAN:** A person who performs body art procedures.

**TEMPORARY BODY ART ESTABLISHMENT:** A fixed location where body art procedures are performed for a period of not more than fourteen (14) consecutive days and in conjunction with a single event or celebration.

**UNIVERSAL PRECAUTIONS:** A set of guidelines and controls, published by the center for disease control (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", June 23, 1989, vol. 38, no. 8-6, and as "recommendations for preventing transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure prone invasive procedures," in "Morbidity And Mortality Weekly Report", 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. (Ord. 99-060, 10-12-1999)

## **2-1-2: BODY ART TECHNICIAN PERMIT REQUIREMENTS:**

A. Permit Required: It shall be unlawful for any person to perform body art procedures without first obtaining a body art technician permit as provided herein

B. Application for Permit: Every applicant for a body art technician permit shall submit an application to the department providing:

1. Name;
2. Date of birth;
3. Gender;
4. Residence address;
5. Mailing address;
6. Home/work phone numbers;
7. Photograph;
8. Place(s) of employment as a technician; and
9. Training and experience in body art procedures. (Ord. 99-060, 10-12-1999)

C. Qualifications of Applicant:

1. Applicants must be a minimum of eighteen (18) years of age.
2. Applicants must meet all the requirements of Title 77, Chapter 1, Subchapter m, Part 797, Section 1300.

E. Issuance of Permit: Upon determination that the applicant meets the minimum requirements set forth herein, the department shall issue a body art technician permit to the applicant.

F. Display of Permit: The technician's permit shall be displayed within his or her procedure area in a prominent and conspicuous place where it may be readily observed by clients of the technician. (Ord. 99-060, 10-12-1999)

G. Expiration of Permit: The technician's permit will expire on December 31 of each year and must be renewed before this date annually. Renewal notices will be mailed by December 1 of each year.

## **2-1-3: BODY ART ESTABLISHMENT PERMIT REQUIREMENTS:**

A. Permit Required: It shall be unlawful for any person to operate a body art establishment without first obtaining a body art establishment permit as provided herein.

B. Application For Permit:

1. Every applicant for a body art establishment permit shall submit an application to the department providing:

a. Owner name (if partnership or corporation, include names and resident addresses of all partners, officers, directors and the name of its resident agent for purpose of service);

b. Establishment name;

c. Street address;

d. Mailing address;

e. Proposed hours of operation;

f. Names of all body art technicians and their exact duties;

g. Description of all body art procedures to be performed or not performed;

h. An inventory of all body art equipment to be utilized, including names of manufacturers;

i. Names and addresses of suppliers of body art equipment and supplies utilized; and

j. Name, local address, and local residence telephone number of the individual who shall be responsible for operation of the body art establishment.

2. A scale drawing and floor plan of the establishment and proof of meeting the minimum requirements established herein shall be submitted with the application.

C. Issuance of Permit: Upon determination that the minimum requirements for a body art establishment set forth in this chapter have been met, the department shall issue a body art establishment permit to the applicant.

D. Non-transferability of Permit: A body art establishment permit shall not be transferable.

E. Permit to Be Posted: The body art establishment permit shall be posted within the establishment in a prominent and conspicuous area where it may be readily observed by clients. (Ord. 99-060, 10-12-1999)

## **2-1-4: CONDITIONS OF BODY ART ESTABLISHMENT PERMITS:**

A. It shall be unlawful for any person to perform body art procedures except within a body art establishment. Body art shall not be conducted in mobile body art vehicles or temporary body art establishments.

B. It shall be unlawful for any person operating a body art establishment to permit body art procedures to be performed by anyone who does not have a current valid body art technician permit issued by the department. (Ord. 99-060, 10-12-1999)

#### **2-1-5: RENEWAL OF BODY ART ESTABLISHMENT PERMITS:**

Body art establishment permits will expire annually on March 1. Fees for renewing permits issued by the county health department shall be due thirty (30) calendar days prior to the expiration date of the existing permit. (Ord. 99-060, 10-12-1999)

#### **2-1-6: COMPLIANCE WITH PROVISIONS; CHANGE OF INFORMATION:**

Permittees shall maintain compliance with all requirements of this chapter. Permittees shall notify the department within ten (10) days of any change of information provided in accordance with subsections [2-1-2B](#) and [2-1-3B](#) of this chapter. (Ord. 99-060, 10-12-1999)

#### **2-1-7: PREMISES STANDARDS:**

A. Ventilation and Light: The establishment shall be well ventilated and shall have an artificial light source equivalent to at least twenty (20) foot-candles at three feet (3') above floor level, and at least one hundred (100) foot-candles at the level where the body art procedure is performed and where instruments and sharps are assembled.

