

ORDINANCE 41 - 2013

AN ORDINANCE OF THE CITY OF READING AMENDING THE CODE OF ORDINANCES BY ADDING A NEW CHAPTER 540 - TATTOO AND PIERCING ESTABLISHMENTS IN PART II GENERAL LEGISLATION

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Code of Ordinances of the City of Reading is hereby amended to add a new Chapter 540 – Tattoo and Piercing Establishments in Part II General Legislation as attached as Exhibit A.

SECTION 2: All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended per the attached shall remain in full force and effect.

SECTION 3: If any section, subsection, sentence or clause of this ordinance is held for any reason to be invalid such decision shall not affect the validity of the remaining portions of the Ordinance.

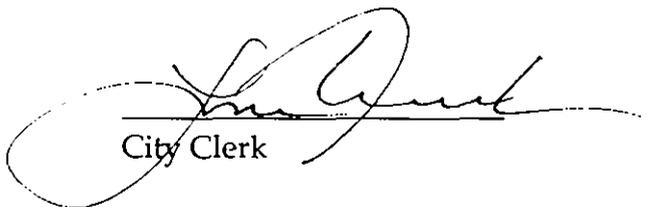
Section 4: This Ordinance shall become effective in ten (10) days in accordance with Charter Section 219 after passage.

Enacted Sept 23, 2013

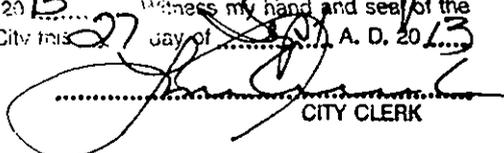


Council President

Attest:



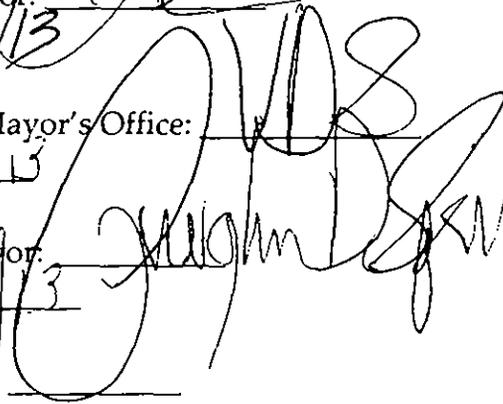
City Clerk

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify that the foregoing is a true and correct copy of the original Ordinance passed by the Council of the City of Reading, on the 23 day of Sept, A. D. 2013. Witness my hand and seal of the said City this 27 day of Sept, A. D. 2013.


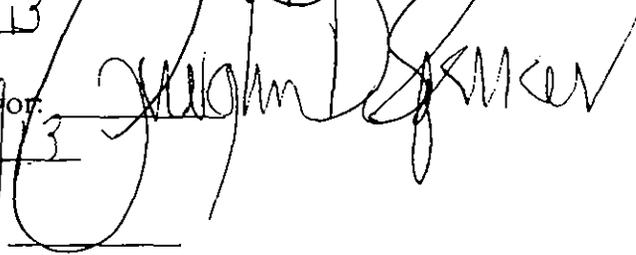
CITY CLERK

Submitted to Mayor: 

Date: 9/24/13

Received by the Mayor's Office: 

Date: 9/24/13

Approved by Mayor: 

Date: 9/24/13

Vetoed by Mayor: _____

Date: _____

TATTOO AND PIERCING ESTABLISHMENTS

§ 540-101. **TITLE.** This chapter shall be known and may be cited as "The City of Reading Tattoo and Body Piercing Ordinance."

§ 540-102. **PURPOSE.** The purpose of this chapter is to protect the public health, safety and general welfare by regulating individuals and establishments providing tattooing and body piercing services and by providing a uniform set of guidelines for the provision of those services and the operation of those establishments.

§ 540-103. **WORD USAGE AND DEFINITIONS.** In the administration of this chapter, words in the present tense include the future, the singular number includes the plural and the plural the singular; the masculine includes the feminine; the words "shall" and "will" are mandatory; and the word "may" is permissive.

For the purposes of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

AFTERCARE. Written and verbal instructions given to the client, specific to the body art procedure(s) rendered, on caring for the body art and its surrounding area.

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

APPRENTICE. An individual being taught a trade.

ARTIST/OPERATOR/TECHNICIAN/PRACTITIONER. Any person who controls, operates, manages, conducts or practices body art activities at a body art establishment. The term includes technicians and apprentices who work under the operator and perform body art activities.

AUTOCLAVE. An apparatus for sterilization, utilizing steam pressure at a specific temperature over a period of time.

BLOODBORNE PATHOGENS. Standard OSHA Guidelines as defined in 29 CFR 1910.103, "Occupational Exposure to Bloodborne Pathogens."

BODY ART. The practice of body piercing and tattooing.

