

BEFORE THE BOARD OF COMMISSIONERS OF WABASH COUNTY, INDIANA

GENERAL ORDINANCE NO. 2015- 85-03

**AN ORDINANCE REPEALING AND REPLACING
GENERAL ORDINANCE NO. 2004-3 REGULATING TATTOOS, TATTOO PARLORS, AND
BODY PIERCING FACILITIES**

The Board of Commissioners of Wabash County adopted General Ordinance No. 2004-3 regulating tattoos, tattoo parlors, and body piercing facilities.

Since adoption of that ordinance, the State of Indiana has amended the laws regulating tattoos, tattoo parlors, and body piercing facilities, and the Indiana State Department of Health has amended the rules regulating tattoos, tattoo parlors, and body piercing facilities, requiring the repeal and replacement of General Ordinance No. 2004-3.

The Board of Commissioners of Wabash County is empowered to protect the health and safety of the citizens of Wabash County.

The reasonable regulation of tattoo, tattoo parlors, and body piercing facilities is in the best interests of the residents of Wabash County.

The Wabash County Health Department can best inspect and oversee the operation of tattoo and body-piercing facilities.

The Board of Commissioners of Wabash County believes that the tattoo and body-piercing businesses should be licensed and subjected to reasonable inspections by the Wabash County Health Department.

The Wabash County Commissioners desire to adopt an ordinance repealing and replacing the existing Ordinance.

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NOW THEREFORE, IT IS ORDAINED AS FOLLOWS:

1. **Incorporation of Indiana Code and Indiana Administrative Code Provisions.** All requirements set forth in 410 IAC 1-5, IC 16-19-3-4.1, IC 16-19-3-4.2, and IC 35-42-2-7 and any amendments made to said provisions hereafter are hereby incorporated herein by reference. All places, individuals, and businesses that offer to affix any type of permanent tattoo or body piercing to a person shall be regulated by the above-named codes/statutes as well as the requirements specified in this Ordinance. All such places, individuals and businesses shall maintain the premises in which tattoos and body piercings are performed and equipment used in the tattoo or body piercing process in a sanitary manner as specified in the above named codes/statutes and herein.

2. **Definitions.** All definitions set forth in 410 IAC 1-5, IC 16-19-3-4.1, IC 16-19-3-4.2 and IC 35-42-2-7 and as amended hereafter are hereby incorporated by reference (and are not being repeated in this Ordinance). Tattoo and Body Piercing as defined in 410 IAC 105 for the purposes of this Ordinance does not include practices that are considered medical or dental procedures by a state medical or dental board. Nor does this definition include piercing of the lobe of the ear with pre-sterilized single-use stud-and-clasp ear-piercing systems. Unless the context specifically indicates otherwise, the meaning of the additional terms used in this Ordinance shall be as follows:

2.1. **Branding** means a form of extreme body modification and scarification using a super-heated metal object, chemical, freezing or electricity to burn an image into the human body.

2.2. **Sharp** means any object that can cut or penetrate the skin, including but not limited to needles, razors, scalpels, and other similar objects used to penetrate the skin.

2.3. **Cutting** means a method of extreme body modification and scarification which creates scars on the skin by using a sharp object, such as a scalpel or knife, to cut into the skin. Cutting is differentiated from a method called "Skin Peeling" in that no tissue is removed to create the scar during the cutting method.

2.4. **Dermal Punching** means a method of creating piercings in the body, which removes a segment of tissue, as opposed to traditional piercing, which makes a half moon shaped slice in the tissue. It is generally used when large gauge jewelry insertion is desired at the time of the procedure.

2.5. **Extreme Body Modification** means any method, other than tattoo, permanent makeup, or body piercing methods, used to alter the appearance, sensation, or function of the human body for decorative or cultural purposes. Some examples include, but are not limited to, scarification (branding, cutting, skin peeling) implantation, suspension piercing, dermal punching, nullification (voluntary amputation), and tongue splitting. Techniques of extreme body modification are considered medical or surgical procedures and are prohibited acts in permitted facilities.

2.6. **Facility** has the meaning set forth in 410 IAC 1-3-7.5 and for the purposes of this Ordinance shall also include Temporary Tattoo and Body Piercing Facilities.

2.7. **Guest Tattoo Artist** means a tattoo artist not affiliated with any one or specific tattoo facility.

2.8. **Health Department** means the Wabash County Health Department.