B. Floors, Walls, Ceilings and Other Surfaces:

1. All walls, floors, ceilings, and procedure surfaces shall be light colored, washable, smooth, free of open holes or cracks, and shall be maintained in good repair and clean condition. Carpeting is not permitted within the body art procedure area.
2. All procedure surfaces, including client chairs and benches, shall be of such construction as to be easily cleaned and sanitized with a liquid chemical germicide after each client.

C. Procedure Areas:

1. Each technician working in the establishment shall have a procedure area with at least forty five (45) square feet of floor space.
2. Each establishment shall have at least one procedure area completely screened from public view for clients requesting privacy.
3. All body art procedure areas shall be completely separated by solid partitions or by walls extending from floor to ceiling from any room used for human habitation or food preparation, and from any food establishment, hair salon, retail business, or other such activity, which could contaminate work surfaces.

D. Partitions: Multiple body art stations shall be separated by dividers, curtains, or partitions, at a minimum.

E. Hand Sinks And Lavatories: A separate 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 located within or immediately adjacent to the body art procedure area(s). One hand sink shall serve no more than three (3) operators. In the absence of a separate equipment washing sink, hand sinks may be used for initial cleaning of instruments and equipment prior to sanitization or sterilization procedures. In addition, there shall be a minimum of one lavatory, excluding any service sinks, and one toilet for use by clients and customers in each body art establishment. (Ord. 99-060, 10-12-1999)

F. Waste Receptacles:

1. At least one covered, nonmedical waste receptacle shall be provided in each procedure area and each toilet room.
2. Separate medical waste containers with proper labeling shall be provided in each procedure area.
3. Receptacles shall be emptied daily, and solid waste shall be removed from the premises at least weekly.
4. All refuse containers shall be lidded, cleanable, and shall be kept clean.

G. Insects And Vermin:

1. Effective measures shall be taken to prevent the entrance of insects, vermin, and rodents into the establishment, such as screened openings and automatic closures on doors.
2. No insects, vermin, and rodents shall be present in any part of the establishment, its appurtenances, or appertaining premises.

(Ord. 03-018, 11-13-2003)

H. Animals Restricted: No animals of any kind shall be allowed in a body art establishment, except service animals used by persons with disabilities (e.g., seeing eye dogs). Fish aquariums may be allowed in waiting rooms and nonprocedural areas. (Ord. 99-060, 10-12-1999)

## **2-1-8: PROHIBITIONS REGARDING PROCEDURES:**

A. Underage Persons: No person shall perform or permit the performance of tattooing procedures upon a person under eighteen (18) years of age, and no person shall perform or permit the performance of all other body art procedures upon a person under eighteen (18) years of age without parental or legal guardian consent. (Ord. 03-018, 11-13-2003; amd. 2004 Code)

B. Incoherent Persons: No technician or body art establishment personnel shall perform or permit the performance of body art procedures on any person who appears incoherent for any reason or appears to be under the influence of alcohol or drugs.

C. Infected Persons:

1. Clients: No technician or body art establishment personnel shall perform or permit the performance of body art procedures on any skin or mucosa surface where a rash or any visible infection is present. (Ord. 99-060, 10-12-1999)

2. Employees: No person affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions, or acute respiratory infection shall work in any area of a body art establishment in any capacity in which there is a likelihood that the person could contaminate body art equipment, supplies, instruments, or working surfaces with body substances or pathogenic organisms. (Ord. 03-018, 11-13-2003)

D. Ear Piercing Systems On Other Body Parts: Ear piercing systems using studs and clasps shall not be used anywhere on the body other than the outer perimeter and lobe of the ear.