BODY ART ESTABLISHMENT OR FACILITY. Any space where body piercing or tattooing is conducted.

BODY PIERCING. The perforation of human tissue, excluding ear piercing, for a nonmedical purpose.

CLIENT. A person who requests a body art procedure at a body art establishment.

CLIENT RECORD. A file kept by the establishment maintaining information regarding the client and the body art procedures provided to the client.

CONTAMINATED WASTE/BIOLOGICAL WASTE/BIOHAZARD WASTE. Any liquid or semiliquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semiliquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined in 29 Code of Federal Regulations Part 1910.1030 (latest edition), known as "Occupational Exposure to Bloodborne Pathogens" and/or 105 CMR 480.000 "Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste."

COSMETIC TATTOOING (SEE TATTOOING). Permanent cosmetics and/or micropigment implantation.

DEPARTMENT. City of Reading Property Maintenance Division

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

EAR PIERCING. The puncturing of the outer perimeter or lobe of the ear using a presterilized single-use stud and clasp ear piercing system following manufacturers' instructions.

EQUIPMENT/FURNITURE. 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.

EXPOSURE. Any event where there is an eye, mouth or other mucus membrane or nonintact skin contact with the blood or body fluids of another person or contact of eye, mouth or other mucus membrane, nonintact skin with other potentially infectious matter and/or an occurrence whereby an individual is exposed to medical waste.

GAUGING. The deliberate expansion of a healed fistula (hole in the skin) for the purpose of wearing body piercing jewelry.

GLOVES. Disposable protective coverings for the hands.

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

HEALTH OFFICER. The Health Officer of the City of Reading or his or her designee.

HEALTH PERMIT. The written authorization by the City of Reading to operate a body art establishment and/or to provide body art services. This permit is separate from any other licensing requirement that may exist within communities or political subdivisions other than the City of Reading.

HOT WATER. Water at a temperature greater than or equal to 110° F. but not greater than 125° F.

INFECTIOUS WASTE.

- A. Blood and body fluids in a liquid or semi liquid state;
- B. Items contaminated with blood or body fluids, which, if compressed or disturbed, may release liquid or semi liquid blood or body fluids;
- C. Sharps which have been used in performing body art;
- D. Other waste which contains pathogenic microbial agents or other biologically active materials in sufficient concentrations that exposure to the waste directly or indirectly creates a significant risk of disease.

INSTRUMENTS USED FOR BODY ART. Hand pieces, needles, sharps, needle bars and other instruments that may come in 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.

LIQUID CHEMICAL GERMICIDE. A sanitizer registered with the Environmental Protection Agency or an approximate 1:100 dilution of household chlorine bleach made fresh daily and dispensed from a spray bottle (500 ppm, 1/4 cup per gallon or two tablespoons per quart of tap water).

MEDICAL WASTE.

- A. Blood and body fluids in a liquid or semiliquid state;
- B. Items contaminated with blood or body fluids, which, if compressed or disturbed, may release liquid or semiliquid blood or body fluids;
- C. Sharps which have been used in performing body art;
- D. Other waste which contains pathogenic microbial agents or other biologically active materials in sufficient concentrations that exposure to the waste directly or indirectly creates a significant risk of disease.

MINOR. Any individual under the age of 18.

OPERATOR. The term "operator" shall mean

- A. Any individual, firm, company, corporation, or association that owns or operates an establishment where tattooing is performed
- B. Any individual who performs or practices the art of tattooing on a human being. This definition shall not apply to
 - 1. Licensed physicians, dentists, or doctors of veterinary medicine in performance of their professional duties
 - 2. Funeral directors
 - 3. Corrective cosmetics establishments physically located within a licensed physician's office.

PERMIT HOLDER. A person who holds a permit to operate a body art establishment or to provide body art services.

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 health professional who has earned a degree of Doctor of Medicine (M.D.) or Doctor of Osteopathy (D.O.) after completing an approved course of study. A physician is required to obtain a license from the state in which professional services will be performed.

PIERCING. The term piercing refers to piercing of skin with insertion of a device. Individuals who pierce only ear lobes are exempt from the regulations.

PROCEDURE SURFACE. Any surface of an inanimate object that contacts the client's skin during a body art procedure, skin preparation of the area adjacent to and including the body art procedure or any associated work area, which may require sanitizing.

RECORD/REGISTER. List.

SANITARY. Clean and free of agents of infection or disease.

SANITIZE/SANITIZATION PROCEDURE. A process of reducing the numbers of *microorganisms on cleaned surfaces and equipment* to a safe level as judged by public health standards and which has been approved by the Property Maintenance Division and/or by the Center for Disease Control and Prevention.

SHARPS. Any object (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa including, but not limited to, presterilized, single-use needles, scalpel blades and razor blades.

