

TITLE

AN ORDINANCE FOR THE PURPOSE OF REPEALING CHAPTER 1757 "REGULATING TATTOO ESTABLISHMENTS" OF THE CODIFIED ORDINANCES AND REPLACING WITH CHAPTER 1757 "ESTABLISHING REGULATIONS FOR BODY ART TATTOOING AND PIERCING" WITHIN THE CITY OF WARREN, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 13144/2022

WHEREAS, this Council is currently voting on legislation to repeal Ordinance No. 1146/01 that established Chapter 753 within the Codified Ordinances of the City of Warren, which prohibited body piercing and the operation of those businesses that offered body piercing services within the City, as well as penalties for the violations thereof; and

WHEREAS, this Council has determined the need to incorporate regulations for piercing into Chapter 1757 which establishes regulations for body art tattooing within the City of Warren; and

WHEREAS, this Council desires to adopt the regulations for body art tattooing and piercing governed by Chapter 3703.01 to 3703.11 of the Ohio Revised Code; and

WHEREAS, on July 20, 2022, the Warren City Board of Health passed Board of Health Resolution #284, establishing the rules and regulations for body art tattooing and piercing within the City of Warren; NOW THEREFORE

BE IT ORDAINED by the Council of the City of Warren, State of Ohio:

Section 1: Definitions

- A. "Health Commissioner" means the Health Commissioner of the Warren City Health District
- B. All other definitions are as stated in Ohio Administrative Code Chapter 3701-9.

Section 2: Fees

- A. Tattoo and/or Body Piercing Specialist License: An application for a tattoo and/or Body Piercing License shall be accompanied by a fee in the amount of \$50.00 annually. This license shall expire annually on December 31 and shall not be prorated nor refunded for partial use.
- B. Tattoo and/or Body Piercing Establishment License: An application for a tattoo and/or Body Piercing business shall be accompanied by a fee in the amount of \$150.00 annually. This license shall expire annually on December 31 and shall not be prorated nor refunded for partial use. Any change in ownership shall require a new application and license, with payment of fees therefore.

Section 3: Registration

- A. It shall be unlawful for any individual to engage in the practice of tattooing or body piercing without first obtaining a registration in accordance with the provisions hereof. It shall be unlawful for the owner or operator of any establishment to permit any individual to engage in the practice of tattooing or body piercing within the establishment unless such individual has obtained a registration in accordance with the provisions hereof.

- B. Each registration issued hereunder shall expire annually on December 31st of each year. Initial registrations granted on or after October 1st shall be effective from the date of issuance until December 31st of the following year, unless suspended or revoked under Section 5 (a) of this regulation.
- C. Each application for registration shall be on a form provided by the Warren City Health District. Any application fee established by the Board of Health shall accompany each application and shall be non-refundable. Any change in registration shall require a new application and registration, with payment of fees thereof.
- D. Each individual applying for registration to engage in the practice of tattooing or body piercing shall provide evidence of having received appropriate training, in accordance with Chapter 3701-9 of the Ohio Administrative Code. Each individual shall attend and complete a Tattoo & Body Piercing Safety Course for Operators approved by an appropriate governmental entity. The course shall satisfy the requirements of rule 3701-9-04 (M)(2) & (3) of the Ohio Administrative Code for operators practicing in the City of Warren.
- E. Each individual shall maintain procedures ensuring that all persons performing tattooing or body piercing services for the business shall have received training, as evidenced by records of completion, courses or seminars provided by licensed physicians, registered nurses, organizations such as the American Red Cross, accredited learning institution, appropriate governmental entities, or other authorities recognized by the board of health as being qualified to provide training in the following:
1. First aid;
 2. Safety and sanitation requirements for prevention transmission of infectious diseases;
 3. Universal precautions against bloodborne pathogens;
 4. Appropriate tattoo and piercing aftercare.
- F. Persons seeking registration as a tattooist/body piercer previously practicing in another state or health district must have been verifiably sanctioned by a government agency. Such persons must provide documentation verifying sanctioning (i.e.: licenses, registrations, inspection reports, etc.). Applicants having operated in substantial compliance with the sanctioning agency for at least one (1) year prior to the application shall be considered as having received appropriate training in accordance with Ohio Administrative Code rule 3701-9-04(M)(1). Applicants must also include evidence of having received all other appropriate training in accordance with Ohio Administrative Code rules 3701-9-04(M)(2) & (3).
- G. Each individual applying for registration to engage in the practice of tattooing or body piercing as an apprentice shall provide a statement signed by the person(s) registered with the Board of Health as a tattooist or body piercer acknowledging the applicant as an apprentice under their direct supervision. It shall be unlawful for any individual to engage in the practice of tattooing or body piercing as an apprentice unless such procedures are conducted under the direct supervision of the person(s) recognized by the Board of Health as offering the apprenticeship.
- H. Individuals successfully completing an apprenticeship may apply for the appropriate registration. Applications must include a notarized statement provided by the Board of Health and signed by the person(s) offering the apprenticeship attesting that the individual has received sufficient training of adequate duration to competently perform tattoo or body piercing services. Persons offering apprenticeships must be verifiably sanctioned by a government agency. For the purposes of this paragraph, "sufficient training of adequate duration" shall be defined as follows:
1. Not less than one-hundred eighty (180) clock hours of hands-on experience for tattooing;
 2. Not less than eighty (80) clock hours of hands-on experience for body piercing;

