

AN ORDINANCE AMENDING CHAPTER 13, "HEALTH AND SANITATION," BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 13, "Health and Sanitation", of the Abilene Municipal Code be amended as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Two Hundred Dollars (\$200.00). Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper as provided by Section 19 of the Charter of the City of Abilene, Texas.

PASSED ON FIRST READING this 9 day of May, A.D. 19 85.

PASSED ON SECOND AND FINAL READING this 23 day of May, A.D. 19 85.

ATTEST:
Patricia Patton
CITY SECRETARY

David Stalheiman
MAYOR

APPROVED:
Paul Taylor
CITY ATTORNEY

Exhibit "A"

PART I: That Chapter 13, "Health and Sanitation," of the Code of the City of Abilene is hereby amended by adding a new Article, to be known as Article IV, "Tattoo Parlors," which shall read as follows:

ARTICLE IV. TATTOO PARLORS

Sec. 13-63. Definitions.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them:

Health Authority: The Director of the Abilene-Taylor County Health District or his authorized representative.

Tattooing: The practice of producing an indelible mark or figure upon the human body whether it be by scarring or by inserting a pigment under the skin through the use of needles, scalpels or other related equipment.

Tattoo parlor: Any establishment or facility in which tattooing is performed.

Approved: Acceptable to the health authority based on his determination as to conformance with appropriate standards and good public health practice.

Operator: A person who performs tattooing.

Aseptic techniques: This refers to the precautions taken to prevent the spread of infections. Such techniques include, but are not limited to, cleaning the hands of the operator and the skin area of the client to be tattooed with a germicidal soap, the wearing of clean apparel, using sterile equipment and supplies at all times and keeping the environment of the tattooing operation in a sanitary condition.

Sec. 13-64. Tattoo parlor Permit.

No person shall conduct, operate or maintain a tattoo parlor in the City who does not possess a valid, current permit from the health authority as herein provided. Such permit shall at all times be kept posted and displayed in a prominent place within the tattoo parlor.

Sec. 13-65. Tattoo Parlor Permit application.

Each applicant for a tattoo parlor permit will complete a form provided by the health authority. The completed form will contain the name and address of the facility, the name and address of the owner, the name and address of each operator, the hours the facility will be open for business, the date of the application, and the signature of the owner. The health authority is authorized to accept the completed form after he has collected a permit fee of \$100.00 from the applicant. Such fees shall not be refundable. The permit, when granted, will expire in twelve months after the date of issuance. Permits are not transferrable from one owner to another or to a different location. The permit shall be renewed annually in like manner as originally applied for.

Sec. 13-66. Permit authorization.

Upon receipt of the application as provided in Sec. 13-65, the health authority shall schedule an inspection of the facility with the applicant. He shall also request confirmations from the City building and zoning officials as to the status of the facility's compliance with existing building and zoning codes. The health authority, after determining that all City codes including the regulations herein provided are complied with, shall issue a permit to the applicant.

Sec. 13-67. Tattoo Parlor regulations.

All tattoo parlors shall comply with the following regulations:

(A) General regulations.

- (1) The tattoo parlor must be a permanent, non-dwelling building located in a commercial zone.
- (2) The hours of operation shall be posted on the front door of the facility.
- (3) All areas of the facility where tattooing is done shall be well lighted.
- (4) The facility will at all times meet the requirements of the City's electrical, plumbing and fire codes.
- (5) The owner or operators will permit inspection of the facility by the health authority during any period the facility is in operation.
- (6) The owner and any operator shall not perform tattooing if he is infected with a contagious disease. The health authority may require the owner or operator to undergo a physical examination, conducted by a physician, to prove the absence of disease. The expense of the examination will be borne by the owner or operator.

(B) Sanitary regulations.

- (1) The facility shall provide for operators and clients a restroom containing a properly installed and maintained water closet, a lavatory with hot and cold running water, single service towels, and soap.
- (2) Walls, floors and ceilings shall be kept clean and in good repair.
- (3) The building shall be kept free of insects and rodents.
- (4) All operators when tattooing shall proceed with tools and equipment that have been properly sterilized and kept in a sterile condition. Tools and equipment used on one client must be sterilized before use on the next client.
- (5) Equipment and tools shall be sterilized by one of two methods:
 - (a) dry heating in an oven at a temperature of 320°F for at least one hour, or by
 - (b) steam pressure treatment in an autoclave.
- (6) All needles and instruments, when not in use, must be kept in a clean, dust tight container.

(C) Operational regulations.

- (1) No person under twenty-one (21) years of age may be tattooed. The operator shall be held responsible for determining the correct age of the person requesting a tattoo.
- (2) The operator shall maintain a permanent log of all persons tattooed in the facility. Included in the log shall be the person's name, age, address, date.

The log shall be

available for inspection upon the request of the health authority or law enforcement officials.

(3) Tattoos shall not be administered to any person discernably under the influence of drugs or alcohol.

(4) The following persons shall not be tattooed; and determination of these conditions shall be the responsibility of operator.

(a) those having a skin rash, pimples or other skin irritations

(b) those infected with a communicable disease and

(c) those having had jaundice or hepatitis within the past twelve months.

(5) The owner and operators shall practice aseptic techniques.

(6) The owner shall report to the health authority, as soon as it becomes known, any infections resulting from tattooing.

Sec. 13-68. Enforcement.

The health authority shall enforce the provisions of this ordinance. All tattoo establishments shall be inspected on a routine basis, but not less than twice annually, to determine compliance. Should a violation be observed, it shall be recorded and reported in writing to the owner. The owner will be required to make the necessary correction within a specified time period. Failure to comply with the orders of the health authority will result in the suspension of the permit or filing of a complaint with the municipal court or both. The penalty for violating any provision of this Article shall be a fine not to exceed two hundred dollars (\$200.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Sec. 13-69. Appeal.

Any person dissatisfied with an order or ruling of the health authority in the enforcement of this Article may appeal to the Abilene-Taylor County Board of Health. A person desiring to so appeal shall file in the office of the health authority, within fifteen (15) days of the ruling or order appealed from, a written appeal which shall include a brief statement of the reasons therefor and a detailed statement of the facts supporting the appeal. Upon the expiration of the fifteen (15) day period without a written appeal being filed with the health authority, as herein provided, the order or ruling of the health authority shall become final and non-appealable.

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