2.9. **Health Officer** means the duly appointed Wabash County Health Officer as set forth in IAC 16-20-2-16, or his/her designated representative. The Health Officer or his/her authorized

designee shall enforce this Ordinance. The Health Officer may designate a representative to perform those duties and responsibilities of the Health Officer.

2.10. Implantation means a form of extreme body modification where items such as shaped metal or other foreign bodies are placed under the skin to produce the outline and texture of the desired image on the surface of the skin or a protrusion from the surface of the body.

2.11. Nullification means the voluntary removal of body parts. Most commonly this means castration (and sometimes penectomy), amputation of the fingers or toes, or, in extreme cases, removal of full limbs.

2.12. Scarification means a form of extreme body modification that uses methods or techniques to produce scars on the human body for decorative purposes. Examples of scarification methods include branding, cutting, and skin peeling.

2.13. Skin Peeling means a technique of extreme body modification and scarification which consists of cutting on the human body the outline of a design and removing the center, thereby creating a scar where the skin was removed.

2.14. Suspension Piercing means the act of hanging the human body from or partially from hooks pierced through the flesh in various places around the body.

2.15. Tattoo and Body Piercing Special Event means an organized function including, but not limited to, functions for such purposes as conventions, education, demonstration and exhibition in which two or more vendors are conducting tattoo and body piercing activities.

2.16. Tongue and Body Piercing Special Event Coordinator means the person responsible for each participant in the Event complying with the applicable regulations and operational procedures over the span of the Event.

2.17. Tongue Bifurcation means a non-surgical process in which the tongue is split with the use of lasers or nylon material.

2.18. Tongue Splitting means a surgical procedure in which the tongue is cut centrally from its tip part of the way towards its base, forking in the end.

2.19. Temporary Tattoo and Body Piercing Facility means a Facility that operates at one site or location for a period of time not in excess of fourteen (14) consecutive days.

2.20. Unregulated (unapproved and prohibited) Invasive Body Modification means the act of performing branding, cutting, dermal punching, implantation, scarification, skin peeling, tongue splitting, suspension piercing, or any other extreme body modification not otherwise specifically approved in these regulations. It also means the use of any drug or cosmetic other than topical over-the-counter anesthetic and/or performing any recognized medical procedure not specifically approved in these regulations by any person other than a licensed medical professional.

3. Operator Responsibilities.

3.1. The Operator shall notify the Department of any change of ownership or employment of Tattoo Artists at the Facility within five (5) business days of its occurrence. Failure to so notify will result in a \$25.00 fine for each occurrence.

- 3.2. The Operator shall have the training responsibilities set forth in 410 IAC 1-5-24.
- 3.3. The Operator shall have the responsibilities set forth in 410 IAC 1-5-25.
- 3.4. The Operator shall develop the policies required by 410 IAC 1-5-26.
- 3.5. The Operator shall:

- 3.5.1. Keep on file in the Facility for inspection by the Health Department:

- 3.5.1.1. The names of all Operators/Tattoo Artists/ Body Piercing Artists in the facility and their exact duties including the following information:

- 3.5.1.1.1. Date of birth; gender; home address; home/work numbers; identification photos of all persons providing services at the Facility;

- 3.5.1.1.2. Establishment name; hours of operation; owner's name and address;

- 3.5.1.1.3. A complete description of all tattooing and body piercing performed;

- 3.5.1.1.4. An inventory of all instruments and jewelry, all sharps, and all inks used for any and all tattooing and body piercing, including names of manufacturers and serial or lot numbers, if available or applicable; and

- 3.5.1.1.5. A copy of this Ordinance.

3.6. Permits shall be prominently displayed in the facility and shall not be defaced or altered in any manner.

3.7. It shall be unlawful for any person to perform tattoo or body piercing unless such procedures are performed in a Tattoo or Body Piercing Facility with a current permit.

3.8. The Operator must be at least eighteen (18) years of age.

4. Temporary Tattoo and Body Piercing Facility Responsibilities.

4.1. The Tattoo and Body Piercing Facility must be protected at all times from contamination including but not limited to weather elements, dust, rain, etc. as well as possible contamination from the public. If not operating in an enclosed building, an overhead covering must be provided to protect the unit/area.

4.2. Each Temporary Tattoo and Body Piercing Booth/Facility must have access to hand washing facilities within 25 feet and no physical barriers. The portable hand washing station must include, at a minimum, warm water of at least one hundred (100) degrees Fahrenheit, equipped with a spout

or means to place hands under as water runs over them, soap, disposable paper towels, container to collect waste water, and waste basket for paper towel disposal. The lavatory is not able to be used for this purpose.

