

MARQUETTE COUNTY TATTOO ORDINANCE

ARTICLE I: PREAMBLE

1.01: This ordinance, adopted by resolution of the Marquette County Board of Health, establishes the requirements, procedures, standards and enforcement for the practice of tattooing.

1.02: The purpose of this ordinance is to protect the public health, safety and welfare through the management of tattooing.

1.03: This ordinance is hereby adopted pursuant to authority conferred upon local health departments by Section 2441(1) of the Michigan Public Health Code, Act 368, P.A. of 1978, as amended.

ARTICLE II: CONSTRUCTION OF LANGUAGE

2.01: The following rules of construction apply to the text of this ordinance:

A. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

B. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases that have a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

C. When not inconsistent with the context, words in the present tense shall include the future and words in the singular number shall include the plural.

D. The word "person" includes any firm, association, organization, partnership, trust, corporation or similar entity, as well as an individual.

ARTICLE III: DEFINITIONS

For the purpose of this Ordinance, the following words and phrases when used herein shall be construed as follows:

3.01: ASEPTIC TECHNIQUE

The practices which prevent and hinder the transmission of disease producing microorganisms from one person or place to another person or place.

3.02: BODY PIERCING

Any practice, excluding tattooing, involving penetration of the skin with needles or other instruments, including but not limited to ear piercing and acupuncture.

3.03: HEALTH DEPARTMENT

The Marquette County Health Department.

3.04: HEALTH OFFICER

The Administrative Director of the Marquette County Health Department and/or his or her authorized representatives.

3.05: LICENSED HEALTH PROFESSIONAL

An individual acting pursuant to a license or registration issued under the Michigan Public Health Code, Act 368, P.A. of 1978, as amended, being MCLA 333.16101 to 333.18838.

3.06: PERSON

An individual, partnership, cooperative, association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

3.07: SHARPS

Objects or devices having acute rigid corners, edges or protuberances capable of cutting or piercing, including but not limited to hypodermic needles, tattoo needles, blades and slides.

3.08: SINGLE-SERVICE

Articles intended for one time, one person use and then discarded after its use.

3.09: TATTOO ARTIST

A person who engages in tattooing.

3.10: TATTOO ESTABLISHMENT

Any premises where a tattoo artist does tattooing for a fee or for other consideration.

3.11: TATTOOING

Any method of placing designs, letters, scrolls, figures, symbols, or any other marks upon or under the skin with ink or colors, by the aid of needle instruments.

ARTICLE IV: LICENSE REQUIREMENTS AND PROCEDURE

4.01: It shall be unlawful for any person to operate any practice, business or occupation of tattooing within the jurisdiction of this code, unless said person possesses a valid license then in force issued by the Health Officer.

4.02: A person shall comply with all applicable requirements of the Marquette County Tattoo Ordinance in order to be entitled to receive and to retain such a license. A license shall not be transferable as to person or place. The license shall be placed in a conspicuous place in every tattoo establishment.

4.03: Every license issued hereunder shall expire at midnight on December 31 following date of issuance, or as otherwise stated on the license. Any required license shall be deemed to be in effect as of the date of the Health Officer's approval of the application for same.

4.04: Any person desiring to engage in the practice, business or occupation of tattooing shall make written application for a license on forms provided by the Health Department. Such application shall be accompanied by the appropriate fee as specified in the Fee Schedule. Failure on the part of the applicant to fully complete the required application may be deemed cause for refusal to issue a license.

4.05: Upon receipt of a properly completed application accompanied by the appropriate fee, the Health Officer shall make an inspection and shall determine compliance with the applicable provisions of the statutes and the Marquette County Tattoo Ordinance. Upon confirmation that the applicable requirements have been satisfactorily met, a license shall be issued to the Applicant by the Health Officer. The Applicant may thereafter be referred to as "Licensee".

#### 4.06: DENIAL OF LICENSE

If the Health Officer finds good and sufficient reason to deny an application for license, it shall issue a notice to the Applicant in writing that the license will not be issued, citing the deficiencies or noncomplying items that constitute its reasons for not issuing the license. Until the Applicant has satisfactorily complied with the requirements of this Code and the terms and conditions of the Notice, he shall be denied a license.

#### 4.07: NOTICE OF SUSPENSION OF LICENSE

Whenever, in the opinion of the Health Officer, continued operation of a tattooing practice, business or other occupation would create a substantial hazard to the public health, the Health Officer may issue a written notice to the Licensee or operator thereof, citing such conditions and stating that the license is immediately suspended and that all tattooing operations shall be discontinued at once. The Licensee shall immediately comply with the notice of immediate discontinuance of operation and there shall be no further tattooing until or unless the license shall have been reinstated. The Licensee may request an administrative hearing in accordance with the procedures in Section 4.08.

