Town of Georgetown, Indiana

Ordinance # G-10-05

TATTOO AND BODY PIERCING ORDINANCE

WHEREAS, the State of Indiana has amended the laws concerning tattoos and body piercing;

WHEREAS, tattoo and body piercing operations and procedures are becoming more and more common among residents of the State of Indiana and the residents in Georgetown, Indiana;

WHEREAS, the reasonable regulation of the tattoo parlor business and body piercing facility is in the best interest of the residents of Georgetown, Indiana;

WHEREAS, an improperly operated or unclean tattoo or body piercing business may have serious and detrimental effects upon the citizens of Georgetown, Indiana;

WHEREAS, there exists a very real and distinct possibility of the transmission of serious infectious diseases from the tattooing or body piercing of a person if a tattoo artist or body piercer is not sufficiently skilled and knowledgeable of the dangers associated with said activity;

WHEREAS, the Georgetown Town Council is empowered to protect the health and safety of the citizens of Georgetown;

WHEREAS, the Floyd County Health Department can best inspect to oversee the operation of tattoo or body piercing businesses;

WHEREAS, the Georgetown Town Council believes that tattoo and body piercing business should be licensed and subjected to reasonable inspections of the Health Department;

WHEREAS, the Indiana State Department of Health has, pursuant to Indiana Code 16-19-3-4.1, adopted reasonable rules to regulate the sanitary operation of tattoo parlors and body piercing facilities;

WHEREAS, the Georgetown Town Council desires to adopt an ordinance to enforce the State Board of Health regulation of the operation of tattoo parlors and body piercing facilities in Georgetown, Indiana, and,

WHEREAS, the Floyd County Health Department is the health department for the town of Georgetown, Indiana, and has jurisdiction over the territorial limits of Georgetown, Indiana.

NOW THEREFORE, BE IT ORDAINED THAT THE FOLLOWING ORDINANCE SHALL BE ADOPTED AND MADE A PART OF THE PERMANENT RECORDS OF GEORGETOWN, INDIANA that:

CHAPTER 1
SANITARY OPERATION OF TATTOO PARLORS.

1-1 All places, individuals and businesses that offer to affix any type of permanent tattoo or body piercing to a person shall be regulated by this ordinance and shall maintain the premises in which tattoos or body piercings are performed and equipment used in the tattoo or body piercing process in a sanitary manner.

CHAPTER 2
DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

2-1 **Blood** means human blood.

2-2 **Blood borne pathogens** means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, the following:

1. HBV - hepatitis B virus
2. HCV - hepatitis C virus
3. HIV - human immunodeficiency virus

2-3 **Body piercer** means any person who performs body piercing on an individual.

2-4 **Body piercing** means the perforation of any human body part other than ear lobe for the purpose of inserting jewelry or other decoration or for some other nonmedical purpose.

2-5 **Cleaned** means removal of all visible dust, soil, or any other foreign material.

2-6 **Contaminated** means the presence or reasonably anticipated presence of blood or OPIM (other potentially infectious materials) on an item or surface.

2-7 **Decontaminated** means the use of physical or chemical means to remove, inactivate, or destroy blood borne pathogens on a surface or item which does not require sterilization to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

2-8 **Department** means the Floyd County Health Department.

2-9 **Facility** means a tattoo parlor or a body piercing facility, or both, which is any room or space that is mobile or stationary where tattooing or body piercing, or both, is provided or where the business of tattooing or body piercing, or both, is conducted.

2-10 **HBV** means the hepatitis B virus.

2-11 **HCV** means the hepatitis C virus.

2-12 **Health Officer** means the duly appointed Health Officer as set forth in IAC 16-20-2-16. The Floyd County Health Officer or designee shall be designated as the official in charge of enforcing this ordinance. The Health Officer may designate a representative in the health department to perform those duties and responsibilities of the Health Officer.

2-13 **High level disinfection** means a process that destroys all micro-organisms, with the exception of high numbers of bacterial spores.

2-14 **HIV** means the human immunodeficiency virus.

2-15 **Infectious waste** means waste that epidemiologic evidence indicates is capable of transmitting a dangerous communicable disease. Infectious waste includes, but is not limited to, the following:

1. Contaminated sharps or contaminated objects that could potentially become contaminated sharps.
2. Infectious biological cultures, infectious associated biologicals, and infectious agent stock.
3. Pathological waste.
4. Blood and blood products in liquid and semi-liquid form.
5. Carcasses, body parts, blood, and body fluids in liquid and semi-liquid form, and bedding of laboratory animals.
6. Other waste that has been intermingled with infectious waste.