4.3. The flooring must be smooth and non-absorbent. The walls should be non-absorbent if it is reasonable to expect possible contamination.

4.4. Only single use equipment is able to be used. No reusable equipment is allowed to be used at these sites whether or not they have been sterilized in a licensed tattoo and body piercing Facility.

5. Tattoo and Body Piercing Special Event Coordinator Responsibilities.

5.1. Each Tattoo and Body Piercing Special Event Coordinator must make certain that all Event vendors, Tattoo Artists, and Body Piercers, have appropriate permits.

5.2. The event period of operational time cannot exceed 14 consecutive calendar days. The Event Coordinator or entity cannot host more than two events in a calendar year.

5.3. The Event Coordinator must be 18 years of age or older. The Event Coordinator will be held responsible for unpermitted activity and the actions of permittees who do not comply with regulations

5.4. The Event Coordinator or their authorized representative must be available at all times when services are being provided.

5.5. The event Facility must be inspected by the Health Department prior to the performance of any tattoo or body piercing activities.

5.6. The Event Coordinator must submit all required applications and applicable fees to the Health Department at least 10 business days prior to the event.

5.7. The Event Coordinator must provide a diagram/layout of the event and other information stated below at least 10 business days before the event. The event diagram/layout must contain the following information:

5.7.1. Vendor name, all artist names, and contact information for all parties.

5.7.2. Booth location for each vendor/artist.

5.7.3. Total floor space of each booth which cannot exceed 150 square feet.

5.7.4. Means of protecting the tattoo and body piercing work space and client from contamination.

5.7.5. Location of the hand washing facility.

5.8. The following information must be provided in writing by the Event Coordinator:

5.8.1. Disposal method of all sharps and bio-hazard wastes for each booth.

5.8.2. Proof of a current contract with an infectious waste removal company for the above items.

5.8.3. The Event Coordinator is responsible for any unpaid vendor fees or late fines.

5.9. Event permits including the Event Coordinator permit, Temporary Tattoo and Body Piercing Facility permits, and/or Tattoo and Body Piercing Artist permits may be suspended immediately for failure of the permit holder, event coordinator, tattoo operators, or artists to comply with the requirements of these regulations.

6. Age Limitation / Consent.

6.1. No individual shall perform a tattoo procedure on an individual under sixteen (16) years of age, with or without parental consent.

6.2. No individual shall perform a body-piercing procedure on an individual who is under fourteen (14) years of age, with or without parental consent.

6.3. Each parent, guardian, and/or custodian giving consent for a tattoo procedure to be performed on an individual over sixteen (16) years of age but under eighteen (18) years of age, or for a body-piercing procedure to be performed on an individual over fourteen (14) years of age but under eighteen (18) years of age, shall:

6.3.1. Appear in person at the Facility at the time the procedure is performed and remain throughout the procedure,

6.3.2. Sign a document provided by the Facility that explains the manner in which the procedure will be performed and the methods for proper care of the affected body area following performance of the procedure, and

6.3.3. Sign a consent form provided by the Facility consenting to any tattoo or body piercing procedure.

6.4. No individual who is under eighteen (18) years of age shall knowingly show or give false information concerning his/her name, age, or other identification for the purpose of obtaining a tattoo or body-piercing.

6.5. All Facilities shall require a birth certificate or government issued photo ID with birth date of any individual receiving tattooing or body piercing for their own records.

6.6. No individual shall impersonate the parent, guardian, and/or custodian of an individual who is under the age eighteen (18) years for the purpose of obtaining for the individual under the age of eighteen (18) years a tattoo or a body piercing.

7. General Safety and Sanitation Standards.

7.1. A Facility shall comply with the following provisions:

7.1.1. No Tattooing or Body Piercing procedures shall be conducted in any room used as living quarters or in any room that opens directly into living or sleeping quarters.

7.1.2. Live animals shall be excluded from areas where Tattoo or Body Piercing procedures are being conducted. This exclusion does not apply to the following:

7.1.2.1. Patrol dogs accompanying security or police officers.

7.1.2.2. Guide dogs accompanying the following:

- 7.1.2.2.1. Blind persons.
- 7.1.2.2.2. Partially blind persons.
- 7.1.2.2.3. Physically disabled persons.
- 7.1.2.2.4. Guide dog trainers.
- 7.1.2.2.5. Persons with impaired hearing.

7.1.3. Eating, drinking, smoking, applying cosmetics, or handling contact lenses shall not be allowed in work areas where there is a likelihood of exposure to blood or other potentially infectious material (“OPIM”).