#### 4.08: REVOCATION OF LICENSE; APPEAL OF REVOCATION

(1) For serious or repeated violations of any of the requirements of the Marquette County Tattoo Ordinance, or for interference with the Health Officer in the performance of his or her duties, in addition to the monetary civil penalties provided for in Section 14:01

of this ordinance, a license may be revoked by the Health Officer after an opportunity for an administrative hearing has been provided.

(2) Prior to such action to revoke a license, the Health Officer shall notify the Licensee in writing, stating the reasons for which the license is subject to revocation and advising that the license shall be revoked at the end of five days following service of such notice, unless the Licensee files a request for a hearing before the Marquette County Board of Health within such five days, and unless the licensee at said hearing satisfactorily shows cause why his license should not be revoked. A license may be suspended for cause, pending its revocation or a hearing and decision relative thereto.

(3) A person aggrieved by a final decision of the Marquette County Board of Health may petition the Marquette County Circuit Court for review. The petition shall be filed not later than 60 days following receipt of the final decision.

#### 4.09: REINSTATEMENT OF SUSPENDED LICENSES

Any person whose license has been suspended may, at any time, make a written request for reinstatement of the license. Such a written request shall include a statement signed by the applicant to the effect that in the applicant's opinion the conditions causing such suspension of the license have been corrected. Within a reasonable time, not to exceed ten working days following receipt of such request, the Health Officer shall make a reinspection. If the Applicant is then in satisfactory compliance with the applicable provisions of the Marquette County Tattoo Ordinance, the license shall be reinstated upon payment of the Reinstatement Fee prescribed in the Fee Schedule.

#### 4.10: INSPECTION OF TATTOO ESTABLISHMENT

The Health Officer shall have the authority to inspect every tattoo establishment and location at which the practice of tattooing is being carried on within the jurisdiction of this Code and shall make as many inspections and reinspections as are deemed necessary for the enforcement of the Marquette County Tattoo Ordinance and applicable statutes.

### ARTICLE V: CUSTOMERS AND OPERATORS

5.01: Tattooing shall not be done on skin surfaces which have rash, pimples, boils, infections or manifest any evidence of unhealthful conditions. In addition, the operator shall be free of communicable disease and have no pustular skin lesions.

5.02: No tattoo shall be administered to any person without his or her written informed consent. No tattoo shall be administered to any person under the age of 18, unless the written informed consent of both parents or legal guardian allowing such tattooing is obtained. The written informed

consent shall be on a form approved by the Health Department. Such written consent shall be kept on file on the premises for at least two (2) years.

5.03: Records shall be maintained by the Licensee for each customer. A record shall be prepared prior to any procedure being performed and shall include the following:

- A. Date when the tattoo was applied.
- B. The customer's name and signature.
- C. Address and age of customer.
- D. The design of the tattoo and its location on the body.
- E. The name of the tattoo artist.

5.04: The information required in 5.03 shall be permanently recorded, in ink or indelible pencil, in a bound book kept solely for this purpose. The book shall be available for examination by the Health Officer and shall be preserved for at least two (2) years from the date of the last entry.

5.05: All infections resulting from the practice of tattooing shall be reported to the Health Officer by the person owning the tattoo establishment.

#### ARTICLE VI: SANITATION REQUIREMENTS

6.01: Needles, dyes, inks and other materials or other equipment used in tattooing shall be kept in a clean, sterile and nontoxic condition, and the environment of the tattoo establishment shall be such as to prevent transmission of etiologic agents. Violation of this provision is hereby declared detrimental to health and dangerous to human life and shall be considered a nuisance for purposes of this Code.

6.02: A tattoo establishment shall be maintained in a clean and sanitary manner at all times, free from vermin or rodent infestation and excessive dust and dirt.

6.03: Each tattoo establishment shall have a work room, which is separate and apart from a waiting room or such room or rooms as may be used. This room shall not be used as a corridor for access to other rooms. Patrons or customers shall be tattooed only in said work room.

6.04: The walls and ceilings shall be easily cleanable, smooth surfaced and light colored. All walls and ceilings shall be kept in a clean condition and in good repair.