E. . Smoking, Eating, Drinking: Smoking, eating, or drinking is strictly prohibited in the body art procedure area.

F. . Influence of Alcohol Or Drugs: No technician shall perform any body art procedure if under the influence of alcohol or drugs. (Ord. 99-060, 10-12-1999)

## **2-1-9: INFORMATION AND NOTICE OF PROCEDURES; REPORTING REQUIREMENTS:**

A. Verbal and Written Information:

1. Every person requesting a body art procedure shall be provided with verbal and written public educational information prior to the start of the procedure, in a form approved by the department. The



client shall be given a copy of the above information and shall sign the form stating he has read the material. A signed copy shall be retained by the facility for five (5) years. (Ord. 03-018, 11-13-2003)

2. Every person receiving a body art procedure shall be provided with verbal and written instructions for aftercare of the body art procedure site, in a form approved by the department. The instructions shall advise the client of proper care for the healing of the body specific to the procedure performed and to consult a physician at the first sign of infection or swelling. The instructions shall include the name, address, and phone number of the establishment and the printed name of the technician who performed the procedure.
3. The written information and aftercare instructions shall be signed and dated by the client and the technician. The originals shall be retained by the establishment, and copies shall be given to the client.

B. Disclosure Notice: Every body art establishment shall prominently display the disclosure notice which shall be provided with each establishment permit issued by the department, containing the following information:

1. Advising the public of the risks and possible consequences of body art services;
2. The name, address, and phone number of the county health department; and
3. The procedure for filing a complaint relating to body art services.

C. Report Of Infection Or Disease: Any infection, complication, or disease resulting from a body art procedure which becomes known to the technician or establishment shall be reported to the department within twenty four (24) hours. The technician and the establishment shall be jointly and severally responsible for reporting such information. (Ord. 99-060, 10-12-1999)

## **2-1-10: CLIENT MEDICAL HISTORY AND RELEASE:**

A. Prior to performing any body art procedure, in order to properly evaluate the client's medical condition for receiving a body art procedure, the technician shall specifically request from the client, verbally and in writing, the following information:

1. History of diabetes;
2. History of hemophilia (bleeding);
3. History of skin diseases, skin lesions or skin sensitivities to soaps, disinfectants, etc.;
4. History of allergies or adverse reactions to pigments, dyes, or other skin sensitivities;
5. History of epilepsy, seizures, fainting or narcolepsy;

6. Current or recent medications, such as anticoagulants, which thin the blood or interfere with blood clotting; and

7. Any other information that would aid in evaluating the client's body art healing expectations.

B. Prior to performing any body art procedure, the technician shall obtain a release form signed by the client confirming that the technician obtained or attempted to obtain the medical history, and listing the information provided.

C. The technician may refuse to perform a body art procedure if the client refuses to disclose the information requested. (Ord. 99-060, 10-12-1999)

### **2-1-11: PERFORMANCE OF BODY ART PROCEDURES:**

A. When performing body art procedures, the technician shall maintain a high degree of personal cleanliness, conform to hygienic practices, wear clean clothes, and his or her skin shall be free of rash or infection. (Ord. 99-060, 10-12-1999)

B. Before performing a body art procedure, the immediate skin and surrounding skin area where the body art procedure is to be applied 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, a single-use disposable razor shall be used, then discarded into an approved sharps container. After shaving, the skin and surrounding area shall be washed with soap and water, and the washing pad shall be discarded.

C. Immediately before performing body art procedures on an individual, the technician shall thoroughly wash his or her hands in hot running water with use of liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as many times as necessary to remove contaminants. After hand washing is completed, the technician shall don disposable medical gloves. Both latex and nonlatex gloves shall be available in the facility at all times in case a technician or a client is sensitive to latex. (Ord. 03-018, 11-13-2003)

D. The technician shall wear disposable medical gloves during all procedures. Gloves shall be discarded after the completion of each procedure on an individual client, and hands washed prior to donning the next set of gloves. 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 the hand washing procedures described herein. Hands shall also be washed at the conclusion of all procedures.

- E. If, prior to or while performing a body art procedure, the technician's glove or gloves are pierced or torn or become contaminated by contact with any nonclean surface or object, by contact with a third person, or otherwise, the technician shall immediately discard the gloves, repeat the hand washing procedure, and put on a fresh pair of gloves to complete the procedure.
  
- F. Any instrument used for body art, which is contaminated during the procedure, shall be discarded and replaced immediately with a new disposable or sterilized instrument before the procedure resumes. (Ord. 99-060, 10-12-1999)

### **2-1-12: RECORDS KEPT:**

- A. Record Of Procedures: The body art establishment shall keep a record of all body art procedures performed. The record shall include the client's name, date of birth, client's address, date of the procedure, type and location of each procedure performed, name of the technician who performed each procedure, signature of client, and, if the client is a minor, proof of parental or guardian presence and written consent. Signed copies of the client release form and aftercare forms shall also be maintained by the establishment. All records shall be available for inspection by the department, upon request.
  