7.1.4. Food and drink shall not be kept in areas where there is a reasonably anticipated risk of exposure to blood or OPIM.

7.1.5. All equipment and environmental surfaces shall be cleaned and disinfected after contact with blood or OPIM.

7.1.6. Environmental surfaces and equipment not requiring sterilization that has been contaminated by blood shall be cleaned and disinfected.

7.1.7. All work surfaces shall be:

7.1.7.1. Non-absorbent;

7.1.7.2. Easily cleanable;

7.1.7.3. Smooth; and

7.1.7.4. Free of:

- 7.1.7.4.1. Breaks;
- 7.1.7.4.2. Open seams;
- 7.1.7.4.3. Cracks;
- 7.1.7.4.4. Chips;
- 7.1.7.4.5. Pits; and
- 7.1.7.4.6. Similar imperfections

7.1.8. Disinfectant solutions shall be:

7.1.8.1. A hospital grade, tuberculocidal, Environmental Protection Agency (EPA) registered disinfectant; or

7.1.8.2. Sodium hypochlorite, five-tenths percent (0.5%) concentration, by volume (common household bleach is ten percent (10%))

concentration in water); the solution shall be dated and shall not be used if it is more than twenty-four hours (24) old.

8. Illness.

Tattoo Artists or Body Piercers who are experiencing symptoms of acute disease that include, but are not limited to:

- 8.1. Diarrhea;
- 8.2. Vomiting;
- 8.3. Fever;
- 8.4. Rash;
- 8.5. Productive cough;
- 8.6. Jaundice; or
- 8.7. Draining (or open) skin infections, boils, impetigo, or scabies;

shall refrain from performing any Tattoo or Body Piercing procedures.

9. Hand Washing.

9.1. Hand washing facilities shall be readily accessible in the same room where tattooing or body piercing, or both, is provided.

9.2. Hands shall be washed with soap and running water immediately before putting on gloves and after removal of gloves or other personal protective equipment.

9.3. Only single use towels shall be used.

10. Personal Protective Equipment.

Appropriate personal protective equipment shall be worn as follows:

10.1. A clean protective clothing layer shall be worn whenever there is a reasonably anticipated risk of contamination of clothing by blood or OPIM.

10.2. Masks in combination with eye protection devices, such as goggles or glasses with solid side shield, or chin length face shield, shall be worn whenever splashes, spray, splatter, or droplets of blood or OPIM may be generated and eye, nose, or mouth contamination can be reasonably anticipated.

10.3. Disposable gloves, such as surgical or examination type, shall be worn during the tattooing or body piercing process. Gloves shall be changed and properly disposed of each time there is an interruption in the application of the tattoo or body piercing, when the gloves become torn or punctured, or whenever the ability to function as barrier is compromised. Disposable gloves shall not be reused.

11. Tattooing / Body Piercing Equipment.

11.1. Only single use razors shall be used to shave the area to be tattooed, or body part to be pierced. Single use razors shall be discarded in sharps containers immediately after use.

11.2. The stencil for transferring a design to the skin is to be single use only, and shall be properly disposed of after a single use.

11.3. If the design is drawn directly onto the skin, it shall be applied with a single use article only.

12. Needles.

12.1. Needles shall be individually packaged and sterilized prior to use.

12.2. Needles shall be single use only.

12.3. Needles shall be discarded in sharps containers immediately after use.

12.4. Contaminated needles shall not be bent or broken or otherwise manipulated by hand.

13. Reusable Equipment.

13.1. Autoclave sterilization must be used when heat stable, non-disposable equipment is sterilized.

13.2. Equipment that is to be sterilized shall be put in single use packaging.

13.3. Records must be maintained to document:

13.3.1. Duration of sterilization technique and individual package indicators to prove sterility. Individual packaging and individual package indicators are to be dated and retained with records;

13.3.2. Determination of effective sterility, such as use of a biological indicator, including spores, is performed monthly;

13.3.3. Equipment is maintained as recommended by the owner's manual and proof is available that the owner's manual recommendations are reviewed monthly.

13.4. Reusable contaminated equipment shall not be stored or processed in a manner that requires any person to reach by hand into the containers where these sharp items have been placed.

13.5. Reusable contaminated equipment shall be:

13.5.1. Placed in puncture resistant containers;

13.5.2. Labeled with the biohazard symbol;

13.5.3. Leak proof on both sides and bottom;

13.5.4. Stored in a manner that does not require reaching by hand into the container where the equipment is stored until cleaning prior to sterilization.