SHARPS CONTAINER/BIOHAZARD CONTAINER. A puncture-resistant, leak-proof container that can be closed for handling, storage, transportation and disposal and is labeled with the international biohazard symbol.

SINGLE USE. Products or items that are intended for one-time, one-person use and are disposed of after use on each client including, but 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 gloves.

STERILIZATION. A process approved by the Property Maintenance Division resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.

TATTOO. The indelible mark, figure, or decorative design introduced by the insertion of dyes or pigments into or under the subcutaneous portion of the skin.

TATTOOING. The term tattooing refers to one or more of the following:

- A. Any method of placing indelible mark(s), figure(s), letter(s), scroll(s), symbol(s), or decorative design(s) upon or under the skin of a living human being with ink or any other substance, resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin.
- B. An indelible design made upon the skin of a living human being by production of scars other than by branding.
- C. All forms of cosmetic tattooing.

TATTOO ESTABLISHMENT. A place where tattooing is performed.

TATTOOIST. Any person who applies a tattoo to the body of another person.

TEMPORARY BODY ART ESTABLISHMENT. Any place or premise operating at a fixed location where an operator performs body art procedures for no more than 14 days consecutively in conjunction with a single event or celebration.

THREE DIMENSIONAL BODY ART. The form of body art consisting of or requiring the placement, injection or insertion of an object, device or other thing made of material such as steel, titanium, rubber, latex, plastic, glass or any other material, beneath the surface of the skin of a person.

UNIVERSAL PRECAUTIONS. A set of guidelines and controls, published by the Center for Disease Control and Prevention (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 (MMWR), June 23, 1989, Vol. 38, No. S-6, and as 'recommendations for preventing transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure-prone invasive procedures', in MMWR, 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.

WAIVER. A written document issued by the Health Officer with the consent of the Board which authorizes a modification or waiver of one or more of the requirements of this chapter if, in the opinion of the Health Officer and Property Maintenance Division, a health hazard or nuisance will not result from the modification or waiver.

§ 540-104. HEALTH PERMIT.

A. It shall be unlawful for any person to engage in the business of operating a tattoo establishment performing body art, body piercing, or tattooing without first obtaining a permit to engage in such business, in accordance with the provisions of this ordinance and unless abiding by the provisions hercof. A permit application may be refused and an establishment may be closed summarily by a Health Officer or his designee.

B. HEALTH PERMIT APPLICATIONS.

1. Any person wishing to obtain a permit pursuant to the provisions of this chapter for said establishment (whether initially or for renewal thereof) shall submit the following information to the Department:
 - a. name of the body art establishment;
 - b. address and phone number of the body art establishment;
name, address and phone number of the owner of the establishment
 - c. for each employee of the establishment:
 - i. full name;
 - ii. home address;
 - iii. home phone number;
 - iv. certificate of completion of OSHA bloodborne pathogens training dated no more than one (1) year prior to date of permit application;
 - d. proof of liability insurance with a \$150,000 minimum;
 - e. phone number of the establishment;
 - f. method of sterilization to be utilized at the establishment;
 - g. a description of all body art procedures performed at the establishment;
 - h. proof of payment of current fiscal year's applicable occupational and business privilege taxes; and
 - i. proof that the applicant is at least 18 years of age.
2. Any person wishing to obtain a permit pursuant to the provisions of this chapter must be an owner, operator, manager, or corporate officer of the business itself, not merely of the physical structure in which the business is located.

C. FEE / EXPIRATION.

Fees are set by City Council and are as listed in the City of Reading Codified Ordinances, Fee Schedule.

D. TRANSFERABILITY.

1. The health permit is non-transferrable. It may not under any circumstances be transferred to another individual and/or address. A new health permit must be sought in such a circumstance.

§ 540-105. DOCUMENTS REQUIRED TO BE POSTED. The following must be displayed in a prominent and conspicuous area readily observable to patrons:

- A. Permit provided for in this ordinance
- B. Most current inspection sheet
- C. Literature explaining aftercare
- D. Name, address, and phone number of Property Maintenance Division/Health Office
- E. Emergency plan for contacting fire, police, or emergency services and a phone readily available for such use
- F. Plan for exiting the premises in case of a fire or disaster
- G. Zoning permit

§ 540-106. INSPECTIONS. When application for permit is complete, the applicant shall be referred to the Property Maintenance Division. The Property Maintenance Division shall inspect the proposed location to determine if it complies with the health and sanitary provisions of this ordinance. Inspections must occur at least twice per year and can be unannounced. It shall be unlawful for any person or operator of a tattooing establishment to willfully prevent or restrain the Health Officer or his designee from entering any permit-issued establishment where tattooing is being performed for the purpose of inspecting said premises after proper identification is presented to the operator. The Health Officer or his designee may give written warning for violations and if establishment does not correct the deficiency within 10 days the establishment shall be closed until compliance is achieved.