2-16 **Intermediate level disinfection** means a process that inactivates:

1. Mycobacterium tuberculosis;
2. vegetative bacteria;
3. most viruses; and
4. most fungi;

but does not necessarily kill bacterial spores.

2-17 **Mobile Facility** means a tattoo parlor or a body piercing facility, or both, which is any moveable room or space where tattooing or body piercing, or both, is provided or where the business of tattooing or body piercing, or both, is conducted.

2-18 **Operator** means any person who controls, operates, manages, or owns any facility.

2-19 **Other potentially infectious materials or OPIM** means the following:

1. Human body fluids as follows:
    a. Semen.
    b. Vaginal secretions.
    c. Cerebrospinal fluid.
    d. Synovial fluid.
    e. Pleural fluid.
    f. Pericardial fluid.
    g. Peritoneal fluid.
    h. Amniotic fluid.

i. Saliva in dental procedures.
j. Any body fluid that is visibly contaminated with blood.
k. All body fluids where it is difficult or impossible to differentiate between body fluids.

2. Any unfixed tissue or organ, other than intact skin, from a human, living or dead.

3. HIV-containing cell or tissue cultures, and HIV or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV.

2-20 **Parenteral** means piercing the mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts, or abrasions.

2-21 **Personal protective equipment** means specialized clothing or equipment worn for protection against contact with blood or OPIM.

2-22 **Secure area** means an area that is designated and maintained to prevent the entry of unauthorized persons.

2-23 **Semi-liquid blood, blood products** means blood, blood products that have intermediate fluid properties and are capable of flowing in a manner similar to liquid.

2-24 **Sterilize** means the use of a physical or chemical procedure to destroy all microbial life, including highly resistant bacterial endospores.

2-25 **Store** means the containment of infectious waste in such a manner as not to constitute collection, treatment, transport, or disposal.

2-26 **Tattoo** means:

1. any indelible design, letter, scroll, figure, symbol, or other mark placed with the aid of needles or other instruments; or

2. any design, letter, scroll, figure, or symbol done by scarring upon or under the skin; or

3. any piercing of the mucous membranes or the skin through which needles or other items are inserted for temporary or permanent placement upon a person.

2-27 **Tattoo artist** means any person who provides a tattoo to an individual or who performs any type of piercing of the mucus membranes or the skin through which needles or other objects are inserted for temporary or permanent placement.

2-28 **Universal precautions** means an approach to infection control in which all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, HCV, and other blood borne pathogens.

CHAPTER 3
OPERATOR TRAINING RESPONSIBILITIES

An individual or entity that is an operator shall comply with the following training responsibilities:

3-1 Ensure that the training described in the Indiana Occupational Safety and Health Administration's Bloodborne Pathogens Standard (as found in 29 CFR 1910.1030) is provided to all tattoo artists and body piercers, anyone employed by the facility, or anyone acting on behalf of the facility, who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM.

3-2 Ensure that training on the handling of infectious waste is provided to all tattoo artists and body piercers, anyone employed by the facility, or anyone acting on behalf of the facility who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM.

3-3 Ensure that a record of training described in subdivisions (A) and (B) is maintained, as required under the Indiana Occupational Safety and Health Administration's Bloodborne Pathogens Standard (as found in 29 CFR 1910.1030) of an individual's participation in the training that is provided. The record shall be made available to the department for inspection upon request.

CHAPTER 4
OPERATOR RESPONSIBILITIES.

4-1 The operator shall ensure that tattoo artists, body piercers, anyone employed by the facility, or anyone acting on behalf of the facility who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood are provided personal protective equipment and expendables needed to implement the precautions required by this rule and the Indiana Occupational Safety and Health Administration's Bloodborne Pathogens Standard (as found in 29 CFR 1910.1030).

4-2 The operator shall require tattoo artists, body piercers, anyone employed by the facility, or anyone acting on behalf of the facility who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood to provide evidence of compliance with the universal precautions education requirements contained in Section 6 of this ordinance.

4-3 The operator shall display a description of compliance with the requirements contained in subsection (D).

4-4 The operator shall display written materials prepared or approved by the department explaining universal precautions and patrons' rights under this rule. These materials shall include information on how to report violations of universal precautions and shall include information regarding the department's duties to investigate.

CHAPTER 5
OPERATOR POLICIES.