- 6.05: The floor surfaces shall be of smooth, nonabsorbent materials and constructed so as to be easily cleanable. The floor shall be kept in a clean condition and in good repair.
- 6.06: Adequate lighting and ventilation shall be provided.
- 6.07: Each tattoo establishment shall have a sink for the exclusive use of the tattoo artist for hand washing and preparing the customers for tattooing. The sink shall be supplied with hot and cold running water under pressure to a mixing type faucet, a soap dispenser with soap, and single use paper towels from a dispenser.
- 6.08: Water closet and hand basin shall be available on the premises for use by customers and tattoo artists. The plumbing fixtures and toilet room shall be maintained in a sanitary condition and in good repair.
- 6.09: All needles and instruments shall be stored in a manner so as to provide protection from contamination after sterilization. Adequate storage shall be provided for all needles and instruments.
- 6.10: Operating tables shall be constructed of metal or white enamel or porcelain finish, or stainless steel. The operating tables shall be separated from observers and waiting customers by a least ten feet.
- 6.11: No smoking shall be permitted in the tattoo establishment.
- 6.12: No alcoholic beverages shall be served or consumed in the tattoo establishment.
- 6.13: Tattooing shall be the only activity conducted in a tattoo establishment.
- 6.14: Adequate approved containers shall be provided for the disposal of wastes.
- 6.15: Instruments, dyes, inks, pigments, carbon, stencils and other paraphernalia used in the tattoo establishment shall be stored exclusively in approved closed cabinets.
- 6.16: No animals shall be allowed in the tattoo establishment at any time.

#### ARTICLE VII: ASEPTIC PROCEDURES

- 7.01: A tattoo artist shall wear disposable sterile latex gloves at all times during which he or she is preparing the materials to be used in tattooing and during the tattooing procedure itself. The gloves shall be disposed of at the end of the tattoo operation.

7.02: Single-use towels, sponges, gauze, or applicator sticks shall be used. Containers of petroleum jelly, to be used for stencils, shall be dispensed from a disposable, single-use collapsible tube or container.

7.03: After washing of the skin surface, shaving shall be done with a new single-service blade. The blade shall be discarded, in the proper manner after use. Reusable blade holders shall be sterilized in an autoclave after each use. If disposal blades are used, they may be used on only one customer and then must be properly disposed of.

7.04: Before placing the tattoo design on the customer's skin, an aseptic solution shall be applied with sterile cotton or sterile gauze.

7.05: During the tattoo procedure, dyes, inks, and bodily fluids shall be removed with sterile material and properly disposed of at the end of the tattoo operation.

7.06: The tattooed skin surface shall be washed with a sterile gauze saturated with 70% alcohol solution or other approved solution. The skin surface shall be allowed to air dry and may be treated with Bacitracin Ointment or other approved ointments with a sterile applicator from single use tubes. Unused portions of the ointment shall be discarded.

#### ARTICLE VIII: SANITIZING AND STERILIZING

8:01: All needles and needle tubes shall be thoroughly cleansed in a soap detergent solution, rinsed, then placed in a disinfectant solution such as household bleach and water with a minimum chlorine residual of 100-200 parts per million.

8.02: A steam sterilizer (autoclave) shall be provided for sterilizing all needles and similar instruments before use on any customer. (Alternate sterilizing procedures may only be used when specifically approved by the Health Officer.)

1. Autoclaves shall not be overloaded.
2. Equipment shall be loosely packed in the autoclave.
3. To guard against the potential temptation to reuse needles because of exhaustion of existing supplies,

there shall be sufficient equipment on hand in each establishment to handle 24 hours of tattooing without having to resterilize.

8.03: Instruments and equipment that shall be steam sterilized shall include, but shall not be limited to: dyes, pigments, needle tubes and needles. Equipment shall be sterilized in one of two procedures: (A) autoclave for 30 minutes at 15 to 20 pound pressure at 255 degrees Fahrenheit; or (B) dry heat sterilize at 320 degrees Fahrenheit for two (2) hours or 340 degrees Fahrenheit for one (1) hour.

8.04: The packages in which equipment is sterilized shall be dated with date of autoclaving. Equipment shall not be used 30 days or more after autoclaving without being resterilized.

8.05: Dyes or inks shall be used from squeeze bottle containers in which the dyes or inks have been sterilized in an autoclave. Dye shall be kept in a sterile condition, and the dye bottles filled with dye shall be autoclaved at least once a week, or more often, if necessary to keep the dye in a sterile condition. Refilling of partially depleted squeeze bottle containers with dyes or inks shall necessitate subjecting the bottle and its contents to the sterilization procedure.

#### ARTICLE IX: BODY PIERCING

9.01: All persons engaged in body piercing shall follow the procedures for sanitizing and sterilizing as set forth in Articles VI, VII and VIII. This section shall not apply to licensed health professionals acting within the purview of their license.

#### ARTICLE X: USE OF DYES AND INKS

10.01: Patrons shall be informed, before being tattooed, that the various dyes utilized in the tattooing process may cause allergic reactions.

10.02: Dyes or inks shall be from an approved source or supplier. The tattoo establishment shall submit to the Health Department in writing the source of the dyes and inks used in their establishment.

10.03: Dyes or inks to be immediately used in the tattooing process shall be dispensed into sterile paper or plastic cups. Upon completion of the tattooing, the cups and remaining dye shall be discarded. Any dye in which a needle was dipped shall not be used on another customer.

