ORDINANCE NO. 6354

AN ORDINANCE TO AMEND CHAPTER 4.05 "TATTOO AND BODY PIERCING REGULATIONS" OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY REPEALING EXISTING SECTIONS 4.05.010 THROUGH 4.05.080.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

SECTION 1. That Chapter 4.05 "Tattoo and Body Piercing Regulations" of the 2015 Municipal Code of Council Bluffs, Iowa, is hereby amended by repealing existing Sections 4.05.010 through 4.05.080 as follows:

~~4.05.010 - Purpose.~~
~~The purpose of this chapter is to establish standards and requirements for tattoo and body piercing artists and establishments.~~

~~4.05.020 - Definitions.~~
~~For the purpose of this chapter, the following words and phrases and shall have following meanings:~~
~~(1) "Body piercing establishment" means the building or mobile unit where piercing is practiced.~~
~~(2) "Tattoo establishment" means the building or mobile unit where tattooing is practiced.~~

~~4.05.030 - General provisions.~~
~~(a) No person shall tattoo a person under eighteen (18) years of age. No person shall pierce the body of a person under eighteen (18) years of age. A parent may give permission only by notarized statement or personal appearance for their child under the age of eighteen (18) to receive piercing of ears.~~
~~(b) No tattoo or body piercing artist shall engage in the practice of tattooing or body piercing without first obtaining a tattoo artist or body piercing permit from the department of public health.~~
~~(c) Tattoo or body piercing artists and tattoo and body piercing establishments which are in compliance with Iowa Code Section 135.37 and Iowa Administrative Code 641-Chapter 22 are not relieved from the requirements of this chapter.~~
~~(d) Tattooing or body piercing shall be practiced only in facilities which have received a tattoo or body piercing establishment permit from the department of public health.~~
~~(e) Tattooing or body piercing shall not be practiced in a residence unless the tattoo or body piercing establishment is completely separated from the living quarters by a solid permanent partition. A solid door leading to the living quarters shall be permitted, provided it remains closed during business hours. A direct outside entrance to the tattoo or body piercing establishment shall be provided.~~
~~(f) Tattoo and body piercing establishments shall be inspected annually by the director of public health or the director's designee.~~

~~4.05.040 - Sanitation and infection control.~~
~~(a) Tables, chairs, and other general use equipment shall be constructed of impervious or smooth and easily cleanable material.~~
~~(b) A sink for hand washing supplied with potable, hot and cold running water shall be available in or directly adjacent to the tattooing area. Hand-washing facilities shall be supplied with liquid soap and single-use paper towels.~~
~~(c) Toilet facilities must be available for employee or patron use.~~

(d) The tattoo or body piercing establishment, including the immediate area where the tattoo or piercing procedure is to be performed, shall have an area of not less than one hundred fifty (150) square feet and shall be adequately lighted and ventilated.
(e) Floors in the immediate area where the tattoo or body piercing procedure is to be performed shall have impervious, smooth, washable surfaces.
(f) The entire premises and all facilities used in connection therewith shall be maintained in a clean, sanitary, vermin-free condition and in good repair.
(g) All refuse shall be stored in rigid containers with plastic liners that are emptied at least once each business day.
(h) Closed cabinets shall be used for the exclusive storage of instruments, dyes, pigments, stencils, tattoo machines, and other equipment.
(i) Smoking or consumption of food or drink shall not be allowed in any area where the actual tattoo or body piercing procedure is being performed.
(j) No animals, except guide dogs for visually or hearing impaired persons, shall be permitted in a tattoo or body piercing establishment.

4.05.050 - Required equipment and sterilization.
Required equipment and sterilization procedures shall be followed in accordance with applicable State Code provisions.
(1) Cups to hold ink or dye shall be for single-patron use.
(2) Any dye or ink in which needles were dipped shall not be used on another person.
(3) All establishments shall be equipped with a container designated for disposal of used needles and other sharps. A written plan for disposal is required.
(4) Any bottles of solution shall be labeled as to contents and used according to manufacturer's directions.
(5) Use of clippers is recommended for removal of unwanted hair. After use, clippers shall be cleaned with detergent and water and then disinfected with seventy percent ethyl or isopropyl alcohol for ten (10) minutes or quaternary ammonium compounds as directed on the product label.
(6) Razors shall be single-patron use and disposable.
(7) Topical ointments shall be for single-patron use.
(8) All equipment shall be maintained in a clean and sanitary condition.