13.6. Contaminated reusable equipment shall be effectively cleaned prior to sterilization or disinfection.

13.7. Any reusable equipment that comes into direct contact, or is likely to come into direct contact, with an instrument that penetrates the skin other than a piercing gun shall be effectively cleaned and sterilized prior to use.

13.8. All sterilized equipment shall not be removed from wrappers or sterilizer packaging until immediately prior to use.

13.9. Any reusable equipment that comes into contact with mucus membranes shall be effectively cleaned and sterilized prior to use.

13.10. Piercing guns shall be cleaned and undergo, at a minimum, high level disinfection after each use whenever visibly contaminated.

13.11. All reusable equipment that has contact with intact skin shall undergo, at a minimum, intermediate level disinfection.

13.12. All other equipment used during the tattooing or body piercing procedure shall be single use, including corks.

13.13. All body piercers and tattoo artists shall comply with all other equipment manufacturer's recommendations.

14. Dyes or Pigments.

14.1. All dyes or pigments in tattooing shall be from professional suppliers specifically providing dyes or pigments for the tattooing of human skin.

14.2. In preparing dyes or pigments to be used by tattoo artists, only non-toxic, sterile materials shall be used. Single use or individual portions of dyes or pigments in clean, sterilized containers shall be used for each patron.

14.3. After tattooing, the remaining unused dye or pigment in single use or individual containers shall be discarded along with the container.

15. Infectious Waste Containment.

15.1. Contaminated disposable needles or instruments shall be stored in leak-resistant, puncture-resistant containers, tightly sealed to prevent expulsion, labeled with the biohazard symbol, and effectively treated in accordance with this rule prior to being stored in an unsecured area and sent for final disposal.

15.2. Infectious waste that is contaminated sharps or objects that could potentially become contaminated sharps shall be placed in containers that meet the following requirements:

15.2.1. Impervious to moisture.

15.2.2. Sufficient strength and thickness to prevent expulsion.

15.2.3. Secured to prevent leakage expulsion.

15.2.4. Labeled with the biohazard symbol.

15.2.5. Effectively treated in accordance with this rule prior to being placed in an unsecured area and sent for final disposal.

15.3. If infectious waste is stored prior to final disposal, such shall be stored in a secure area that:

15.3.1. Is locked or otherwise secured to eliminate access by or exposure to the public;

15.3.2. Affords protection from adverse environmental conditions and vermin; and

15.3.3. Has a prominently displayed biohazard symbol.

15.3.4. Infectious waste shall be stored in a manner that preserves the integrity of the container, and is not conducive to rapid microbial growth and putrefaction.

15.3.5. Disinfect reusable containers for infectious waste each time that they are emptied unless the surfaces of the reusable containers have been protected from contamination by disposable liners, bags or other devices that are removed with the infectious waste.

16. Treatment and Transport of Infectious Waste.

16.1. All operators shall ensure that infectious waste is either treated on-site in accordance with this rule or transported off-site for treatment in accordance with this rule.

16.2. A treatment is effective if it reduces the pathogenic qualities of infectious waste for safe handling, is designed for the specific waste involved, and is carried out in a manner consistent with this rule. Effective treatment may include:

16.2.1. Incineration in an incinerator designed to accommodate infectious waste;

16.2.2. Steam sterilization;

16.2.3. Chemical disinfection under circumstances where safe handling of the waste is assured;

16.2.4. Thermal inactivation;

16.2.5. Irradiation; or

16.2.6. Discharge in a sanitary sewer or septic system that is properly installed and operating in accordance with state and local laws.

16.3. All persons subject to this rule shall:

16.3.1. Transport infectious waste in a manner that reasonably protects waste haulers and public from contracting a dangerous communicable disease; and

16.3.2. Effectively treat infectious waste in accordance with this rule before it is compacted.

16.4. The Operator shall ensure that infectious waste, effectively treated or not, is transported off-site in compliance with 410 IAC 1-3

17. Post Tattoo/ Body Piercing Infection Prevention.

17.1. Each facility is to provide post tattooing/ body piercing written instructions to its clients in methods to prevent infections, such as the use of bactericidal creams and ointments and soap, and appropriate barrier dressings where indicated. A copy of these instructions shall also be posted in a conspicuous place in the facility, and be clearly visible to the person being tattooed or body pierced.