#### ARTICLE XI: PREPARATION OF STENCILS

11:01: Reusable stencils shall be sanitized by immersion in chlorine solution containing no less than 100 parts per million

(ppm) of chlorine (one ounce of unscented household bleach (5.25%) with one quart of water).

11.02: The stencil shall be scrubbed with soap and a brush after use to remove all accumulations of carbon and vaseline in the etched grooves of the stencil. The stencil shall be dried on a clean towel.

11.03: The dried stencil shall be sanitized by immersing in the chlorine solution, design side down, for at least 10 minutes.

11.04: The sanitized stencil shall be rinsed in tap water and may be air dried or blot dried with clean, sterile paper towels. The stencil shall be stored in a clean folder or envelope.

11.05: Prior to use, each pre-cleaned stencil shall be wiped with a piece of sterile gauze soaked in 70% isopropyl alcohol. The stencil shall be allowed to air dry while other preparatory steps are being taken.

#### ARTICLE XII: DISPOSAL OF INFECTIOUS WASTES

12:01: All potentially infectious waste materials, including sharps, generated by tattoo establishment shall be disposed of in a manner approved by the Health Department and in accordance with State law.

#### ARTICLE XIII: ENFORCEMENT

##### 13:01: SCHEDULE OF MONETARY CIVIL PENALTIES

(1) In the case of a first and single violation of this ordinance, the person violating the ordinance shall be assessed a monetary civil penalty of Five Hundred (\$500.00) Dollars and given notification, in writing, of provisions for penalties be levied in the event of further violations.

(2) In the case of a subsequent violation within a single license term, a person violating the ordinance shall be assessed a monetary civil penalty of One Thousand (\$1,000.00) Dollars.

##### 13:02: CITATION

Whenever the Health Officer believes that there exists a violation of this ordinance, he/she may issue a citation at that time or not later than 90 days after discovery of the alleged violation. The citation shall be written and shall state with particularity the nature of the violation, including reference to the article or section of this Ordinance alleged to have been violated, the monetary civil penalty and/or license sanction established for the violation and the right to appeal the citation pursuant to the following section. The citation shall be delivered or sent by registered mail to the alleged violator.

13:03: APPEAL OF CITATION

(1) Not later than 20 days after receiving the citation, the alleged violator may petition the Marquette County Health Department for an administrative hearing which shall be held within 30 days after receipt of the petition. After the administrative hearing, the Health Officer may affirm, dismiss, or modify the citation. The decision of the Health Officer shall be final, unless within 60 days of the decision the Marquette County Board of Health or Committee thereof grants review of the citation. After the review, the Board of Health, or Committee thereof, may affirm, dismiss, or modify the citation.

(2) A person aggrieved by a decision of the Health Officer or the Board of Health may petition the Marquette County Circuit Court for review. The petition shall be filed not later than 60 days following receipt of the final decision.

(3) A monetary civil penalty and/or license sanction becomes final if a petition for an administrative hearing or review is not received within the time specified in this section. A monetary civil penalty imposed under this section is payable to the Marquette County Health Department for deposit with the general funds of Marquette County. A monetary civil penalty may be recovered in a civil action brought in Marquette County or the county in which the defendant resides.

13.04: APPEARANCE TICKETS

The following public servants of the Marquette County Health Department are hereby authorized, by authority of Act 368, P.A. of 1978, Section 2463, pursuant to Sections 9a to 9g of Chapter 4 of Act No. 175, P.A. of 1927, as amended, being MCLA 764.9a to 764.9g, to issue and serve appearance tickets with respect to violations of this ordinance adopted by the Marquette County Board of Health and approved by the Marquette County Board of Commissioners, to-wit:

- A. Health Officer of the Marquette County Health Department;
- B. Administrator of the Environmental Health Division;
- C. Chief of the Office of Health Education, Planning and Evaluation

No appearance ticket shall be issued for a violation of this ordinance without first having served the person in

violation of these regulations with a written citation as provided in Section 14:02.

13:05: CRIMINAL PENALTY

A person who violates this ordinance shall be guilty of a misdemeanor, punishable by imprisonment of not more than 90 days, a fine of \$200, or both.

13.06: Each act of violation shall constitute a separate offense.

13.07: A fine collected under this Ordinance shall be paid to the health department for the administration and enforcement of this Ordinance.

13.08: INJUNCTIVE PROCEEDINGS

Notwithstanding the existence and pursuit of any other remedy, the Health Officer, without posting bond, may maintain an action in a court of competent jurisdiction for an injunction or other process against any person to restrain or prevent a violation of this ordinance.

ARTICLE XIV: EFFECTIVE DATE

14.01: This Ordinance was adopted by resolution of the Marquette County Board of Commissioners on October 19, 1993, and will take effect on January 1, 1994.