

TATTOO AND BODY PIERCING ESTABLISHMENTS

3-5-1: DEFINITIONS:

For purposes of this chapter, the words and terms defined below shall have the following meanings:

BODY PIERCING: Any procedure whereby a part or parts of the human body are pierced by a sharp instrument in order to allow insertion of a piece or pieces of jewelry, a ring(s) or other ornamental device(s) through the orifice(s) thus created.

OPERATOR: Any individual, firm, company, corporation or association that owns or operates an establishment where tattooing or body piercing is performed and any individual who performs or practices the art of tattooing or body piercing other human beings.

TATTOO, TATTOOED, TATTOOING: Any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin by the aid of needles or other instruments designed to touch or puncture the skin. (Ord. 00-12, 4-24-2000)

3-5-2: LICENSE REQUIRED:

It shall be unlawful for any person firm or corporation to maintain and operate a tattoo establishment, with or without body piercing, or a body piercing establishment without first having obtained a license as hereinafter provided. (Ord. 00-12, 4-24-2000)

3-5-3: APPLICATION FEE:

Every applicant for a license to maintain, operate or conduct a tattoo or body piercing establishment shall file an application upon a form provided by the village clerk and pay a nonrefundable filing fee of one hundred dollars (\$100.00) to the village clerk. The village clerk shall, within fifteen (15) days thereafter, refer copies of such application and all additional information to the police department, building department and village president. The village departments shall, within forty five (45) days, inspect the premises proposed to be operated as a tattoo or body piercing establishment, and make recommendations to the clerk concerning the compliance with the codes of the village. Upon receipt of the recommendations of the respective village departments, the clerk shall notify the applicant as to whether his application has been granted, denied or held for further investigation. The period of such additional investigation shall not exceed an additional thirty (30) days. (Ord. 00-12, 4-24-2000)

3-5-4: LICENSE FEE:

The license fee as provided for herein shall be one hundred dollars (\$100.00) per annum. (Ord. 00-12, 4-24-2000)

3-5-5: PREMISES:

No tattoo or body piercing establishment shall receive a license or be operated, established or maintained unless the establishment shall comply with each of the following minimum regulations:

- (A) The establishment shall have a certificate of compliance or inspection by the Kendall County health department, if available.

- (B) The room in which tattooing or body piercing is done shall have an enclosed area of not less than five hundred (500) square feet. The walls, floors and ceiling shall have an impervious, smooth and washable surface.
- (C) Toilet facilities shall be provided within the establishment. When five (5) or more employees or patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided. Lavatories shall be provided with both hot and cold running water and shall be installed in the toilet room. Lavatories shall be provided with soap and a dispenser with sanitary towels.
- (D) 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 solid wall or door totally eliminating any view into the tattooing or body piercing room.
- (E) Closed cabinets shall be provided for use in the storage of clean linens, towels, needles, and other materials and instruments used in tattooing or body piercing. All used linens, towels, equipment, instruments and other materials shall be kept in properly covered containers or cabinets which shall be kept separate from the clean storage areas.
- (F) The entire premises and equipment shall be maintained in a clean, sanitary condition and in good repair.
- (G) No tattoo or body piercing establishment shall be open to the public for business between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M.
- (H) The main entrance door of any tattoo or body piercing establishment shall be visible from a public street and shall remain unlocked during business hours.
- (I) The business shall also comply with all of the terms and conditions set forth within this title with respect to business registration. (Ord. 00-12, 4-24-2000)

3-5-6: OPERATING REQUIREMENTS:

- (A) The operator shall wash his hands thoroughly with antiseptic soap and water before starting any tattoo or body piercing; the hands shall be dried with individual, single use towels.
- (B) The area on the patron to be tattooed or pierced shall first be thoroughly washed with a sterile, single use sponge with warm water containing an antiseptic liquid soap. For a tattoo, the area should be shaved with a safety razor, using single service blades for each customer or patron, followed by a solution of seventy percent (70%) alcohol to be applied to the area before tattooing is begun.
- (C) Only petroleum jelly in collapsible metal or plastic tubes shall be used on the area to be tattooed, and it shall be applied with sterile gauze.
- (D) Single service or individual containers of dye or ink shall be used for each tattoo patron, and the container therefor shall be discarded immediately after completing work on each patron. Any dye in which the needles are dipped shall not be used on another person. All needles, pigments, dyes, colors and any other material used in tattooing or body piercing and all bandages and surgical dressings used in connection with tattooing or body piercing

shall be sterile and free from bacteria, virus particles and noxious agents and substances. After completing work on any person, the tattooed or pierced area shall be washed with sterile gauze and seventy percent (70%) alcohol solution and allowed to dry. A sterile gauze dressing shall be fastened to the tattooed area.

