

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE REPEALING SECTION 605.050 OF THE MUNICIPAL CODE OF THE CITY OF WELDON SPRING, MISSOURI, IN IT'S ENTIRETY (LICENSING AND REGULATION OF TATTOO AND/OR BODY PIERCING ESTABLISHMENTS) AND ENACTING IN ITS PLACE A NEW SECTION 605.050, PROVIDING PENALTIES FOR VIOLATIONS, AND MATTERS RELATING THERETO

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WELDON SPRING AS FOLLOWS:

Section 1. That Section 605.050 of the Municipal Code of the City of Weldon Spring is hereby repealed in its entirety and that a new Section 605.050 is adopted as set out in Exhibit "A" which is attached hereto and is incorporated by reference herein.

Section 2. Severability: If any term, condition, or provision of this ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City, and shall thereafter be binding.

Section 3. Effective Date: This ordinance shall be in full force and effect from and after the date of its final passage and approval.

READ TWO TIMES AND APPROVED BY THE BOARD OF ALDERMEN OF THE CITY OF WELDON SPRING, MISSOURI, THIS _____ DAY OF _____, 2017.

Attest:

PRESIDING OFFICER/MAYOR

City Clerk

APPROVED BY THE MAYOR OF THE CITY OF WELDON SPRING, MISSOURI, THIS _____ DAY OF _____, 2017.

Attest:

MAYOR

City Clerk

EXHIBIT "A"

CHAPTER 605 – BUSINESS/MERCHANT’S LICENSES AND REGULATIONS

Section 605.050. Licensing and Regulation of Tattoo and/or Body Piercing Establishments, Parlors or Studios.

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

APPLICANT: Any person who applies for a license as required by this Ordinance.

ANTISEPTIC: A chemical product or substance that kills or inhibits the growth of bacteria and organisms on skin, living tissue or work areas.

APPROVED: Acceptable to the Office of Tattooing and/or Body Piercing based on its determination of conformance to these rules and generally accepted standards of public health.

AUTOCLAVE: An apparatus, device or mechanism for sterilizing articles by using superheated steam under pressure.

BODY PIERCING: Any perforation, penetration or puncturing of human tissue, other than the ear, for a non-medical purpose, by the use of needles, studs, posts or any other instruments, thereby creating an opening into or through the tissue in which either studs, posts, ornaments, jewelry or similar items are or can be inserted or on which markings are left.

BODY PIERCER: Any individual who, for a fee, performs body-piercing procedures on a human being, excluding the ears, at the patron or client’s request.

BODY PIERCING ESTABLISHMENT, PARLOR OR STUDIO: The premises where a body piercer performs body piercing.

CITY: The City of Weldon Spring, Missouri.

CLEANING: The removal of foreign material, soil, dirt and any other type of debris from all equipment coming into contact with a patron/client, and is normally accomplished with detergent, water and mechanical action.

CLIENT: Any person who receives a tattoo and/or body piercing.

CONTAMINATED WASTE: Any liquid or semi-liquid blood or other potentially infectious material in a liquid or semi-liquid state if compressed; items that are caked or covered with dried blood or other potentially infectious materials which are capable of releasing these materials during

handling; contaminated sharps and pathological and microbiological wastes containing blood and other potentially infectious materials, as further defined in State and Federal regulations.

COSMETIC TATTOOING: The practice of depositing pigment into the epidermis, utilizing needles, which is either permanent, semi-permanent or temporary by someone other than a State licensed physician. Cosmetic tattooing shall also include permanent cosmetics, dermography, micro pigmentation, permanent color technology and micro pigment implantation.

DISINFECTANT: A chemical that is capable of destroying disease-causing organisms on humans or inanimate objects, with the exception of bacterial spores.

EMPLOYEE: Any person, other than an operator, who renders any service to the licensee or customer and who receives compensation or any other consideration.

HOT WATER: Water at a temperature of one hundred eleven degrees Fahrenheit (111°F) or higher.