§ 540-107. REGULATIONS FOR ESTABLISHMENTS AND OPERATORS. Every person who operates a tattooing establishment within the City of Reading shall comply with the following requirements:

A. RECORDS REQUIRED.

1. In order for the operator to properly assess the client's condition for receiving body art procedures and not violate the client's rights or confidential medical information, the operator must obtain a client record containing the following information regarding each client:
 - a. Name, address, date of birth and photocopy of ID (acceptable forms of ID are driver's license, passport, state ID or military ID)
 - b. Any known allergies;
 - c. Any condition that may affect/hamper the healing process;
 - d. The name of the artist who performed the procedure;
 - e. The date of the procedure;
 - f. The location of the procedure on the client's body;
 - g. A description of the type of procedure provided;
 - h. A description of any unusual circumstances or complications occurring during the procedure.

2. The following forms must be completed by each client and kept as part of the client record:
 - a. Signed statement by client acknowledging that he or she may be temporarily prohibited from donating blood under rules and regulations of the Red Cross;
 - b. Signed statement by client attesting that, at the time of the procedure, he or she is not intoxicated from legal or illegal drug use or alcohol consumption;
 - c. For all persons under the age of 18, signed consent of the minor's parent or legal guardian permitting the minor to undergo the body art procedure. (For anyone under the age of 18, a notarized affidavit and a copy of the parent/guardian ID is required);
3. The holder of a body art establishment permit must ensure that the foregoing client records are kept and retained for a minimum of four (4) years and shall be made available to the Health Officer or designee upon request.
4. All infections or complications resulting from body art performed by the establishment which become known to the establishment shall be recorded in the client file, and the details of the infection or complication must be promptly reported to the Property Maintenance Division.

B. GENERAL PROVISIONS. The holder of a body art establishment permit must ensure that the body art establishment conforms at all times with the following requirements:

1. The levels where body art procedures are being performed and where instruments and sharps are assembled shall be well-lit at all times with an artificial light source.
2. All walls, floors and procedure surfaces in rooms or areas where body art procedures are performed must be smooth, nonporous, washable, and in good repair. Floors shall be cleaned daily. Cleaning shall not occur while procedures are being performed.
3. All body art establishments must have a dedicated physical address.
4. All body art establishments must have:
 - a. An entrance leading directly into the establishment;
 - b. No direct opening between the establishment and any building or portion of a building used as living or sleeping quarters or as a food, liquor, or tobacco establishment; and
 - c. Notwithstanding the foregoing, body art establishments located in a nail salon, barbershop or cosmetology salon may share an entrance into the establishment. However, the body art portion of the establishment must be separated by a wall extending from floor to ceiling.

5. Each establishment shall have an area that will be screened from public view for customers requesting privacy or for all genitalia body art procedures. Dividers, curtains or partitions at a minimum shall separate multiple body art stations.
6. A consistent fresh air supply must be provided to the establishment. Furnace or air conditioners shall be maintained to allow for airflow. Filters shall be cleaned or replaced annually or more frequently if necessary.
7. No domestic or wild animals of any kind shall be present in a body art establishment; fish aquariums and service animals used by persons with disabilities are permitted in non-procedural areas.
8. The doors to the establishment shall be self-closing and kept closed to prevent entrance by vermin and foreign particles.
9. The establishment must at all times have a supply of hot and cold running water in sufficient quantities to conduct the facility in a sanitary manner.
10. The establishment must have emergency exits marked for easy escape.
11. Electrical appliances or apparatus must be clean and have no worn or bare wiring to avoid fires, shocks and electrocution and all electrical outlets in operator areas, cleaning areas and bathroom facilities must be equipped with ground fault (GF) protected receptacles.
12. Water or product spills on the floor shall be removed immediately and the floor dried to avoid falls.

C. **EQUIPMENT.** The establishment must have the following equipment, all of which shall be in good repair, easily cleanable and kept in a sanitary manner at all times:

1. **Sinks.** A minimum of two (2) sinks, one designated for hand washing and the other for employee use only to clean equipment. Both must be kept clean and include:
 - a. Hot and cold running water, preferably with wrist or foot operated controls;
 - b. Liquid pump soap;
 - c. Single-use paper towels; and
 - d. Waste receptacle.
2. **Sharps container.** Contaminated sharps must be disposed of in an approved sharps container to prevent cross-contamination.
3. **Biohazard waste container.** Biohazard waste must be disposed of in an approved biohazard waste container to prevent cross-contamination.

