

Chapter 38

HEALTH AND SANITATION*

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ARTICLE I.

IN GENERAL

Secs. 38-1--38-30. Reserved.

ARTICLE II.

STATE RULES, REGULATIONS

Sec. 38-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Health officer means the county director of health or his authorized representative.

Cross References: Definitions generally, § 1-2.

Sec. 38-32. Adopted.

- (a) The following rules and regulations of the state department of human resources are adopted:
 - (1) Chapter 290-5-26, On-Site Sewage Management Systems, April 27, 1984.

(2) Chapter 290-5-14, Food Service, revised September 10, 1986.

(b) Copies of such rules and regulations adopted by this section shall be maintained on file in the office of the county clerk.
(Ord. of 11-21-1989)

Sec. 38-33. Issuance of citation.

(a) Upon information of a violation of any of the rules and regulations adopted in this article being made known to the health officer, there shall cause a citation to be issued requiring such violator to appear before the judge of the magistrate court on a day and time certain, then and there to stand trial for such violation.

(b) Citations issued under this section shall be pursuant to O.C.G.A. § 15-10-63 and shall be personally served upon the person accused of such violation. Each citation shall state the time and place at which the accused is to appear for trial.

Sec. 38-34. Penalty for violation.

(a) Any person violating the provisions of this article may be punished as provided in section 1-19. Separate offenses shall be deemed to be committed on each day during which or on which a violation occurs or continues.

(b) In addition to all other provisions of this article, any violation of this article is deemed to be a continuing nuisance and may be abated by an application for injunction in the superior court or other court of competent jurisdiction.

Secs. 38-35--38-65. Reserved.

ARTICLE III.

TATTOOING ESTABLISHMENTS

Sec. 38-66. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved means, determined by the health authority to be in compliance with this article.

Health authority means the Camden County Board of Health and/or the Camden County Health Director or his authorized representative.

Operating permit means a written permit issued by the health authority to the owner of a tattoo establishment and a written permit issued to the individual tattoo artist to perform tattooing under the provisions

of this article.

Sanitarian means a person authorized to represent the health authority in conducting inspections of tattoo establishments.

Sanitize means the approved bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for a length of time sufficient to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.

Sterilize means the approved bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for a length of time sufficient to eliminate the bacterial count, including pathogens.

Tattoo means to mark or color the skin by pricking in color matter so as to form indelible marks or figures or by producing scar tissue.

Tattoo artist means any person who performs tattooing.

Tattoo establishment means any room or space where tattooing is performed or where the business of tattooing is conducted or any part thereof. The term is synonymous with "tattoo parlor."

Tattoo operator means any person who controls, operates, conducts or manages any tattoo establishment, whether actually performing tattooing or not.

Tattoo review board refers to the board organized pursuant to section 38-67(d).
(Ord. of 7-3-1984, § I)

Cross References: Definitions generally, § 1-2.

Sec. 38-67. Permit requirements.

(a) *Application.* No person shall operate a tattoo establishment or engage in the practice or business of tattooing as a tattoo operator or as a tattoo artist unless such person shall first obtain an operating permit from the health authority. Applications for such operating permit can be obtained from the health director's office, during normal working hours. Applications shall be made in writing, in duplicate, on the form prescribed by the health authority, wherein the applicant shall agree to conform to all laws governing such places now in effect or as subsequently enacted, and to authorize and permit such examination and inspections as may be deemed necessary by the health authority. Completed applications shall be returned to the health director's office during normal working hours. Applicants shall be notified within 30 days of receipt of application by the chairman of the tattoo review board of scheduled times for training classes in sterilization techniques and of the review board hearing dates. Applications for the sterilization/sanitation class shall be made seven working days prior to time of class.

(b) *Inspections.* Before a permit to operate a tattoo establishment is granted, it shall be the duty of the health authority to cause an inspection to be made of the establishment and premises in which the business is to be conducted and to refuse the permit if the condition of the establishment and premises or its equipment shall not conform to the requirements of this article. If the establishment conforms to the requirements, the health authority shall issue the operating permit requested after payment of the applicable fee. An operating

permit issued to one person is not transferable to another person.

(c) *Training in sterilization and sanitation.*

- (1) Each tattoo operator or tattoo artist shall, before receiving an operating permit to operate a tattoo establishment or to practice as a tattoo artist, undergo a four-hour comprehensive training program approved by the health authority, which includes methods and techniques for proper sterilization of equipment and other related materials used in tattooing, and appropriate sanitary methods, and possess a valid health certificate. After completion of this instructional program, the person shall then appear before the tattoo review board to demonstrate satisfactory competence.
- (2) The instructional program shall include instructions by a public health nurse in dermatology and sterilization techniques, and additional instructions in proper sanitation and hygiene by a sanitarian. Instructional classes in sterilization and sanitation may be provided on a monthly basis if required.