17.2. Each client should be instructed to seek immediate medical attention should there be any evidence of infection.

18. Facility Records. The following information shall be kept on file on the premises of each Tattoo and Body Piercing facility and furnished to the Health Department:

18.1. Full name, date of birth, gender, and identification photos of all Operators/Artists;

18.2. Proof that all artists and operators are a minimum of eighteen (18) years of age;

18.3. Upon request of the Health Officer, each Artist and/or Operator must provide proof that each Artist has either completed or been offered and declined, in writing, the Hepatitis B vaccination series, and that antibody testing has revealed that the employee is immune to Hepatitis B or that the vaccine is contraindicated for medical reasons. If the Artist has not completed the Hepatitis B vaccination series, he or she shall provide documentation showing at least the first of the series of Hepatitis B vaccination has been received, and must show proof of completion of the series within 6 months of issue of first permit.

19. Artist and Operator Records and Responsibilities.

19.1. Must possess a valid artist permit issued by the Wabash County Health Department, which shall be posted at the Facility in the place where the tattoos or body piercing are performed and shall be clearly visible to the public.

19.2. Prepare the skin area before a procedure by cleaning with germicidal soap, rinsing with water, and disinfecting with antiseptic solution.

19.3. Require all oral piercings to be preceded by the patron performing a minimum of one-minute vigorous application of antiseptic mouthwash.

19.4. Protect the tattooed area after a procedure by applying antibacterial ointment, and a single-use, absorbent bandage with an impermeable cover that must be worn until the patron leaves the facility.

19.5. Provide each patron or legal guardian (if the patron is less than eighteen (18) years of age), verbal and written guidelines for the after-care of the tattoo or body piercing. The written public education materials shall:

19.5.1. Provide guidelines to the patron regarding methods for proper cleansing, side effects, activity restrictions, infection prevention, such as the use of bactericidal creams and ointments, soap, and appropriate barrier dressings where indicated.

19.5.2. Advise the patron to consult a physician or dentist as appropriate at any indication of infection e.g. fever, pus-like drainage, or pain at the site.

19.5.3. Contain the name, address, and phone number of the facility.

19.5.4. Be provided to the patron. The patron's record as set forth in Section 20 below shall be signed and dated by the artist and the patron indicating that the guidelines were reviewed and a written copy provided to the patron.

20. Patron Records.

Records of each patron shall be maintained for two (2) years. The record shall include:

20.1. Patron's name;

20.2. Address;

20.3. Age; verified by one (1) photo identification and birth certificate;

20.4. Date tattooing or body piercing was performed;

20.5. Design of the tattoo;

20.6. Location of the tattoo or piercing on the patron's body;

20.7. The name of the Tattoo/ Body Piercing Artist who performed the work;

20.8. Written parental consent when tattooing or body piercing any minor as required

herein; and

20.9. Jewelry or other decoration(s) used.

21. Prohibited Acts.

21.1. The following activities are strictly prohibited:

21.1.1. Branding

21.1.2. Cutting

21.1.3. Dermal Punching

21.1.4. Implantation

21.1.5. Nullification

21.1.6. Scarification

21.1.7. Skin Manipulation

21.1.8. Skin Peeling

21.1.9. Suspension Piercing

21.1.10. Tongue Bifurcation

21.1.11. Tongue Splitting

22. Exemptions.

22.1. Physicians licensed by the State of Indiana who utilize tattooing or body piercing procedures as part of patient treatment are exempt from this Ordinance.

22.2. Ear lobe piercing is exempt from this Ordinance.

23. Permits.

23.1. Facility Permit.

23.1.1. Each Facility shall obtain a permit from the Wabash County Health Department.

23.1.2. The cost of this permit shall be \$750.00 and shall not be transferable.

23.1.3. The permit expires on December 31 of each year.

23.1.4. Said permit shall be posted at the facility and be clearly visible to the public.

23.2. Tattoo Artist and Body Piercer Permit.

- 23.2.1. Every person that desires to perform any Tattoo or Body Piercing procedures shall obtain a "Tattoo Artist Permit/ Body Piercing Permit" from the Department; however, this Permit shall not be required if such person has obtained a Facility Permit under Section 23.1 of this Ordinance.
- 23.2.2. This permit must be obtained before any tattoos or body piercing is performed on any persons and after the requisite training.
- 23.2.3. The applicant must satisfy the minimum requirements as set forth in this Ordinance.
- 23.2.4. The cost of said permit shall be \$250.00 and shall not be transferable.
- 23.2.5. The permit expires on December 31 of each year.
- 23.2.6. Said permit shall be posted at the Facility and be clearly visible to the public.