- B. Medical Information Confidential: Records containing a client's personal medical information shall be considered confidential by the establishment. The department shall keep personal medical information confidential, to the extent disclosure is not required under Illinois statutes, in the administration and enforcement of this chapter.
  
- C. Period of Record Retention: All records required by this chapter shall be retained by the establishment for a minimum of five (5) years. (Ord. 99-060, 10-12-1999)

### **2-1-13: EQUIPMENT AND SUPPLIES; SANITATION AND STERILIZATION PROCEDURES:**

- A. Both sterilized and clean instruments and supplies shall be stored in clean, dry, covered containers.
  
- B. All instruments used in body art procedures shall remain stored in sterile packages until just prior to use. Sterile instruments and equipment shall not be used if the package has been breached or the expiration date has expired, without first repackaging and re-sterilizing.
  
- C. All products used to check the flow of blood or to absorb blood shall be single use and disposable.

- D. All products applied to the skin, including body art stencils, shall be single use and disposable; except, that acetate stencils shall be allowed for reuse if sanitization procedures are performed between uses upon approval of the department. Petroleum jellies, soaps and other products used in the application of stencils shall be dispensed and applied on the area to be tattooed with sterile gauze or in a manner to prevent contamination of the original container and its contents. The gauze shall be used only once and then discarded.
  
- E. All inks, dyes, pigments, needles, and instruments used 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 applying a tattoo, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single use paper or plastic cups or caps. Upon completion of the tattoo, these single cups or caps and their contents shall be discarded.
  
- F. Jewelry used in body art procedures shall be made only of the following materials: surgical implant grade stainless steel; solid fourteen karat (14k) or eighteen karat (18k) white or yellow gold; niobium; titanium; platinum; or a dense, low porosity plastic. All jewelry shall be free of nicks, scratches, or irregular surfaces, and shall be properly sterilized prior to use.
  
- G. When assembling instruments used for performing body art procedures, the technician shall wear disposable medical gloves and shall use medically recognized techniques to ensure that the instruments and gloves are not contaminated.
  
- H. Single use items shall be discarded immediately after each use and shall not be used on more than one client for any reason. (Ord. 99-060, 10-12-1999)
  
- I. All non-equipment type items shall be disposable.
  
- J. Every body art establishment shall have a department approved sterilizer, unless only sterile supplies and single use disposable instruments and products are used. Sterilizers shall be located away from procedure areas and areas frequented by the public. Department approved sterilizers shall be those units as approved by policy established by the health department. (Ord. 03-018, 11-13-2003)

K. The following process shall be followed after each use for all non-single use, non-disposable instruments used for body art:

1. The instrument shall be cleaned by scrubbing with an appropriate soap or disinfectant solution and hot water or by following the manufacturer's cleaning instructions to remove blood and tissue residue.
2. The instrument shall be placed in an ultrasonic unit, which shall be operated in accordance with manufacturer's instructions.
3. The instrument shall be packed individually in a peel pack containing either a sterilizer indicator or internal temperature indicator, and sterilized.
4. Peel packs shall be dated with an expiration date not to exceed six (6) months.

L. Sterilizers shall be used, cleaned, and maintained according to manufacturer's instructions. The sterilizer shall be an approved autoclave and be approved by the American Association of Medical Instrumentation. The autoclave shall be operated in accordance with operating standards promulgated by AAMI. A copy of the manufacturer's recommended procedures for the operation of the sterilization unit shall be available for inspection by the department. (Ord. 99-060, 10-12-1999)

M. Each body art establishment shall demonstrate by monthly spore destruction tests that the sterilizer used is capable of attaining sterilization. The tests shall be verified through an independent laboratory. Test records shall be retained for a period of five (5) years and shall be made available to the department upon request. The establishment permit shall not be issued or renewed until documentation of the sterilizer's ability to destroy spores is received by the department. (Ord. 99-060, 10-12-1999; amd. 2004 Code)

## **2-1-14: STORAGE AND DISPOSAL OF WASTE:**

A. Biomedical Wastes:

1. Storage of biomedical waste on site shall not exceed the period specified by the department, or more than seven (7) days. (Ord. 03-018, 11-13-2003)
2. Biomedical waste, which may release liquid blood or body fluids when compressed or which may release dried blood or body fluids when handled, shall be placed in a #A approved "red" bag marked with the international biohazard symbol, and disposed of by a one inch (1") potentially infectious medical waste transporter, permitted by the Illinois environmental protection agency.