5-1 The operator shall develop a written policy in compliance with this rule and the requirements of the Indiana Occupational Safety and Health Administration's Bloodborne Pathogen Standard (as found in 29 CFR 1910.1030) that:

1. requires the use of universal precautions when performing tattooing or body piercing and any activity or duty that includes any reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or OPIM.

2. requires disinfection or sterilization of contaminated reusable items;

3. includes the safe handling of infectious waste; and

4. provides sanctions, including discipline and dismissal, if warranted, for failure to use universal precautions and/or handle infectious waste safely.

5. prohibiting of medical procedures; tongue splitting, tattoo removal, and uses of anesthesia

CHAPTER 6
TATTOO ARTIST AND BODY PIERCER MINIMUM TRAINING AND CERTIFICATION REQUIREMENTS.

6-1 All tattoo artists, body piercers, anyone employed by the facility, and anyone acting on behalf of the facility who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM shall complete the training program that is required under the requirements of the Indiana Occupational Safety and Health Administration's Bloodborne Pathogen Standard (as found in 29 CFR 1910.1030). The programs under this section shall be as follows:

1. A blood borne pathogen training session provided by the operator meeting the requirements under the Indiana Occupational Safety and Health Administration's Bloodborne Pathogens Standard (as found in 29 CFR 1910.1030).

2. Any bloodborne pathogen continuing education program accredited by a health care licensing entity.

6-2 All tattoo artists, body piercers, anyone employed by the facility, and anyone acting on behalf of the facility who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM must be trained in the facility's policies on the handling of infectious waste.

CHAPTER 7
PATRON RECORDS.

7-1 Records of each patron shall be maintained for two (2) years. The record shall include the following:

A. Patron's name.
B. Address.
C. Age - Age must be verified by two items of identification, one of which must be a valid government issued identification.
D. Date of the tattoo or body piercing.
E. Design of the tattoo or body piercing.
F. Location of the tattoo or body piercing on the patron's body.
G. The name of the tattoo artist or body piercer who performed the work.
H. Jewelry or other decoration used.
I. Tattooing and Body Piercing of Minors Prohibited. No person shall tattoo any person under the age of eighteen (18) years, except in the presence of and with the written permission of a properly identified parent or legal guardian of such person. Under no circumstances shall any person tattoo or body pierce a person under the age of 16. A person providing tattoo or body piercing services shall conspicuously post a notice stating that it is illegal to tattoo or body pierce any person under the age of 18 without the parent or legal guardian's consent and without the parent or legal guardian present and that it is illegal to ever tattoo or body pierce any person under the age of 16 years old.

CHAPTER 8
ILLNESS

8-1 Tattoo artists or body piercers who are experiencing symptoms of acute disease that include, but are not limited to:
A. diarrhea;
B. vomiting;
C. fever;
D. rash;
E. productive cough;
F. jaundice; or
G. draining (or open) skin infections, boils, impetigo, or scabies;
shall refrain from providing tattoos or body piercing.

CHAPTER 9
HANDWASHING

9-1 Handwashing facilities shall be readily accessible in the each work station where tattooing or body piercing is provided.

9-2 Hands shall be washed with soap and running water immediately before putting on gloves and after removal of gloves or other personal protective equipment.

9-3 Only single use towels shall be used.

CHAPTER 10
PERSONAL PROTECTIVE EQUIPMENT

Appropriate personal protective equipment shall be worn as follows:

10-1 A clean protective clothing layer shall be worn whenever there is a reasonably anticipated risk of contamination of clothing by blood or OPIM.

10-2 Masks, in combination with eye protection devices such as goggles or glasses with a solid side shield or chin length face shield, shall be worn whenever splashes, spray, splatter, or droplets of blood or OPIM may be generated and eye, nose, or mouth contamination can be reasonably anticipated.

10-3 Disposable gloves, such as surgical or examination type, shall worn during the tattooing or body piercing process. Gloves shall be changed and properly disposed of each time there is an interruption in the application of the tattoo or body piercing, when the gloves become torn or punctured, or whenever the ability to function as a barrier is compromised. Disposable gloves shall not be reused.

10-4 Gloves shall be worn when decontaminating environmental surfaces and equipment.

CHAPTER 11
TATTOOING EQUIPMENT

11-1 Only single use razors shall be used to shave the area to be tattooed.

11-2 All stencils shall be properly disposed of after a single use.

11-3 If the design is drawn directly onto the skin, it shall be applied with a single use article only.

CHAPTER 12
NEEDLES

12-1 Needles shall be individually packaged and sterilized prior to use.

12-2 Needles shall be single use only.

12-3 Needles shall be discarded in sharps containers immediately after use.