INSTRUMENTS USED FOR TATTOOING AND/OR BODY PIERCING: Hand pieces, needles, needle bars, and other instruments that may come in contact with a patron/client's body during tattooing and/or body piercing procedures.

INVASIVE: Entry into the body either by incision or insertion into or through the skin or mucosa, or by any other means intended to compromise the skin or mucosa (mucous membrane).

JEWELRY: Any personal ornament inserted into a pierced area. Jewelry inserted into a newly pierced area must be made of surgical implant grade stainless steel, solid fourteen karat (14k) or eighteen karat (18k) white or yellow gold, niobium, titanium or platinum. Jewelry must be free of nicks, scratches or irregular surfaces and have been properly sterilized prior to use in a piercing procedure. Piercing studs are not considered jewelry for purposes of these regulations.

MINOR: A person under the age of eighteen (18) years of age.

NEEDLE: Either of the following:

1. The implement used to insert dyes or pigments into the dermis of the skin during permanent color or tattoo procedures; or
2. The implement used to pierce or puncture a hole in any part of the human body for the purpose of inserting jewelry or other objects.

NEEDLE BAR: The metal or plastic device used to attach the needle to a tattoo machine.

OPERATOR: Any person or practitioner who operates any instrument, tool or equipment to perform tattooing and/or body piercing on a person.

PERSON: Any individual, firm, LLC, LP or corporation or partnership who operates or owns a tattooing and/or body piercing business.

PROCEDURE ROOM: A room in the tattoo and/or body piercing establishment, parlor or studio where the tattooing and/or piercing is performed.

PROCEDURE SURFACE: Any surface that contacts the client's unclothed body during a tattooing or piercing procedure, or any associated work area which may require sanitizing.

PATRON: Any client or person who receives a tattoo and/or body piercing procedure.

PERMANENT COSMETIC TATTOOING: Includes eyeliner, eyebrows, lip liner, full lip color, repigmentation or camouflage.

PRACTITIONER: Any person or operator who operates any instrument, tool or equipment to perform tattooing and/or body piercing on a person.

SHARPS: Any object that is used for the purpose of penetrating the skin or mucosa including, but not limited to needles, scalpel blades and razor blades.

SHARPS CONTAINER: A puncture-resistant leak-proof container that can be closed for the purpose of handling, storing, transporting and disposing of sharps waste. The container shall be clearly and distinctly labeled with the "biohazard" symbol.

SHARPS WASTE: Any solid waste that consists of medical equipment or clinical laboratory articles and implements that may cause punctures or cuts, such as tattoo needles, body piercing needles, hypodermic needles, syringes with attached needles and lancets, whether contaminated or disinfected.

SINGLE USE: Products or items that are intended for one-time, one (1) person use and are disposed of after use on each patron or 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 protective gloves.

STERILIZATION: Destruction of all forms of microbiotic life, including spores.

TATTOOING: Any method of placing ink or other pigment into or under the skin or mucosa by the use of needles or any other instruments used to puncture the skin, resulting in permanent coloration of the skin or mucosa (mucous membrane). This includes all forms of cosmetic tattooing.

TATTOO MACHINE: An electrical instrument used in conjunction with a tube, needle and needle bar to make indelible marks on the skin.

B. Business Licenses Required – Application.

It shall be unlawful for any person to own or operate a tattoo and/or body piercing business establishment, parlor or studio in the City of Weldon Spring, Missouri, without having first obtained a business license in accordance with the procedures hereinafter set forth:

1. Any person desiring to operate a tattoo and/or body piercing business establishment, parlor or studio shall first obtain an application for a license from the City Clerk and said application shall contain the following information:

- a. – Name of applicant.
- b. - Residence of applicant.
- c. – If a partnership, or corporation, the names and resident addresses of each of the owners, and/or partners, whether general or limited, LLC or LP.
- d. – The proposed location of the proposed business establishment, parlor or studio.
- e. – The proposed hours of operation.
- f. – The names of all current employees and their exact duties.
- g. – The names and addresses, date and place of birth, height, weight, sex and color of eyes and hair and training and/or experience of all tattoo and/or body piercing operators.
- h. – A complete description of all tattoo and/or body piercing services to be provided.
- i. – Each operator must submit a current Operator's License that has been issued by the Director of the Division of Professional Registration of the State of Missouri.
- j. – Identification photographs of all operators.
- k. – No license issued under this ordinance shall be transferable or assignable.
- l. – Business license which will be subject to the costs and expiration standards provided in Section 605.010 of the Municipal Code.