23.3. Guest Tattoo Artist or Body Piercer Permit.

- 23.3.1. An individual that desires to work as a guest of a currently permitted business for any length of time must obtain a Guest Artist permit/Body Piercing permit from the Department.
- 23.3.2. This permit must be obtained before any tattoos or body piercing is performed on any persons and after the requisite training.
- 23.3.3. The applicant must satisfy the minimum requirements as set forth in this Ordinance.
- 23.3.4. The cost of said permit shall be \$75.00 per artist for an Event one week or less or \$150.00 for between one and two weeks, and shall not be transferable.
- 23.3.5. Any holder of a permit shall be subject to inspection as set forth herein.
- 23.3.6. The permit shall be posted at the facility in the place where they are clearly visible to the public.
- 23.3.7. In the event an artist would like to convert their permit to be valid for the entire calendar year, to expire on December 31st of each year, prior monies paid can be applied towards the annual permit license fee.

23.4. Temporary Tattoo and Body Piercing Facility Permit.

- 23.4.1. No person, firm, partnership, joint venture, association, business trust, corporation or any organized group of persons may operate a Temporary Tattoo and Body Piercing Facility unless it has received a Temporary Tattoo and Body Piercing Facility Permit from the Department.

- 23.4.2. The cost of this permit shall be \$100.00 per year for units owned and operated by a Facility holding a valid Permit under this Ordinance.
- 23.4.3. This permit will allow all the artist and or body piercers permitted underneath their facility to perform tattoo/body piercing in the permitted mobile/temporary unit.
- 23.4.4. Any Temporary Tattoo and Body Piercing Facility that is not functioning under a Facility will pay an annual permit fee of \$850.00 or a single event fee of \$300.00 (no event may extend beyond 14 days) and shall not be transferable.
- 23.4.5 A single event permit will permit two (2) artist/piercers to operate for the duration of the event. The annual permits will expire on December 31 of each year. Prior monies paid can be used to extend the permit license.

23.5. Special Events Coordinator Permit.

- 23.5.1. Each Tattoo and Body Piercing Special Event must designate a Special Events Coordinator who will submit the applications, fees, and diagram/information of the venue layout to the Wabash County Health Department at least ten (10) business days prior to the start of the event.
- 23.5.2. The Event Coordinator application shall provide the name and address of each vendor and the name and address of each tattoo artist and body piercer operating at each booth.
- 23.5.3. The cost of this permit shall be \$300.00 and shall not be transferable.
- 23.5.4. The permit shall be valid for a period not to exceed fourteen (14) days of consecutive operation at the same location.
- 23.5.5. Any holder of a permit shall be subject to inspection as set forth herein.
- 23.5.6. Said permit shall be posted at the Tattoo and Body Piercing Special Event in the area where the tattoo or body piercing services are performed and shall be clearly visible to the public.

23.6. Pro-Rating of Permit Fees. In the event that an applicant for a permit hereunder shall apply for an annual permit any time prior to July 1 of any year, they shall be responsible for the total annual fee as described in this chapter. In the event that the applicant shall apply for an annual permit July 1 or after of any year, they shall be required to pay only one half (1/2) of the annual fee as set forth in this ordinance. All permits expire on December 31 of the year in which they were issued.

23.7. Application for Permits. Applications shall require applicants to disclose the following, when applicable: name, date of birth, sex, residence, mailing address, telephone number, places of employment as an Operator or Tattoo Artist, the training and experience as an Operator or Tattoo Artist, and proof of attendance at a blood borne Pathogen Training program (or equivalent given or approved by the Health Department).

24. **Enforcement.** It shall be the duty of the Health Officer to enforce the provisions of this Ordinance. Any permit issued in conflict with the provisions of this Ordinance shall be null and void. A violation of an order issued by the Health Officer or the Health Department shall be considered to be a violation of this Ordinance.

25. **Inspections.** The Health Department shall conduct a minimum of three (3) inspections per year of each and every Facility located in Wabash County, Indiana. The results of the inspections will be provided to each Operator. Violation(s) noted by the Wabash County Health Department shall be corrected immediately. The Department will conduct follow-up inspections to determine compliance with this Ordinance.

26. **Procedures when violations are noted.**

26.1. If during the inspections of any facility, the Health Officer or authorized representative discovers the violation of any provision of this Ordinance, he/she shall issue a written report/order listing such violations and the remedial action(s) to be taken. A copy of said report shall be delivered to the permittee by hand delivering the report/order to him/her on-site, or mailing the notice by Certified Mail to the address listed by the permittee as his/her mailing address on the permit application.