12-4 Contaminated needles shall not be bent or broken or otherwise manipulated by hand.

CHAPTER 13
REUSABLE EQUIPMENT

13-1 Heating procedures capable of sterilization must be used when heat stable, nondisposable equipment is sterilized.

13-2 Equipment that is to be sterilized shall be put in single-use packaging.

13-3 Records must be maintained to document the following:

1. Duration of sterilization technique.
2. Determination of effective sterility, such as use of a biological indicator, is performed monthly.

3. Equipment is maintained as recommended by the owner's manual and proof is available that the owner's manual recommendations are reviewed monthly.

13-4 Reusable contaminated equipment shall not be stored or processed in a manner that requires any person to reach by hand into the containers where these sharp items have been placed.

13-5 Reusable contaminated equipment shall be:

1. placed in puncture-resistant containers which are:
   a. labeled with the biohazard symbol; and
   b. leakproof on both sides and bottom.

2. stored in a manner that does not require reaching by hand into the container where the equipment is stored until cleaning prior to sterilization.

13-6 Contaminated reusable equipment shall be effectively cleaned prior to sterilization or disinfection.

13-7 Any reusable contaminated equipment that comes into direct contact, or is likely to come into direct contract, with an instrument that penetrates the skin other than a piercing gun shall be effectively cleaned and sterilized prior to use.

13-8 All sterilized equipment shall not be removed from wrappers or sterilizer packaging until immediately prior to use.

13-9 Any reusable equipment that comes into contact with mucus membranes shall be effectively cleaned and sterilized prior to use.

13-10 Piercing guns shall be cleaned and undergo, at a minimum, high level disinfection after each use and whenever visibly contaminated.

13-11 All reusable equipment that has contact with intact skin shall undergo, at a minimum, intermediate level disinfection.

13-12 All other equipment used during the tattooing or body piercing procedure shall be single use, including corks.

13-13 All body piercers and tattoo artists shall comply with all other equipment manufacturer's recommendations.

CHAPTER 14
DYES OR PIGMENTS

14-1 All dyes or pigments in tattooing shall be from professional suppliers specifically providing dyes or pigments for the tattooing of human skin.

14-2 In preparing dyes or pigments to be used by tattoo artists, only non-toxic sterile materials shall be used. Single use or individual portions of dyes or pigments in clean, single-use containers shall be used for each patron.

14-3 After tattooing, the remaining unused dye or pigment in single use or individual containers shall be discarded along with the container.

14-4 Any object placed under the skin shall be sterile.

CHAPTER 15
WORK ENVIRONMENT

15-1 No tattooing or body piercing shall be conducted in any room used as living quarters or in any room that opens directly into living or sleeping quarters. All work-stations shall be at least 10'X10' and have working sink area to prevent cross contamination.

15-2 All facilities shall have a dry storage and sterilization room separate from work areas and not accessible by public. Each sterilization room shall have adequate room for proper sterilization technique that shall include separation of contaminated and sterilized storage area.

15-3 Live animals shall be excluded from areas where tattooing or body piercing is being conducted. This exclusion does not apply to the following:

1. Patrol dogs accompanying security or police officers.

2. Guide dogs accompanying the following:
   a. Blind persons.
   b. Partially blind persons.
   c. Physically disabled persons.
   d. Guide dog trainers.
   e. Persons with impaired hearing.

15-4 Eating, drinking, smoking, applying cosmetics, or handling contact lenses shall not be allowed in work areas where there is a likelihood of exposure to blood or OPIM.

15-5 Food and drink shall not be kept in areas where there is a reasonably anticipated risk of exposure to blood or OPIM.

15-6 All equipment and environmental surfaces shall be cleaned and disinfected after contact with blood or OPIM.

15-7 Environmental surfaces and equipment not requiring sterilization, that have been contaminated by blood, shall be cleaned and disinfected.

15-8 All work surfaces shall be:

1. nonabsorbent;

2. easily cleanable;

3. smooth, and;

4. free of:
   a. breaks;
   b. open seams;
   c. cracks;
   d. chips;
   e. pits; and
   f. similar imperfections.

15-9 Disinfectant solutions shall be:

1. a hospital grade, tuberculocidal Environmental Protection Agency (EPA) registered disinfectant; or

2. sodium hypochlorite, five-tenths percent (0.5%) concentration, by volume (common household bleach is ten percent (10%) concentration in water); the solution shall be dated and shall not be used if it is more than twenty-four (24) hours old.