B. Products Coming In Contact With Blood: All products used to check the flow of blood or to absorb blood shall be disposed of immediately after use in appropriate covered containers, unless the disposal product meets the definition of "biomedical waste".

C. Non-biomedical Waste: Non-biomedical waste which does not release liquid blood or body fluids when compressed, or does not release dried blood or body fluids when handled, shall be placed in a covered receptacle and disposed of through normal, approved disposal methods.

D. Sharp Objects: Sharps shall be disposed of in approved sharps containers. (Ord. 99-060, 10-12-1999)

### **2-1-15: TEMPORARY AND MOBILE ESTABLISHMENTS PROHIBITED:**

The operation of temporary or mobile body art establishments in the county is prohibited. (Ord. 99-060, 10-12-1999)

### **2-1-16: INSPECTIONS:**

A. Frequency Of Inspections: The department may conduct inspections as often as necessary throughout the year to ensure compliance with this chapter.

B. Identification Required: A representative of the department shall properly identify himself or herself before entering a body art establishment to make an inspection.

C. Interference With Inspectors Prohibited: It is unlawful for any person to interfere with the department or its representatives in the performance of their duties.

D. Reports: Following an inspection, a copy of the inspection report shall be furnished to the permittee. The department shall retain the original of all inspection reports. (Ord. 99-060, 10-12-1999)

### **2-1-17: DEPARTMENT PERSONNEL COMPETENCY REQUIREMENTS:**

Department personnel performing environmental health/sanitary evaluations or complaint investigations of body art establishments or technicians shall meet the same requirements as specified for technicians in subsection [2-1-2C2](#) of this chapter prior to assuming responsibilities. (Ord. 99-060, 10-12-1999)

### **2-1-18: FEES:**

The department shall collect reasonable fees in connection with the administration of this chapter. Those fees are as follows:

Establishment: \$150.00 (annual)

Artist: \$50.00 (annual)

Plan review: \$100.00 (one time fee)

Re-Inspection Fee: \$60

(Ord. 99-060, 10-12-1999; amd. 2004 Code)

## **2-1-19: ENFORCEMENT:**

A. Existing Establishments; Time For Compliance: Establishments operating at the effective date hereof shall be given a prescribed amount of time to make application to the department and comply with these regulations. Establishments that continue to operate without proper permits from the department or operate in violation of these regulations will be subject to legal remedial actions and sanctions as provided by law.

B. Notice To Correct Violations: If, after investigation, the department should find that a permittee or operator is in violation of this chapter, the department may, in the alternative, advise the permittee 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 thirty (30) days. (Ord. 99-060, 10-12-1999)

C. Disease Conditions Suspected: If the department has reasonable cause to suspect that a communicable disease is or may be transmitted by an operator, use of unapproved or malfunctioning equipment, or unsanitary or unsafe conditions which may adversely impact the health of the public, upon written notice to the owner or operator, the department may do any or all of the following:

1. 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.
2. 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. (Ord. 03-018, 11-13-2003)

## **2-1-20: SUSPENSION OR REVOCATION OF PERMITS:**

A. Suspension of Permits:

1. Temporary Suspension: Permits issued under the provisions of this chapter may be suspended temporarily by the department for failure of the holder to comply with the requirements of this chapter.
2. Notice of Suspension: Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of this chapter, the operator must 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.

3. Reinstatement of Permit: Any person whose permit has been suspended may, at any time, make application for reinstatement of the permit. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing the suspension have been corrected, and the 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 chapter, the permit will be reinstated.

#### B. Revocation of Permits:

1. For repeated or serious (any infraction of this chapter that threatens the health of the client or operator) violations of any of the requirements of this chapter or for interference with department personnel in the performance of their duties, a permit may be permanently revoked after a hearing. Before taking such action, 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.
2. 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.

C. Hearings and Decisions: The hearings provided for in this section must be conducted by the department at a time and place designated by the department. Based upon 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. (Ord. 99-060, 10-12-1999)

#### **2-1-21: VIOLATION; PENALTIES:**

Any person who violates any of the provisions of this chapter shall be guilty of a petty offense and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00). In addition thereto, such person may be enjoined from continuing such violations. Each day upon which such violation occurs constitutes a separate violation. (Ord. 99-060, 10-12-1999)