4.05.060 - Procedures.
(a) For privacy purposes at the patron's request, there shall be in place, or readily available, a panel or other barrier of sufficient height and width to effectively separate the patron from any unwanted observers or waiting patrons. Panels or other barriers may be affixed or movable, rigid, or flexible.
(b) Tattoo and body piercing artists shall scrub their hands thoroughly before beginning the tattoo. Hands shall be dried with individual single-use towels.
(c) Tattoo and body piercing artists shall wear clean outer garments. It is required that sterile latex gloves be worn by the tattoo and body piercing artists during the procedure. Gloves are to be changed after each tattoo or body piercing. Hands are to be washed after gloves are removed.
(d) The skin area to be tattooed shall first be cleansed with soap and water. Single-use towels or sponges (gauze) shall be used during the cleansing procedure.
(e) Before placing the tattoo design on or piercing the patron's skin, the tattoo or body piercing artist shall prepare the skin with an antiseptic such as seventy percent ethyl or isopropyl alcohol or ten (10) percent iodophor solution.
(f) Tattooing or body piercing shall not be performed on any area where there is evidence of skin infection.
(g) After the tattooing is completed, a dressing shall be applied to the tattoo area.

~~(h) Persons tattooed shall be provided with printed instructions regarding tattoo care during the healing process and shall be instructed to consult a physician if sign and symptoms of an infection develop.~~

~~4.05.070 - Application for permit – Fees.~~
~~(a) A person shall not own, control and lease, act as an agent for, conduct, manage, or operate an establishment to practice the art of tattooing or body piercing or engage in the practice of tattooing or body piercing without first applying for and receiving a permit from the department of public health.~~
~~(b) No tattoo or body piercing establishment shall be operated in the city of Council Bluffs without having a permit to operate issued by the department of public health.~~
~~(c) Each person acquiring or establishing a tattoo or body piercing establishment shall apply for a permit prior to beginning operation.~~
~~(d) Permits to operate will be issued to a new establishment when the establishment has successfully completed an on-site inspection by the director of public health or the director's designee.~~
~~(e) Applications are available upon request from the department of public health.~~
~~(f) An annual, nonrefundable application fee as set forth in the current schedule of fees as adopted by the city council, shall be remitted when the initial or renewal tattoo or body piercing establishment application.~~
~~(g) The annual fee for each tattoo or body piercing artist permit shall be as set forth in the current schedule of fees as adopted by the city council.~~
~~(h) Tattoo and body piercing artist permits and tattoo and body piercing establishment permits are non-transferable.~~
~~(i) All permits shall expire on December 31 of each year, regardless of date of issue. Permits shall be renewed annually upon acceptance of a renewal application provided by the department of public health and receipt of renewal fee.~~
~~(j) The owner of the tattoo or body piercing establishment shall be billed for each tattoo or body piercing establishment inspection at the rate set forth in the current schedule of fees as adopted by the city council.~~
~~(k) Permits shall be posted in a conspicuous place in the tattoo or body piercing establishment.~~
~~(l) Records shall be maintained for a period of five years, and shall be available for inspection by the director of public health or the director's designee upon twenty-four hours notice.~~

~~4.05.080 - Penalty.~~
~~Any person found guilty of a violation of any of the provisions of this chapter shall, upon conviction, be subject to the penalty provisions of Section 8.02.020 of this code. Each day that a violation is allowed to continue shall constitute a separate and distinct violation. At the discretion of the city attorney, any violation of the provisions of this chapter may be pursued as a municipal infraction according to the terms of Chapter 1.95, in lieu of criminal prosecution.~~

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND October 8, 2018.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: 10-8-18
Second Consideration: 10-22-18
Public Hearing: N/A
Third Consideration: _____