4. Autoclave(s). The autoclave shall be used, cleaned and maintained according to the manufacturer's instructions. A copy of the manufacturer's recommended procedures for the operation of the autoclave must be available for inspection by the Health Officer. Autoclaves shall be positioned away from workstations or areas available to the public. Cleaning and logbooks are to be available for inspection. Each owner of the body art establishment shall demonstrate that the autoclave is capable of attaining sterilization by monthly spore tests. These tests shall be verified through an independent laboratory. These records shall be kept by the owner for three years and made available to the Health Officer or his designee upon request. Each body art establishment is to be equipped with an autoclave which is a design, style or model that has received clearance by the U.S. Food and Drug Administration for conformance with section 510 (k) of the Federal Food, Drug and Cosmetic Act. Alternate sterilizing equipment may only be used when specifically approved in writing by the Property Maintenance Division. After each use and before use on another customer, all needle bars, grips and tubes and needles shall be processed by the following procedure: cleaned, packaged in a self-sealing autoclave bag which is dated with an expiration date not to exceed six months, and arranged in an autoclave which is operated in strict accordance with the manufacturer's recommendations. As the operation time of the autoclave may vary with the type of instrument, the packaging of that item and the arrangement of items in the autoclave, it is critical that the manufacturer's operation manual be followed. This will assure that each item placed in the autoclave achieves the proper temperature for sterilization. Temperature sensitive autoclave tape, autoclave bags with a chemical color indicator on the bag or any other temperature sensitive medium approved for autoclaves by the Property Maintenance Division must be applied to each load every time the autoclave is used. To further confirm that the autoclave is operated in a manner to assure sterility of the processed instruments, it must be tested monthly using a biological indicator such as spore strips or spore suspensions which are processed by a laboratory. The operator must maintain records documenting such testing for three years. A copy of the manufacturer's recommended procedures for the operation of the autoclave is to be available for inspection by the Property Maintenance Division. An autoclave, which has received a positive spore test, must be immediately removed from service and all instruments allegedly sterilized by that autoclave shall not be utilized on any client. Prior to using, the operator must ensure that there is evidence of one negative spore test. If the autoclave requires repair work, it cannot be utilized until it has received two negative spore tests. Autoclaves must be cleaned and serviced at the frequency recommended by the manufacturer. A copy of the manufacturer's cleaning and servicing instructions must be maintained in the body art establishment.

5. Waste receptacles. Each workstation shall have a waste receptacle, which is covered and lined with a disposable bag.

6. Disposable ink caps. Ink caps are required if providing tattooing and permanent color technology procedures. Ink cap holders shall be smooth,

nonporous and disposable.

7 First aid kit. Body art establishments are required to have a complete first aid kit.

8 Chairs. All chairs for operators, as well as clients, shall be made of smooth, cleanable materials. Cloth is not permitted.

9 Cabinets or containers for storage. All cabinets and containers shall be maintained and shall be kept in a clean and sanitary manner.

10. Toilet facilities. Toilet facilities shall be offered and conveniently located during all business hours for all operators, employees and clients. A hand wash sink shall be offered, and signage shall be visible reminding employees to wash their hands.

F. SPECIAL REQUIREMENTS FOR SINGLE-USE ITEMS, INKS, DYES AND PIGMENTS

1. All products applied to the skin, including but not limited to body art stencils, applicators, gauze, razors and markers, shall be considered single-use items.

2. Single-use items shall not be used on more than one client for any reason.

3. Single-use sharps shall be immediately disposed of in an approved sharps container.

4. Hollow bore needles or needles with cannula shall not be reused, whether on the same client or a different client, unless it is a single piercing.

5. All inks, dyes, pigments, solid core needles, and equipment shall be specifically manufactured for performing body art procedures and shall be used according to the manufacturer's instructions.

6. Inks, dyes, or pigments may be mixed and may only be diluted with water from an approved potable source.

7. Immediately before a tattoo is applied, 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-use cups or caps and their contents shall be discarded.

8. The holder of the body art establishment permit shall maintain all the furniture and equipment in the establishment in good working order and keep it in a clean and sanitary manner.

9. The holder of the body art establishment permit must ensure that storage within the establishment and body artists comply with the following requirements:

- a. Flammable and combustible chemicals shall be stored away from potential sources of ignition such as an open flame or an electrical device.
 - b. All chemicals shall be stored in closed bottles or containers and clearly labeled.
 - c. No cleaning/sterilizing products shall be stored:
 - [1] Where food is kept;
 - [2] In the rest room, unless in a locked cabinet; or
 - [3] With single-use supplies.
 - d. Storage units. All cabinets, drawers, and containers used for storage of supplies, instruments and towels shall be kept clean.
 - e. Supplies.
 - [1] Unused supplies shall be stored in a clean, enclosed container or drawer;
 - [2] Used/soiled disposable supplies shall be discarded immediately in a clean, closed waste receptacle with a plastic liner; and
 - [3] Shall be labeled accordingly.
 - f. Instrument storage.
 - [1] Instruments that have been used on a client or soiled in any manner shall be placed in a properly labeled covered receptacle until sterilized;
 - [2] Sterilized instruments shall be individually packed and stored in a clean, closed container or drawer until used and are to be stored six to 12 inches off the floor, dated with an expiration date not to exceed 180 days; and
 - [3] Sterile instruments may not be used if the package has been breached or after the expiration date without first resterilizing.
 - g. Contaminated sharps must be stored and disposed of in approved sharps container to prevent cross-contamination.
 - h. Infectious waste must be:
 - [1] Handled and stored so that human exposure is prevented;
 - [2] Discarded in double-lined plastic bags in a covered waste receptacle or in an approved red bag marked with the international biohazard symbol and stored safely until transported by a licensed infectious waste hauler to an appropriate treatment or disposal facility; and
 - [3] Records of infectious waste disposed of shall be retained for one year.
10. The holder of a body art establishment permit must ensure that the use of towels/linens in the establishment meets the following requirements and that body artists working therein comply with the following requirements:
- a. Cloth linens, after use, shall be disposed of in a labeled receptacle that has a cover;
 - b. Used cloth linens shall not be used again until they are laundered and sanitized;
 - c. Single-use towels may be used for body art procedures and must be discarded in a labeled receptacle that has a cover, with a disposable plastic liner, immediately following each body art procedure; and
 - d. Linens to be laundered shall be laundered either by a commercial washer

which includes immersion in laundry detergent and either chlorine bleach or water at 160° F., for not less than 15 minutes during the washing and rinsing operation. Linen service from a source approved by the Health Officer or his designee may be substituted as an alternative method.

11. The holder of a body art establishment permit must ensure that the use of products in the establishment meet the following requirements and that all body artists providing services therein comply with the following requirements:
 - a. All liquids, cosmetics, creams, gels, pastes, powders, and other products are kept in clean, closed containers;
 - b. Original product bottles and containers have an original manufacturer label;
 - c. When only a portion of the product is to be used on a client, the product shall be removed from the container by a spatula, scoop, spoon, or dropper so that the product does not come in direct contact with the client and to assure that the remaining product is not contaminated;
 - d. If a product is poured into another container, such as a shaker, dispenser pump container, or spray container, the container is labeled to identify the product;
 - e. Supplies and implements which come in direct contact with a client and cannot be disinfected, such as cotton pads, cotton balls, pads, Q-tips, sponges, bandages, tapes, surgical dressing and other similar items, shall be disposed of in a covered waste receptacle, with a plastic liner, or, if contaminated with body fluids, in a hazardous waste container, immediately after use;
 - f. All products applied to the skin, including stencils, must be single-use and disposable. Petroleum jellies, soaps, and other products used in the application of stencils must be dispensed and applied on the area to be tattooed with sterile gauze or in a manner to prevent contamination; and
 - g. Only petroleum jelly, United States Pharmacopoeia or National Formulary shall be applied to the area to be tattooed and it shall be in a collapsible metal or plastic tube. The application may be spread by the use of sterile gauze or another sterile object but not directly with the fingers.

12. All permit holders must ensure that after use by each operator and/or a client, all nondisposable instruments and procedure work surfaces are cleaned and sterilized with a sanitizer that has a demonstrated antimicrobial activity, as indicated by the product label and that the following requirements are complied with:
 - a. Jewelry used for new body piercing must be sterilized with an autoclave or chem-clave. Acrylic jewelry cannot be used for a new piercing. Jewelry used in healed body piercing does not have to be sterilized, but must be used according to product label;
 - b. Clippers must be disinfected with a liquid chemical sterilant after each use;

- c. All nondisposable instruments used for body art must be cleansed and sterilized after each use. Autoclave or chem-clave sterilization must be conducted for the cycle of time and corresponding operating pressure recommended by the manufacturer of the autoclave. Sanitizers used in the cleaning process must have demonstrated anti microbial activity, as indicated by the product label and be registered with the U.S. Environmental Protection Agency;
 - d. Instruments that are to be autoclaved within the facility must be packed in a single-use autoclave bag with the date of sterilization. The expiration date must not exceed 90 days from the date autoclaved;
 - e. All sterilized instruments must remain stored in sterilized packages until just prior to performing a body art procedure. Where several instruments are sterilized at the same time in the same package, such as in a single-use setup, once the container is opened any instrument not used immediately in a procedure must be resterilized;
 - f. Every batch of sterilized equipment must be monitored for sterilization by use of a heat sensitive indicator that is capable of indicating approximate time and temperature achieved; and
 - g. *Only jewelry meeting the requirements hereunder which is free of nicks, scratches or irregular surfaces and which has been properly sterilized prior to use may be inserted into a newly pierced area.
13. Pigments, colors and dyes used from stock solutions for each client must be placed in a single-use receptacle and the receptacle and remaining solution must be discarded and disposed of after each use.
- a. All dyes, inks and pigments shall be from a source of supply which complies with applicable U.S. Food and Drug Administration regulations when available. Dyes, inks and pigments are to be used in accordance with the manufacturer's directions and are not to be adulterated with any substance not recommended by the manufacturer.
 - b. A client must not receive body art procedures on areas which are irritated/inflamed or have moles, rash, broken skin, infection or any other evidence of an unhealthy condition such as TB, influenza, HIV, impetigo, syphilis, mumps, hepatitis, scleral jaundice or rubella.
 - c. Permit holders and all other operators must be able to demonstrate knowledge in anatomy and skin diseases, infections, disease control and universal precautions.
14. Every body artist must wash his/her hands thoroughly with liquid antibacterial soap and water and dry them with single-use disposable towels, before and after serving each client and at any time during the procedure when the hands may become contaminated.
15. The owner of a body art establishment must ensure that each employee wears gloves, and each operator shall wear gloves in accordance with the following:
- a. When performing body art procedures, the operator must wash his/her