26.2. A copy of the written report/order shall be filed in the records of the Department after appropriate review by supervisory personnel and shall be made available to the public.

27. **Permit Suspension/ Revocation.**

The Health Officer may order the suspension or revocation of any permit issued hereunder, which shall include the prohibition of any further operation, for the following reasons:

27.1. Interference with the Health Officer, or authorized representative(s), in the performance of their duties; interference is defined as the process of obstructing, hampering or blocking the Health Officer, or his/her authorized representative(s) in the performance of his/her duties.

27.2. The willful and/or continuous violation of any provision of this Ordinance.

28. **Other Permit Revocation, Suspension and Immediate Closure Orders.**

28.1. Whenever the Health Officer, or authorized representative(s), find unsanitary or other conditions, involving the operation of any Facility which constitutes an imminent health hazard, such Health Officer or authorized representative shall without notice or hearing, issue and serve a written order upon the permittee requiring the immediate closure of the Facility, shall cite the existence of said unsanitary conditions and shall specify the corrective actions to be taken.

28.1.1. Such orders shall be effective immediately.

28.1.2. Upon written request to the Health Officer, or authorized representatives, the permittee shall be afforded a hearing as set forth in Section 30.

28.1.3. The Health Officer or authorized representative shall make a re-inspection upon request of the permittee. When the Health Officer or authorized representatives determine that the necessary corrective action(s) have been taken, operation of the Facility may be resumed.

29. Violations. Whenever the Health Officer determines that there has been a willful violation of any of the provisions of this Ordinance, the Health Officer shall furnish evidence of said willful violation to the Prosecuting Attorney of Wabash County, Indiana or the attorney for the Health Department who shall seek all appropriate legal remedies against the person(s) violating said provisions of this Ordinance.

30. Hearings.

30.1. Any permittee aggrieved by an order of the Health Officer shall be entitled to a review of the order before the Wabash County Department of Health by filing a written request with the Department within fifteen (15) days after such order is issued.

30.2. Upon the Health Officer's receipt of such request, the Department shall hear the matter de novo in an open hearing after at least ten (10) days written notice of the time, place and nature thereof. The Health Officer and permittee may agree to a shorter period of time, if requested by either party. The notice shall be issued by the Department to the permittee filing the request.

30.3. The notice of hearing shall be served upon the permittee by leaving or mailing by certified mail to the address listed on the permit application as the permittee's mailing address or such other address as the permittee shall designate in writing to the secretary of the Department.

30.4. At such hearing, each party shall have the right to submit evidence, to cross-examine witnesses, and to be represented by legal counsel.

30.5. The Department shall make written findings of facts and shall enter its final order of determination of the matter in writing.

30.6. The expense of such proceedings shall be charged to the permittee who applied for the review, except that copies of transcripts shall be at the expense of the party requesting them. At the time the transcript is requested, the Department may require the permittee to pay a deposit in an amount determined by the Department to be necessary to secure such expense(s).

31. Penalty. Any person who willfully violates any of the provisions of this Ordinance shall be subject to a fine of not more than \$900.00 for each violation. Each day of the existence of any violation of this Ordinance shall be considered to be a separate offense. Violations may result in the permanent revocation of a permit.

32. Injunction. The Health Officer may bring action for an injunction in the Circuit or Superior Court of Wabash County, Indiana, to restrain any person from violating the provisions of this Ordinance, to cause such violation(s) to be prevented, abated or removed.

33. Expense. Any person violating any of the provisions of this Ordinance shall be liable to the Health Department for the expense, loss or damage occasioned by reason of such violation, including reasonable attorney's fees and costs incurred in prosecuting any such violation.

34. Cumulative. The remedies provided in this Ordinance shall be cumulative, and not exclusive, and shall be in addition to any other remedy provided by law.

35. Severability. Invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance.

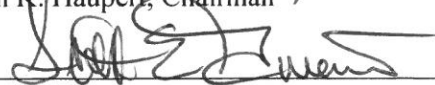
36. **Repeal and Replacement.** This Ordinance repeals and replaces General Ordinance No. 2004-3.

Adopted by the Board of Commissioners of the County of Wabash, Indiana, this 18 day of May, 2015.

BOARD OF COMMISSIONERS OF THE
COUNTY OF WABASH, INDIANA




Brian K. Haupert, Chairman



Scott E. Givens



Barry J. Eppley

ATTEST: 
Linda Conrad, Wabash County Auditor