

## **Section 10: TATOO ESTABLISHMENTS**

### **10.1 License required**

It shall be unlawful for any person to engage in the business of operating a tattoo establishment without first obtaining a license to engage in such business in accordance with the provisions hereof.

### **10.2 Definitions**

(1) **Health Officer.** The single term shall mean the health officer from the Bear River Department of Health.

(2) **City Tattoo Inspector.** The term shall mean the inspector, appointed by the City that shall have charge over inspecting tattoo establishments to ensure compliance with the provisions of this section.

(3) **Certificate of Inspection.** The single term Acertificate of inspection@ shall mean written approval from the health officer or his authorized representative that said tattooing establishment has been inspected and meets all of the terms of this ordinance relating to physical facilities, equipment and layout for operation of such business.

(4) **Operator.** The single term Aoperator@ shall mean any individual, firm, company, corporation or association that owns or operates an establishment where tattooing is performed and any individual who performs or practices the art of tattooing on the person of another.

(5) **Tattoo, Tattooed, Tattooing.** The terms Atattoo@, Atattooed@, or a@tattooing@ refer to 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.

### **10.3 Health and Sanitary Requirements**

Each person who operates a tattooing establishment shall comply with the following requirements:

(1) The room in which tattooing is done shall have an area of not less than one hundred square feet. The walls, floors and ceiling shall have an impervious, smooth, and washable surface.

(2) A toilet shall be located in the establishment and shall be accessible at all times that

the tattooing establishment is open for business. The lavatory shall be supplied with hot and cold running water, soap and sanitary towels.

(3) 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 shall be separated from waiting customers or observers by a panel at least six feet high or by a door.

(4) The entire premises and equipment shall be maintained in a clean, sanitary condition and in good repair.

(5) The operator shall wash his/her hands thoroughly with soap and water before starting to tattoo; the hands shall be dried with individual, single-use towels.

(6) No tattooing shall be done on any skin surface that has rash, pimples, boils, or infections or manifests any evidence of unhealthy conditions.

(7) No skin area shall be penetrated, abraded or treated with chemicals for the purpose of removing, camouflaging or altering any blemish, birthmark, scar or tattoo.

(8) Safety razors with a new, single-service blade for each customer or patron or a straight edge razor may be used and shall be thoroughly cleaned and sterilized before use on each customer or patron.

(9) The area to be tattooed shall first be thoroughly washed for a period of two 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 before tattooing is begun, a solution of seventy percent alcohol shall be applied to the area with a single-use sponge used and applied with a sterile instrument.

(10) Only petroleum jelly in collapsible metal or plastic tubes, or its equivalent if approved by the health officer, shall be used on the area to be tattooed and it shall be applied with sterile gauze.

(11) The use of styptic pencils, alum blocks, or other solid styptic to check the flow of blood is prohibited.

(12) Inquiry shall be made, and anyone giving a history of recent jaundice or hepatitis may not be tattooed.

(13) 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 the patron and any dye in which the needles were dipped shall not be used on another person.

Excess dye or ink shall be removed from the skin with an individual sterile sponge or a disposable paper tissue, which shall be used only on one person and then immediately discarded. After completing work on any person, the tattooed area shall be washed with sterile gauze saturated with an antiseptic soap solution approved by the health officer. 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.

#### **10.4 Care of instruments.**

(1) Storing of Instruments. All clean and ready-to-use needles and 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.

(2) Sterilizing of Instruments. A steam sterilizer (autoclave) shall be provided for sterilizing all needles and similar instruments before use on any customer, person or patron. (Alternate sterilizing procedures may only be used when specifically approved by the health officer.) Sterilization of equipment will be accomplished by exposure to live steam for at least thirty minutes at a minimum pressure of fifteen pounds per square inch, temperature of two hundred forty degrees Fahrenheit or one hundred sixteen degrees Celsius.

(3) Use of Instruments. The needles and instruments required to be sterilized shall be so used, handled and temporarily placed during tattooing so that they will not be contaminated.

#### **10.5 Records**

Permanent records for each patron or customer shall be maintained by the licensed operator of the establishment. Before the tattooing operation begins, the patron or customer shall be required personally to enter on a record form provided by such establishment, the date, his or her name, address, age, serial number if a member of the armed forces, and his or her signature. Such records shall be maintained in the tattoo establishment and shall be available for examination by the health officer. Records shall be retained by the operator or licensee for a period of not less than two years. In the event of a change of ownership or closing of the business, all such records shall be made available to the health officer.

#### **10.6 Parental consent.**

It shall be unlawful for any tattoo establishment to perform any kind of tattooing service on a person under the age of 18, unless consent is given by his or her parent or legal guardian. AParental consent@ means the presence of a parent or legal guardian during

the performance of tattooing upon the minor after the parent or legal guardian provided;

(1) Reasonable proof of personal identity and familial relationship, and

(2) Written permission signed by the parent or legal guardian authorizing the performance of tattooing upon the minor.

### **10.7 Infections**

No person, customer or patron having any skin infection or other disease of the skin or any communicable disease shall be tattooed. All infections resulting from the practice of tattooing which become known to the operator shall promptly be reported to the health officer by the person owning or operating the tattooing establishment, and the infected client shall be referred to a physician.

### **10.8 Pigments, dyes.**

All pigments, dyes, colors, etc. used in tattooing shall be sterile and free from bacteria, virus particles and noxious agents and substances, and the pigments, dyes and colors used from stock solutions for each customer or patron shall be placed in a single-service receptacle and such receptacle and remaining solution shall be discarded after use on each customer or patron.

### **10.9 Bandages and surgical dressings.**

All bandages and surgical dressings used in connection with the tattooing of a person shall be sterile.

### **10.10 Certificate of inspection.**

An applicant for a license to operate a tattooing establishment shall first obtain a certificate of inspection from the health officer, indicating the establishment has been inspected and is in compliance with the provisions of this ordinance.

### **10.11 Inspections.**

(1) The health officer may conduct periodic inspections of any tattooing establishment for the purpose of determining whether or not the establishment and the persons performing the art of tattooing therein are in compliance with all applicable health provisions contained within this ordinance and other pertinent ordinances. It shall be unlawful for any person or operator of a tattooing establishment willfully to prevent or restrain the health officer from entering any licensed establishment where tattooing is being performed for the purpose of inspecting said premise, after proper identification is presented to the operator.

(2) The mayor, with the advice and consent of the City Council, may appoint a City Tattoo Inspector. The City Tattoo Inspector shall have charge of determining whether or not any tattoo establishment and the person performing the art of tattooing therein are in compliance with all applicable non health provisions of this and other pertinent ordinances. It shall be unlawful for any person or operator of a tattooing establishment willfully to prevent or restrain the tattoo inspector from entering any licensed establishment where tattooing is being performed for the purpose of inspecting the premises, after proper identification is presented to the operator.

#### **10.12 Penalty**

In addition to the revocation and suspension of any license, any person violating any provision of this ordinance shall be guilty of a Class B Misdemeanor. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.