- hands prior to gloving;
 - b. Gloves must be disposed of after the completion of each procedure on each client; and
 - c. If gloves become torn, punctured or otherwise contaminated, operators must remove and dispose of the gloves, wash his/her hands with liquid soap and water, and dry with a disposable towel, and then put on a new pair of gloves before resuming the body art procedure.
16. Single-use items must not be used on more than one client. After use, all single-use needles, razors, razor blades and other sharps must be immediately disposed of in an approved sharps disposal container in accordance with medical waste removal guidelines as applicable.
17. No body art procedure shall be performed until the following inspections, shavings and preparations of the body art area have occurred:
- a. No body piercing shall be done on skin surfaces which have any rash, pimples, boils, infections or any other evidence of an unhealthy condition;
 - b. If the skin is to be shaved, the skin surface must first be washed with soap and warm water. Disposable razors, for each client, shall be used for preparation of the areas to be pierced;
 - c. Prior to piercing, the area to be pierced shall be gently scrubbed with an approved surgical scrub material or a sterile gauze pad soaked in a germicidal preparation registered with the Environmental Protection Agency and applied in accordance with the manufacturer's recommendations;
 - d. Only medical grade markers or ink and sterile toothpicks are to be used to identify the areas to be pierced. Gentian violet may be utilized for marking oral piercings; and
 - e. The use of styptic pencils, alum blocks or other solid styptic to check the flow of blood is prohibited.
18. All permit holders must ensure that the body art establishment, operators and employees use liquid chemical germicide solution in accordance with the manufacturer's directions. Body artists must comply with the following requirements:
- a. Label the liquid chemical germicide solution; and
 - b. Keep the liquid chemical germicide solution covered at all times
19. While in the body art establishment, permit holders must not engage in or allow any other person to engage in any of the following activities:
- a. Consuming food or beverages in any area where body art is performed;
 - b. Storing food in the same area where chemical supplies are used or stored;
 - c. Using, consuming, serving, or in any manner possessing or distributing intoxicating beverages or controlled substances upon its premises during the hours the facility is open to the public and/or any body art procedures

- are being performed; and
- d. Performing body art when she/he is under the influence of alcohol, narcotic drugs, stimulants, or depressants or on any person who appears to be under the influence of alcohol, narcotic drugs, stimulants, or depressants.
20. All jewelry to be used in body art procedures is to be made from one of the following grades: 316LVM and/or surgical implant grade stainless steel AST F 138; solid yellow or white gold which is 14K or 18K; titanium meeting ASTM TiA4V ELI, F136; niobium; platinum; high-density, low porosity nontoxic plastics meeting FDA standards where applicable (Tygon and PTFE); and autoclavable borosilicate glass (Pyrex). Certification of the quality of the jewelry is to be obtained from the manufacturer/supplier and made available for inspection. Substandard jewelry such as that which is damaged, scratched, intended for earlobes or not expressly designed for body piercing, jewelry made of silver, gold plated or filled or other corrosive metal shall not be used. When stored in a closed clean, dry container, jewelry stored in paper autoclave bags may be stored up to three months and up to one year when a full plastic autoclave bag is used.
21. No person may perform a body art procedure on or to any person under 18 years of age without prior written consent of the parent or court-appointed guardian of such person. The person giving consent must be present during the procedure.
- a. The person providing the body art procedure must retain a copy of the consent for four years.
- b. Artists have the right to refuse to perform body art procedures on a person at their discretion.
22. All recipients of a body art procedure shall receive from the body artist and/or the body art establishment both written and verbal after care which shall include, inter alia, circumstances under which the client should seek medical treatment.
23. Only dentists/physicians can split tongues.
24. All patrons must be given verbal AND written instructions or pictures demonstrating care of the tattooed area and a recommendation to consult a physician in the event of any sign of infection.
25. Artists shall also be free of skin and infectious diseases to include:
- A. Boils
- B. Infected wounds
- C. Open sores
- D. Acute respiratory infection
- E. Other communicable disease or condition