C. – Prerequisites to Tattooing and/or Body Piercing:

Tattoo and/or body piercing shall only be performed in strict conformance of all of the following:

- 1. Performing tattooing and/or body piercing is prohibited on any person under the age of eighteen (18).
- 2. Before administering the tattoo, the patron and/or client shall be advised that the tattoo should be considered permanent; that it can only be removed with a surgical procedure; and that effective removal will leave permanent scarring and possible disfigurement. A written cautionary notice to that effect must be furnished to and signed by the patron and/or client.
- 3. Tattoos and/or body piercing shall not be administered to any person under the influence of drugs or alcohol and the operator is charged with the responsibility of making reasonable observation and inquiry to assure himself/herself that the patron and/or client is not under the influence of alcohol or drugs.
- 4. The tattoo and/or body piercing business establishment, parlor and/or studio shall keep a

permanent record of all patrons and/or clients tattooed and/or pierced, stating the name, age, address, date of tattoo and/or body piercing, the operator's name, and the place on the body where tattooed or the part of the body that was pierced; and a description of the design of the tattoo. All such records shall be maintained in the establishment, parlor and/or studio for a period of not less than three (3) years and shall be made available to the City's Code Enforcement Officer or Law Enforcement Officer upon request.

D. – Sanitation Requirements - General Provisions:

1. Smoking, eating, or drinking by anyone is prohibited in the area where tattooing and body piercing preparation , procedure and clean up is being performed.
2. All operators shall maintain a high degree of personal cleanliness, conform to hygienic practices and wear clean clothes when performing tattooing and/or body piercing. Before performing tattooing and/or body piercing, the operator must thoroughly wash his/her hands in hot running water with a liquid anti-microbial soap, then rinse his/her hands and dry with an approved sanitary method.
3. In performing tattooing and/or body piercing, the operator shall wear disposable medical gloves. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual patron and/or client.
4. – Contaminated waste; as defined in this Ordinance, which may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled, must be placed in an approved "red" bag which is marked with the international "biohazard" symbol. It must then be disposed of by, or delivered to, an approved medical waste facility pursuant to Federal, State and County regulations. Used sharps shall be disposed of in approved sharps containers. Contaminated waste which does not release liquid blood or body fluids when compressed, or does not release dried blood or body fluids when handled, may be placed in a covered receptacle and disposed of through normal, approved disposal methods.

E. – Sterilization – Requirements:

1. – All non-disposable instruments used for tattooing and/or body piercing shall be cleaned thoroughly after each use by scrubbing with an anti-microbial soap solution and hot water or an appropriate disinfectant to remove blood and tissue residue and placed in an ultrasonic unit which shall remain on the premises of the tattooing and/or body piercing establishment, parlor or studio and which will be used only in accordance with the manufacturer's instructions.
2. – After cleaning, all non-disposable instruments used for tattooing and/or body piercing shall be packed individually in paper peel-packs and sterilized. All paper peel-packs shall contain either a sterilizer indicator or internal temperature indicator. Properly packaged, sterilized and stored equipment can be stored no more than one (1) year. Paper peel-packs must be dated with an expiration date not to exceed one (1) year. Sterile equipment may not be used after the expiration date without first repackaging and re-sterilizing.