3. Not less than two-hundred sixty (260) clock hours of hands-on experience for combined tattooing and body piercing.

Applications must also include evidence of having received all other appropriate training in accordance with Chapter 3701-9 of the Ohio Administrative Code and must be accompanied by the non-refundable application fee as established by the Board of Health.

Section 4: Requirements

A. Tattooing/Body Piercing Room

All equipment and accessories, including environmental surfaces that may have been contaminated during the tattooing/body piercing procedure shall be cleaned and disinfected prior to reuse. The disinfectants used in cleaning shall be registered with the U.S. Environmental Protection Agency as hospital disinfectants that are also tuberculocidal. A minimum of ten (10) percent by volume of household bleach (sodium or potassium hypochlorite) may also be used as a disinfectant.

B. Persons under the age of eighteen years of age

1. No person shall tattoo any person under the age of eighteen (18) years.
2. No person shall pierce any body part of a person under the age of eighteen (18) without the permission of the minor's parent or legal guardian.

C. Alternate Sterilization Methods

1. The use of tattoo or body piercing needles or other instrumentation sterilized at an off-site location is permitted only with the following provisions:

Sterilization shall be achieved using ethylene oxide gas.

- a. Only new, individually packaged, single-use needles or other instruments may be used, and shall be properly disposed of immediately following the procedure.
- b. The manufacturer shall provide a lot number and a corresponding certificate of sterilization referencing the lot number for each needle or instrument used. The operator shall record in each client file the lot number(s) for all needles and instruments used on that client.
- c. Certificates of sterilization shall be kept on file and available for inspection for a period of at least two (2) years.

Section 5: Penalty

- A. The Board of Health may suspend, revoke, or deny a registration to engage in the practice of tattooing or body piercing for violation of this regulation or violation of Chapter 3701-9 or the Ohio Administrative Code.
- B. Whoever violates this regulation shall be subject to the penalties of the Ohio Revised Code Section 3709.9.

Section 6: Effect of Partial Invalidity

Each rule of this regulation, and every part of each rule is an independent rule and a part of a rule, and the holding of any rule or part thereof to be unconstitutional, void, or not effective for any cause does not affect the validity or constitutionality of any other rule or part thereof.

Section 7: Repeal of Existing Ordinance

The Existing Ordinance is hereby repealed in its entirety and replaced with the rules and regulations contained herein.

Section 8: Compliance with Open Meeting Requirements

This Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken in open meetings of this Council or committees, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 9: Emergency Measure

That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare, and safety, and for the further reason that the change is necessary to permit business to operate within the City of Warren. WHEREFORE, this Ordinance shall take immediate effect and be in force from and after the date of its passage and approval by the Mayor.

Passed in Council this 27th day of July, 2022.

SIGNED: [Signature] ATTEST: [Signature]
PRESIDENT OF COUNCIL CLERK

FILED WITH THE MAYOR: 7-27-2022

DATE APPROVED: 7-27-2022

[Signature]
MAYOR, CITY OF WARREN, OHIO