CHAPTER 16
INFECTIOUS WASTE CONTAINMENT

16-1 Contaminated disposable needles or instruments shall be:

1. stored in leak-resistant, puncture-resistant containers, tightly sealed to prevent expulsion, labeled with the biohazard symbol, and effectively treated in accordance with this rule prior to being stored in an unsecured area and sent for final disposal.

16-2 Infectious wastes that are contaminated sharps or objects that could potentially become contaminated sharps shall be placed in containers that:

1. shall be impervious to moisture;

2. shall be of sufficient strength and thickness to prevent expulsion;

3. shall be secured to prevent leakage expulsion;

4. shall be labeled with the biohazard symbol; and

5. shall be effectively treated in accordance with this rule prior to being placed in an unsecured area and sent for final disposal.

16-3 If infectious waste is stored prior to final disposal, all persons subject to this rule shall store infectious waste in a secure area that:

1. is locked or otherwise secured to eliminate access by or exposure to the general public;

2. affords protection from adverse environmental conditions and vermin; and

3. has a prominently displayed biohazard symbol.

16-4 Infectious waste shall be stored in a manner that preserves the integrity of the container and is not conducive to rapid microbial growth and putrefaction.

16-5 Disinfect reusable containers for infectious waste each time that they are emptied unless the surfaces of the reusable containers have been protected from contamination by disposable liners, bags, or other devices that are removed with the infectious waste.

CHAPTER 17
TREATMENT AND TRANSPORT OF INFECTIOUS WASTE

17-1 All operators shall ensure that infectious waste is either treated on-site in accordance with this rule or transported off-site for treatment in accordance with this rule.

17-2 A treatment is effective if it reduces the pathogenic qualities of infectious waste for safe handling, is designed for the specific waste involved, and is carried out in a manner consistent with this rule. Effective treatment may include:

1. incineration in an incinerator designed to accommodate infectious waste;

2. steam sterilization;

3. chemical disinfection under circumstances where safe handling of the waste is assured;

4. thermal inactivation;

5. irradiation; or

6. discharge in a sanitary sewer or septic system that is properly installed and operating in accordance with state and local laws.

17-3 All persons subject to this rule shall:

1. transport infectious waste in a manner that reasonably protects waste haulers and the public from contracting a dangerous communicable disease; and

2. effectively treat infectious waste in accordance with this rule before it is compacted.

17-4 The operator shall ensure that infectious waste, effectively treated or not, is transported off-site in compliance with 410 IAC 1-3.

CHAPTER 18
PERMITS & LICENSES

18-1 **Business.** Each tattoo/body piercing facility operation shall obtain a permit from the Floyd County Health Department. The permit shall provide the name and address of the owner of the business and the name and address of each tattoo artist and body piercer employed at each location. The cost for this permit shall be three hundred dollars ($300.00) and shall not be transferable. The permit expires on December 31 of each year. Should an establishment fail to obtain the permit prior to the opening of a Tattoo and/or Body Piercing facility or should any permittee fail to renew his/her permit on or before the expiration date of December 31, then said fee shall be annual plus 50% of the annual fee set forth above for the Tattoo and/or Body Piercing facility. Any holder of a permit shall be subject to inspection as set forth herein. The Floyd County Health Department shall provide the appropriate forms for this permit. Said permit shall be posted at the facility in the area where the tattoo or body piercing services are performed and shall be clearly visible to the public. Said permit will only license the permanent establishment whose address appears on the permit. Businesses wanting to conduct a tattoo event off-site must obtain a Temporary Event permit.

18-2 **Temporary Facility.** Each temporary tattoo/body piercing facility operation shall obtain a permit from the Floyd County Health Department. The permit shall provide the name and address of the owner of the business and the name and address of each tattoo artist and body piercer operating at each location. The cost of this permit shall be one hundred eighty dollars ($180.00) and shall not be transferable. The permit expires on December 31 of each year. Should an establishment fail to obtain the permit prior to the opening of a Mobile Tattoo and/or Body Piercing facility or should any licensee fail to renew his/her license on or before the expiration date of December 31, then said fee shall be annual plus 50% of the annual fee set forth above for the Tattoo and/or Body Piercing facility. Any holder of a permit shall be subject to inspection as set forth herein. The Floyd County Health Department shall provide the appropriate forms for this permit. Said permit shall be posted at the mobile facility in the area where the tattoo or body piercing services are performed and shall be clearly visible to the public. In addition, the date, time, and location of the event where the mobile facility will be used shall be submitted at least (3) business days prior to the start time of the event to the Floyd County Health Department.