- (E) No tattooing or body piercing shall be done on any skin surface that has rash, pimples, boils, infections or manifests any evidence of unhealthy conditions. No person, customer, or patron having any communicable disease shall be tattooed or pierced. All infections resulting from the practice of tattooing or body piercing which become known to the operator shall be promptly reported to the village by person owning or operating the tattooing or body piercing establishment, and the infected client shall be referred to a physician.
- (F) 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.
- (G) Operators shall at all times while in the performance of their duties wear uniforms or garments which cover the torso, and said garments shall be kept clean and in a sanitary condition.
- (H) No person, while on the premises of any tattoo or body piercing establishment, shall possess, sell, dispense, provide, give, keep or maintain any alcoholic beverage.
- (I) No intoxicated person shall be tattooed or pierced by an operator on the licensed premises.
- (J) Operators shall at all times comply with the regulations of the department of labor's occupational safety and health administration, as presently existing or hereafter amended, with respect to occupational exposure to blood, blood borne pathogens or other potentially infectious materials, which regulations are incorporated by reference herein. (Ord. 00-12, 4-24-2000)

3-5-7: CARE AND STORING OF INSTRUMENTS:

- (A) Storing Of Instruments: All clean and ready to use instruments and single service needles shall be kept in a closed glass or metal case or storage compartment while not in use. The cabinet shall be maintained in a sanitary manner at all times.
- (B) Sterilizing Of Instruments: A steam sterilizer (autoclave) shall be provided for sterilizing all instruments before use on any customer, person, or patron. Sterilization of equipment will be accomplished by exposure to live steam for at least thirty (30) minutes at a minimum pressure of fifteen (15) pounds per square inch, temperature of two hundred forty degrees Fahrenheit (240°F) or one hundred sixteen degrees Celsius (116°C).
- (C) Use Of Instruments: The needles and instruments required to be sterile shall be so used, handled, and temporarily placed during tattooing or piercing so that they will not be contaminated. (Ord. 00-12, 4-24-2000)

3-5-8: RECORDS:

Permanent records for each patron or customer shall be maintained by the licensee or operator of the establishment. Before the tattooing or body piercing operation begins, the patron or

customer shall be required personally to enter, on a record form provided for such establishments, the date, his name, address, age, and his signature. The records shall be maintained in the tattoo or body piercing establishment and shall be available for examination by the village. Records shall be retained by the operator or licensee for a period of not less than two (2) years. In the event of a change of ownership or closing of the business, all such records shall be made available to the village. (Ord. 00-12, 4-24-2000)

3-5-9: INSPECTIONS:

Any authorized police officer or authorized member of the police department or building department of the village may make an inspection of each establishment granted a license under the provisions of this chapter for the purposes of determining compliance with the provisions of this chapter. (Ord. 00-12, 4-24-2000)

3-5-10: LICENSE REVOCATION AND SUSPENSION:

It shall be cause for revocation or suspension that a licensee has violated the provisions of this chapter or any code or ordinance of the village relative to operation of the business or use of the premises, has made a false statement on any application for license under this chapter or, in the event that the licensee shall refuse to permit any authorized police officer or authorized member of the police department or building department of the village to inspect the premises or the operations thereof at reasonable times. (Ord. 00-12, 4-24-2000)

3-5-11: TRANSFER OF LICENSE PROHIBITED:

No license for the operation of a tattoo or body piercing establishment shall be transferable. (Ord. 00-12, 4-24-2000)

3-5-12: DISPLAY OF LICENSE REQUIRED:

Each licensee shall display a valid current license in a conspicuous place within the licensed establishment so that the same may be readily seen by persons entering the establishment. (Ord. 00-12, 4-24-2000)

3-5-13: EXEMPTIONS:

The provisions of this chapter shall not apply to licensed medical doctors or doctors of osteopathic medicine who perform body piercing or tattoo individuals while in the course of their medical practice. (Ord. 00-12, 4-24-2000)

3-5-14: REQUIREMENT FOR BODY PIERCING:

Body piercing may be performed within such licensed tattoo establishments. The piercing of ears shall be exempt from the provisions of this chapter. (Ord. 00-12, 4-24-2000)

3-5-15: AGE REQUIREMENT:

No person under the age of eighteen (18) may be tattooed or pierced except by a person authorized to practice medicine or osteopathic medicine as hereinabove set forth. (Ord. 00-12, 4-24-2000)

3-5-16: COMPLIANCE WITH STATE AND COUNTY REQUIREMENTS:

The operator of a tattoo or body piercing establishment shall comply with all state and county health requirements applicable to such establishments, and if there is any conflict between the provisions of this chapter and such state or county requirements, the state or county requirements shall control. (Ord. 00-12, 4-24-2000)

3-5-17: MALPRACTICE INSURANCE:

The operator shall keep and maintain malpractice insurance in an amount of at least one hundred thousand dollars (\$100,000.00) and shall provide evidence of such insurance upon application for or renewal of each license. (Ord. 00-12, 4-24-2000)

3-5-18: PENALTY:

Any person found liable/guilty by a preponderance of the evidence of a violation of this chapter in an administrative/judicial hearing shall be subject to a class II fine, plus applicable hearing costs, as provided in subsection 1-4-3(E) of this code. (Ord. 09-42, 5-12-2009)