3. – All non-disposable instruments used for tattooing and/or body piercing shall be sterilized in an autoclave at the tattooing and body piercing establishment, parlor or studio. Off-site sterilization is prohibited.
4. – After sterilization, instruments used for tattooing and/or body piercing shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.
5. – All inks, dyes, and pigments shall be specifically manufactured for performing tattooing and/or body piercing procedures and shall not be adulterated. Immediately before applying a tattoo, the quantity of the dye to be used for the tattoo shall be transferred from the bottle and placed into sterile, single-use paper or plastic cups/caps. Upon completion of the tattoo, these single cups/caps and their contents shall be properly and safely discarded.

F. – Requirements for Premises:

1. – Tattooing and/or body piercing establishments, parlors or studios applying for a business license shall submit a scale drawing and floor plan of the proposed establishment for a plan review as part of the licensing process.
2. – All walls, floors and ceilings of a tattooing and/or body piercing business establishment, parlor or studio shall be smooth, free of open holes or cracks, washable and in good repair. Walls, floors and ceilings must be maintained in a clean condition. All surfaces, including client chairs and benches, shall be of such construction as to be easily cleaned and sanitized after each patron or client procedure. All tattooing and/or body piercing establishments, parlors or studios shall be completely separated by solid partitions, or by walls extending from floor to ceiling, from any room used for human habitation, a food establishment, or a room where food is prepared, or a hair salon, retail sales, or other such activity which may cause potential contamination of work surfaces.
3. – There shall be a minimum of thirty-five (35) square feet of floor space for each procedure room. Each tattooing and/or body piercing establishment, parlor or studio shall have an area which may be screened from public view for patrons or clients requesting privacy. Multiple procedure rooms shall be separated by wipeable partitions or dividers. Curtains or draperies are not considered acceptable partitions or dividers.
4. – A separate, readily accessible handsink with hot and cold running water, under pressure, preferably equipped with a wrist or foot operated control shall be installed. One (1) handsink shall serve no more than three (3) operators. In addition, there shall be a minimum of one (1) lavatory, excluding any service sinks, and one (1) toilet in the establishment, parlor or studio in a completely enclosed restroom vented to the outside.

G. – Zoning, Hours of Operation and Number of Licenses Which May be Authorized or Issued:

1. – Tattoo and/or body piercing business establishments, parlors or studios may only be allowed in medical or general commercial zoned districts by Board of Aldermen approval only.

2. – Tattoo and/or body piercing businesses may only operate from the hours of 8:00 AM until 8:00 PM.
3. – The total number of licenses for a tattoo and/or body piercing business establishment, parlor or studio which may be issued or authorized by the Board of Aldermen shall not exceed two (2) licenses at any given time.

H. – Violations by Licensees:

1. – If the holder of any license issued pursuant to this ordinance violates any provision of this ordinance or the license, the City Code Enforcement Officer shall issue a warning for the first offense; and the City may suspend or revoke the license or refuse to renew if there are subsequent offenses. No license shall be suspended or revoked, nor shall any application to renew a license be refused, until the licensee has been afforded an opportunity for a hearing before the Board of Aldermen after a notice of at least five (5) working days, unless the Code Enforcement Officer determines that the operation constitutes an immediate hazard to public health.
2. – Warning and notices of violation and hearing shall be served either personally or by certified mail to the licensee's address of record. Notices of violations and hearing shall state the date, time and place of hearing and set forth the allegations against the licensee.
3. – The Board of Aldermen shall issue a decision in writing, either suspending, revoking or not renewing the license or finding in favor of the licensee within five (5) working days of the conclusion of the hearing.
4. – If an operator violates this ordinance while performing tattooing and/or body piercing, the business establishment, parlor or studio shall also be deemed to be in violation and the operator shall also be subject to warnings, administrative penalties, suspension or revocation.
5. – The decision of the Board of Aldermen shall be final.

I. Penalties:

1. – Any owner or operator or any tattooing and/or body piercing business establishment engaged in the business of tattooing and/or body piercing without a license required by this ordinance shall be subject to a fine shall be up to five hundred dollars (\$500.00) for each offense. Each day may constitute a separate offense. Any other violation of any provision of this ordinance, shall upon conviction, be subject to a fine of up to five hundred dollars (\$500.00).