(d) *Tattoo review board.* It shall be the duty of the tattoo review board to determine if tattoo operators or tattoo artists possess the proper knowledge and techniques in sterilization and sanitation of instruments and materials used in tattooing, have satisfactorily completed the class in such subject matter, and possess a valid health certificate before such person may receive approval for an operating permit to perform tattooing in a tattoo establishment. It shall also be the duty of the tattoo review board to hear appeals in accordance with the provisions of section 38-74. The board shall meet on a quarterly basis on the second Tuesday in January, April, July and October of each calendar year, at a time designated by the chairman, provided there is an item for an agenda. The members of the board shall be the members of the board of health. Applicants will be notified by the tattoo review board of its decision within seven working days of its quarterly meeting dates.

(e) *Terms and renewal of an operating permit.*

- (1) All operating permits issued pursuant to this section shall, unless revoked earlier, expire each calendar year on December 31, following their date of issue; and the requirements for their renewal shall be the same as for new operating permits, as set forth in this section. Each operating permit may be revoked for violation of this article.
- (2) The fee schedule for operating permits, as set forth in the schedule of fees and charges on file in the office of the county clerk, is for the following:
 - a. A permit for operation of a tattoo establishment, January 1 through December 31.
 - b. A permit for a tattoo artist to perform tattooing within the county, January 1 through December 31.

No fee shall be prorated.

- (3) The permit for operation of a tattoo establishment shall include the issuance of permit for the

owner/operator to perform tattooing. If the owner/operator does not intend to perform tattooing, the applicable fee for a permit for operation of a tattoo establishment shall be paid by the owner/operator. In addition, each tattoo artist operating within the establishment shall pay the applicable fee as specified in the fee schedule.

(f) *Form and transfer of operating permits.* All operating permits shall be issued in the name of the individual person applying for a permit and shall specify the location of the tattoo establishment where the person will operate, and this operating permit shall not be transferable from one person to another. This does not exclude any permitted artist from operating in any permitted tattoo establishment if the artist notifies the health authority upon relocation to any other permitted establishment. Such notification shall be made within five working days of the date of relocation on a form, which shall be provided by the health authority.

(g) *Public display of operating permit and grade notice.* It shall be the duty of the operator or owner of the tattoo establishment to display current operating permits and grade notices in a conspicuous place designated by the health authority.

(Ord. of 7-3-1984, § II)

Sec. 38-68. Inspections.

(a) *Authorized.* It shall be the duty of the health authority to cause unannounced inspections to be made on a recurring basis at least quarterly of all tattoo establishments and their equipment. A grade sheet shall be prepared and a grade card posted in a conspicuous place as directed by the health authority. The grade card shall not be removed except by order of the health authority. An inspection for the purpose of establishing the sanitation grade may be made at any time after the establishment has been in operation for at least two weeks. If the place of business is not maintained, conducted or operated in conformity with the requirements of this article, the health authority may suspend or revoke the operating permit of the establishment or artist until the tattoo establishment or artist and its operation is made to conform to the requirements of this article.

(b) *Grade sheets and scoring.* The sanitation grading of the tattoo establishments shall be based on a system of scoring whereas, utilizing a score sheet provided by the health authority, all establishments receiving a score of at least 90 percent shall be awarded grade A; all establishments receiving a score of at least 80 percent and less than 90 percent shall be awarded grade B; all establishments receiving a score of at least 70 percent and less than 80 percent shall be awarded grade C.

(c) *Revocation of operating permits.* Upon inspections, when a tattooing establishment receives a sanitary grade of less than 90 percent more than one time out of four consecutive inspections or receives a sanitary grade of less than 70 percent, revocation of the establishment's operating permit shall be mandatory. Any violation of this article shall be sufficient cause for revocation of an operating permit. No operating permit shall be reissued until the establishment has been reinspected by the health authority and found to be in compliance with this article.

(d) *Reinspections.* In the case of establishments that have been closed for failure to comply with this article, a reinspection to consider the reissuance of a permit shall be made within 30 days after a request for reinspection has been made. In the case of establishments that request an inspection for the purpose of raising the alphabetical grade, and that hold unrevoked permits, the sanitarian shall make an unannounced inspection after the lapse of a reasonable period of time, not to exceed 30 days from the date of the request.

(e) *Record of inspection.* The grading of tattoo establishments shall be recorded on an inspection form provided by the health department, a copy of which is a part of this section.
(Ord. of 7-3-1984, § III)

Sec. 38-69. Records required.

Records for each patron or customer shall be kept and maintained by the operator of each tattoo establishment, which record shall contain the name, address and signature of each patron or customer. All records shall be available for inspection upon request of the health authority. Records shall be maintained a minimum of two years.

(Ord. of 7-3-1984, § IV)

Sec. 38-70. Removal of tattoo.

No tattoo operator or artist shall remove or attempt to remove any tattoo.