- F. Nausea
- G. Vomiting
- H. Diarrhea

26. Artists cannot work on a customer if in the artist's opinion, that person is intoxicated from drug or alcohol use.
27. The use of styptic pencils, alum blocks, or other solid styptics to check the flow of blood is prohibited.
28. Artist cannot administer anesthetic injections or other medications or prescription drugs.
29. Liquid chemical germicide solutions must be labeled and dated at time of opening, covered at all times and changed weekly (daily in the case of a hypochlorite solution) or when it becomes visibly cloudy or dirty.
30. Items in autoclave bags must have date sterilized and date of expiration and may not be used more than 180 days after sterilization date.
31. MSDS sheets for all compounds utilized must be available to all employees and to patrons if requested.
32. Animals may not be tattooed with any of the instruments used in tattooing human patrons.

G. UPDATING OF ORDINANCE. In order to carry out the intent of this ordinance, the Board of Health in consultation with the Health Officer may promulgate, from time to time, rules and regulations pertaining to the requirements of sanitation, cleanliness, adequacy of facilities, equipment, and operation of a tattooing establishment consistent with current good practices and this ordinance.

§ 540-108. SUSPENSION AND REVOCATION OF TATTOO ESTABLISHMENT PERMIT.

- A. A Tattoo Establishment Permit may be suspended or revoked by the Health Officer or his designee upon the occurrence of any of the following events:
1. The application for such Permit contained a false statement(s)
 2. The Operator has violated the provisions of this ordinance
 3. The Operator is convicted or pleads guilty or nolo contendere to an offense listed under the Pennsylvania Crimes Code related to the conduct of business in the tattoo establishment
 4. The Operator is unable to demonstrate qualifications or standards for registration
 5. The Operator is unable to practice with reasonable skill and safety due to illness, addiction to drugs or alcohol, or being convicted of a felony related to the use of controlled substances
 6. Operator violates a lawful regulation or order of the Property Maintenance Division previously entered in a disciplinary proceeding

7. Operator knowingly maintains a professional connection or association with a person in violation of the act or aiding an unregistered person to practice the profession
 8. Operator acts in such a manner as to present an immediate and clear danger to public health or safety
 9. If record keeping provision is violated, the City can revoke the permit for 2 years. The operator cannot register for a new permit for 2 years from date of violation or date of revocation, whichever is later
 10. Failure to pay Permit fees
- B. The Health Officer or his designee may suspend the Operator permit immediately if in their discretion they determine that continued operation poses a serious health risk.
- C. The Health Officer or his designee shall close the establishment by affixing a placard to the door of the business. The placard cannot be removed until violations are remedied. Removal of the placard after compliance has been met carries a \$150 removal fee.
- D. Health Officer or his designee shall serve the Tattoo Establishment with written notice of said suspension or revocation, specifying the reasons therefore, before said suspension or revocation shall become effective. Service of said notice shall be deemed effective if delivered to the person in apparent charge of the Tattoo Establishment.
- E. The Operator whose permit is revoked must surrender it to the Property Maintenance Division.

§ 540-109. Penalties.

- A. In addition to the revocation and suspension of any permit, as provided in this ordinance, any person violating or failing to comply with any section or provision hereof, or any regulation made under this authority and any person who hinders, obstructs, or interferes with a Health Officer or any of his assistants in the discharge of their duties, shall on conviction, be fined not less than \$50 or more than \$300 plus the costs of their prosecution for the first offense and not less than \$200 or more than \$1000 plus the costs of prosecution for each succeeding offense and in default of payment of such fines and costs, shall be imprisoned for not more than 90 days.
- B. All fees and fines imposed or collected under the provisions of this chapter shall be paid into the City Treasury for the use of the City.
- C. Failure to observe any of the provisions of this chapter is basis for revocation of a permit or denial of a renewal of a permit. Unless a permit is being temporarily and immediately revoked for health reasons in accordance with the provisions of this chapter, prior to the revocation or denial of renewal, the City shall give 10 days written notice to the permit holder of his violation of or his failure to observe a

general condition as set forth herein. If the permit holder requests a hearing prior to the expiration of that ten-day notice period, either the Health Officer or a representative of the Property Maintenance Division shall hold a hearing to determine if the revocation or renewal denial should occur. In order to request a hearing, the permit holder must do so in writing. The permit holder may present evidence in his behalf at such hearing. A written decision shall be rendered within 45 days of the hearing. If the permit holder fails to request such a hearing, the revocation or renewal denial shall be effective upon the expiration of the ten-day period or upon expiration of the term of the existing permit, as will be set forth in the written notice.

- D. Any person convicted of two violations of the provisions of this chapter within any twelve-month period shall have his permit suspended for one full year and shall not be eligible for another permit until the expiration of one full year.
- E. This chapter and the foregoing penalties shall not be construed to limit or deny the right of the City or any person to such equitable or other remedies as may be otherwise available with or without process of law.