18-3 **Tattoo Artist or Body Piercer.** Every person that desires to perform any tattoo or body piercing shall obtain a "Tattoo Artist License", "Body Piercer License" or a "Tattoo Artist-Body Piercer License" from the Floyd County Health Department. Each applicant must be at least eighteen (18) years of age. This license must be obtained

before any tattoos are affixed or body piercing done to any person and after the requisite training. The applicant must satisfy the minimum requirements as set forth herein in Section 7. The cost of said license shall be fifty dollars ($50.00) and shall not be transferable. The license expires on December 31 of each year. Should a tattoo artist or body piercer fail to obtain the license prior to performing any tattoo or body piercing or should any licensee fail to renew his/her license on or before the expiration date of December 31, then said fee shall be annual + 50% of the annual fee set forth above for the tattoo artist or body piercer. Any holder of a license shall be subject to inspection as set forth herein. The Floyd County Health Department shall provide the appropriate forms for this license. Said licenses shall be posted at the facility in the place where the tattoos or body piercing are performed and shall be clearly visible to the public

18-4 **Owner/Operator.** In the event that a tattoo/body piercing facility is a sole proprietorship and the owner shall also perform tattooing or body piercing for their business, the owner shall only be required to obtain a business permit as described in this section.

18-5 **Guest tattoo artist or body piercer.** Every person that desires to perform any tattoo or body piercing services within Georgetown on a temporary basis shall obtain a "Guest Tattoo Artist License", "Guest Body Piercer License" or a "Guest Tattoo Artist-Body Piercer License" from the Floyd County Health Department. This license must be obtained before any tattoos are affixed or body piercing is done to any person and after the required training. The applicant must satisfy the minimum requirements as set forth herein in Section 7. The cost of said license shall be twenty-five dollars ($25.00) for a thirty day (30) license and shall not be transferable. The permit shall expire thirty (30) days after the date of issuance. Any holder of a permit shall be subject to inspection as set forth herein. The Floyd County Health Department shall provide the appropriate forms for this permit. Said permits shall be posted at the facility in the area where the tattoo or body piercing services are performed and shall be clearly visible to the public.

18-6 **Pro-Rating of Fees.** In the event that a business, mobile facility, tattoo artist and/or body piercer shall apply for a permit any time prior to July 1 of any year, they shall be responsible for the total annual fee as described in this chapter. In the event that a business, mobile facility, tattoo artist and/or body piercer shall apply for a permit any time after or on July 1 of any year, they shall be required to pay one half (½) of the annual fee. All permits, however, shall expire on December 31 of the year in which they were issued.

18-7 **Temporary Events.** Temporary studios at locations such as fairs, festivals, or flea markets, shall comply with all requirements for a certified studio in accordance with Sections 1 – 17 of this administrative regulation in their entirety. The event organizer or studio owner for the event shall be responsible for ensuring that the event is run in a manner that is safe for the body piercer, tattoo artist, and general public. The event organizer or studio owner shall provide a list of all participating artist/piercer at the event and with the Floyd County Health Department. This information shall include the following information for each participating artist/piercer.

(a) Name
(b) Date of birth
(c) Home address
(d) Business name
(e) Business address
(f) Home and work telephone numbers
(g) Email address (if available)
(h) Description of procedures to be performed at the event, and
(i) Copy of current artist/piercer registration.

The event coordinator or studio owner shall provide a layout of the event floor to the Floyd County Health Department before being granted a permit.

Each participant who performs shall bring enough presterilized instruments and supplies to last the whole event.

The event coordinator or studio owner shall provide a separate cleaning and sterilization room as a back up for use by participants who have used all the presterilized instruments and were brought to the event. If used, the cleaning and sterilization room shall be disinfected at the close of the event. Presterilized instruments and equipment shall not be reused.

The event coordinator or studio owner shall provide an approved autoclave that has a negative spore test within thirty (30) days prior to the event.

The event coordinator or studio owner shall provide for pick up and disposal of contaminated waste in accordance with this ordinance and administrative rules.

Each artist/piercer at the temporary event must either have an annual or guest license. In addition to the license each tattoo/body piercing facility or workstation at the temporary event shall obtain a permit from the Floyd County Health Department. The permit shall provide the name and address of the owner of the business and the name and address of each tattoo artist and body piercer employed at the event. The cost for the temporary event permit shall be $20.00 per day, not to exceed $100.00 for a maximum of fourteen consecutive days. All fees shall be paid prior to the event.

Temporary workstations shall meet the following minimum conditions:

(a) Be at least 10 ft x 10 ft and be constructed in a manner to separate the artist/piercer from the public in such a way as to protect the procedure area from contamination, and prevent accidental exposure of the potentially-infectious material created during such procedures.
(b) Have a floor and sides that are smooth, nonporous and easy to clean;
(c) Have at least 100 foot-candles of light available at the level where the tattoo or body piercing is conducted;
(d) Be equipped with a hand-washing facility. A hand-wash facility at the minimum shall consist of liquid antibacterial or antimicrobial soap, single use paper towels, and an insulated five (5) gallon container with a level-type

spigot. Filled with warm potable water 101-120°F, and a bucket to catch the wastewater. The water container shall be placed at least thirty (30) inches off the floor to allow for easy use, and shall be filled regularly to ensue an adequate supply of warm water for hand washing.

(e) Waste water shall be disposed of into a public sewage system, if available. If a public sewage system is not available, disposal shall be made into a private system designed, constructed and operated pursuant the to the requirements of Rule 410 IAC 6-8.1 of Indiana State Administrative Codes and

(f) Shall be supplied with an adequate supply of paper or plastic barrier film to protect equipment and any other item that must be protected to prevent cross-contamination.

CHAPTER 19
INSPECTIONS

19-1 The Floyd County Health Department shall conduct inspections of each and every facility and mobile facility located in Georgetown, Indiana. The Floyd County Health Department shall conduct a minimum of two (2) inspections per year for facilities and one (1) inspection per year for mobile facilities. Additional inspections may be conducted by the Floyd County Health Department as it determines and/or in response to complaints submitted. The results of the inspections shall be provided to each operator. Violations noted by the Floyd County Health Department shall be corrected immediately. The Department shall conduct follow-up inspections to determine compliance with this ordinance.

CHAPTER 20
PROCEDURES WHEN VIOLATIONS ARE NOTED

20-1 If, during the inspection of any facility, the Health Officer discovers the violation the Georgetown Code of Ordinances or the Floyd County Health Code, he/she shall issue a written report listing such violations and the remedial action(s) to be taken. A copy of said report shall be delivered to the permittee and/or licensee by hand delivering the report to him/her on-site, or mailing the notice by Certified Mail to the address listed by the permittee and/or licensee as his/her/its mailing address on the permit application.

20-2 A copy of the written order shall be filed in the records of the Department after appropriate review by supervisory personnel and then shall be made available to the public.

CHAPTER 21
PERMIT OR LICENSE SUSPENSION/REVOCATION

The Health Officer may order the suspension or revocation of any permit or license issued for a facility or artist, which order shall include the prohibition of any further operation for the following reasons:

21-1 Interference with the Health Officer, or his/her authorized representatives, in the performance of his/her duties. Interference shall be defined as the process of

obstructing, hampering or blocking the Health Officer in the performance of his/her duties.

21-2 As a result of the willful and/or continuous violation of any provision of this Ordinance.

CHAPTER 22
OTHER PERMIT OR LICENSE REVOCATION, SUSPENSION AND IMMEDIATE CLOSURE ORDERS

22-1 Except as set forth in 22-1 (A), no suspension or revocation shall be ordered by the Health Officer except after a hearing held pursuant to 23-1.

A. Notwithstanding the provisions of 22-1, whenever the Health Officer, or his/her authorized representatives find unsanitary or other conditions, involving the operation of any facility or artist which, in his/her reasonable belief, constitutes an imminent health hazard, he/she shall without notice or hearing, issue and serve a written order upon the permittee or licensee requiring the immediate closure of its operations, shall cite the existence of said unsanitary conditions and shall specify the corrective actions to be taken.

1. Such order shall be effective immediately.
2. Upon written request to the Health Officer, the permittee or licensee shall be afforded a hearing on the next business day as set forth in 23-1.
3. The Health Officer shall make a reinspection upon the request of the permittee or licensee. When the Health Officer determines that the necessary corrective action(s) have been taken, operation of the facility may be resumed.

CHAPTER 23
HEARING

23-1 All hearings required under this section, except those set forth in 24-1, shall be held only upon at least ten (10) days written notice to the permittee or licensee of time, place and nature thereof. The notice of hearing shall be served upon the permittee or licensee by leaving, or mailing by Certified Mail, the notice to the address listed on the permit application as the permittee's or licensee's mailing address or such other address as the permittee or licensee shall designate in writing to the Health Officer

23-2 At any hearing required under this Ordinance, the Hearing Officer shall be the Health Officer or the Health Officer's designee. Every person who is a party to such proceedings shall have the right to submit evidence, to cross-examine witnesses and to be represented by legal counsel. All such hearings shall be conducted in an informal manner, but irrelevant, immaterial or unduly repetitive evidence may be excluded.

23-3 Upon the conclusion of such hearing, the Hearing Officer shall enter a final order, subject to the right of appeal in accordance with 24-1.

CHAPTER 24
APPEAL

24-1 Any permittee or licensee aggrieved by any final order of the Health Officer shall be entitled to a review of the final order before the Floyd County Board of Health (Board) by filing a written request therefore with the Secretary of the Board within fifteen (15) days after such final order is issued.

24-2 Upon the Health Officer's receipt of such request, the Board shall hear the matter de novo in an open hearing after at least ten (10) days written notice of the time, place and nature thereof. (The Health Officer and permittee or licensee may agree to a shorter period of time, if requested by either party.) The notice shall be issued by the Secretary of the Board to the permittee or licensee filing the request.

24-3 The notice of hearing shall be served upon the permittee or licensee by leaving or mailing by Certified Mail, the notice to the address listed on the permit application as the permittee's or licensee's mailing address or such other address as the permittee or licensee shall designate in writing to the Secretary of the Board.

24-4 At such hearing, the same rules of procedure shall apply as set forth in 23-2, provided, that upon written request by the permittee/licensee or the Health Officer, the Board shall cause the proceedings before it to be recorded by a reporter employed for such purpose, and the same, together with all papers and documents filed therein, shall, at the request of either party, be reproduced by said Board in the form of a transcript, a copy of which shall be available to any party.

24-5 The expense of such proceedings shall be charged to the permittee/licensee who applied for the review, except that copies of transcripts shall be at the expense of the party requesting the same. At the time the transcript is requested, the Board may require the permittee/licensee to pay a deposit in an amount determined by the Board to be necessary to secure such expense(s).

24-6 The Board shall make written findings of facts and shall enter its final order or determination of the matter in writing.

CHAPTER 25
ENFORCEMENT

25-1 It shall be the duty of the Health Officer to enforce the provisions of this Ordinance. Any permit or license issued in conflict with the provisions of this Ordinance shall be null and void. A violation of an order issued by the Health Officer or Board shall be considered to be a violation of this Ordinance.

CHAPTER 26
VIOLATIONS

26-1 Whenever the Health Officer determines that any facility/artist or any other person, is in willful violation of any of the provisions of this Ordinance, the Health Officer shall furnish evidence of said willful violation to the Prosecuting Attorney of Floyd County,

Indiana or the attorney for the Board who shall seek all appropriate legal remedies against the person(s) violating said provisions of this Ordinance.

CHAPTER 27
PROHIBITED ACTS

27-1 prohibiting of any medical procedures; but not limited to tongue splitting, tattoo removal, and uses of anesthesia

27-2 home tattoo parties and mobile tattoo parlor

CHAPTER 28
PENALTY

28-1 Any person who willfully violates any of the provisions of this Ordinance shall be subject to a fine of not more than five hundred dollars ($500.00) for each violation. Each day of the existence of any violation of this Ordinance shall be considered to be a separate offense.

CHAPTER 29
INJUNCTION

29-1 The Health Officer may bring an action for an injunction in the Circuit or Superior Court of Georgetown, Indiana, to restrain any person from violating the provisions of this Ordinance, to cause such violation(s) to be prevented, abated or removed.

CHAPTER 30
EXPENSE

30-1 Any person violating any of the provisions of this Ordinance shall be liable to the Floyd County Health Department for the expense, loss or damage occasioned by reason of such violation, including reasonable attorney's fees and costs.

CHAPTER 31
CUMULATIVE

31-1 The remedies provided in this section shall be cumulative, and not exclusive, and shall be in addition to any other remedy provided by law.

CHAPTER 32
SEVERABILITY

32-1 Invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance.

CHAPTER 33
EFFECTIVE DATE

33-1 This ordinance shall be in full force and effect from and after ~~12:01 a.m., on the __th day of _____, 2010.~~ the required publication under Ind. Code 36-5-2-10(b).

Adopted by the Town Council of the Town of Georgetown, Indiana, this 12th day of April 2010.

BILLY STEWART, PRESIDENT

MIKE MILLS, MEMBER

AARON STRIEGEL, MEMBER

EVERETT PULLEN, MEMBER

KARLA PERKINS, MEMBER

ATTEST:

DOUGLAS COOK, CLERK/TREASURER