(Ord. of 7-3-1984, § V)

Sec. 38-71. Health standards for the operation and maintenance of tattoo establishments.

(a) *Operating room facilities.* Each tattoo establishment shall have an operating room, which shall be separate and apart from a waiting room and a public room that may be used for other than tattooing purposes. Patrons or customers shall be tattooed only in the operating room. The operating room shall be equipped with hot and cold running, potable water, together with such sinks and basins as may be necessary. Furniture and furnishings used within the operating room shall be constructed of such materials as to permit proper cleansing with hot or cold disinfecting solutions.

(b) *Personal cleanliness of tattoo artists; required equipment.* There shall be available within each tattoo establishment adequate hot and cold, potable running water, soap, germicidal solution, individual hand scrub brushes, and fingernail files or orange sticks for each tattoo artist. Each tattoo artist shall scrub his hands and forearms with soap and warm water, using individual hand brush, clean his fingernails with an individual file or orange stick and thoroughly rinse his hands in a germicidal solution before working on each patron or customer. An individual disposable napkin shall be used for drying the tattoo artist's hands and arms after rinsing. Each tattoo artist shall, while engaging in tattooing, wear a disposable gown or clean coat. Proper facilities shall be provided specifically for the storage of soiled uniforms and coats. No tattoo artist and/or patron shall engage in the use of tobacco in any form while in the operating room.

(c) *Storage of tattooing equipment and materials.* Tattoo instruments, medicine, accessories, dyes, stencils and other materials used in tattooing that come in contact with the patron or customer shall be stored in closed containers, which shall be maintained in a sanitary condition. When poisons such as Cidex, etc., are used in a tattoo establishment, proper facilities shall be provided specifically for the storage of these materials.

(d) *Floors, walls, ceilings and lighting.* The floors of the establishment shall be of good repair and shall be at all times maintained in a clean condition. The floor of the operating room of the tattoo establishment shall be of impervious material and shall be at all times maintained in a clean condition. The walls and ceiling of the operating room shall be a light color, shall be maintained in good repair, without flaking or chipping, kept

clean, and shall be smooth and of such material as to permit thorough cleaning. Toilet walls and ceilings shall be of tight construction, smooth, light colored and washable. No part of the tattoo operatory shall be used for domestic purposes.

(e) *Disposition of waste material; toilet facilities.* The tattoo establishment shall have proper facilities for the disposition of soiled waste materials. Sufficient and approved toilet, urinal and handwashing facilities shall be convenient and accessible to customers, operators and artists within the tattoo establishment or the building in which the tattoo establishment is located and shall comply with local and state building codes and with the rules and regulations governing the disposal of sewage from any residence, place of business or place of public assembly in the county. Toilet rooms shall be well lighted and ventilated in accordance with local and state building codes.

(f) *Preparation of area to be tattooed.* When it is necessary to shave the area to be tattooed, a new blade for each patron shall be used when a safety razor is employed; and the permanent parts of the razor shall be treated as for the care of a straight razor. If a straight razor is used, it shall be cleaned with soap and water, rinsed in clean water and then sterilized by being immersed for 15 minutes in a germicidal solution approved by the health department or by boiling for at least five minutes before the razor is used again on another patron. After shaving the area to be tattooed, or if the area does not need to be shaved, the site of the tattoo shall be cleaned with soap and warm water, rinsed with clean water and a germicidal solution applied in a sanitary manner before the design is placed on the skin. Other sterile, individual towels or gauze shall be used in preparing the site to be tattooed, and properly disposed of after use on each patron.

(g) *Stencil for transferring design.* The stencil for transferring the design to the skin shall be thoroughly cleaned, rinsed and sterilized in a germicidal solution approved by the health department following each use and shall be maintained in a clean, sanitary condition.

(h) *Tattooing procedures.*

(1) A sterile set of needles shall be used for each patron or customer. Needles used in tattooing shall be sterilized by a hot or cold sterilization method, approved by the health department, after each use and, if not immediately used, stored in sterile containers. The open end of the needle tube of the tattooing machine shall be cleaned and sterilized in a similar method after each use.

(2) Excess dye applied to the skin shall be removed with individual sterile gauze pads or sterile cotton only. The area tattooed shall then be allowed to dry and the entire site covered with a piece of sterile gauze only, which may then be covered with a piece of tissue and fastened with adhesive.

(i) *Instructions to patrons or customers as to care of skin after tattooing.* Written instructions, approved by the health authority, shall be given to each patron or customer on the care of the skin of the tattooed site to prevent infection after each tattooing. A copy of these instructions shall also be posted in a conspicuous place in the tattoo establishment, clearly visible to the person being tattooed.

(j) *Sterilizing device required; sterilization of equipment.* Each tattoo establishment shall be equipped with a sterilizing device approved by the health authority. Instruments used in tattooing shall be sterilized following use on an individual patron and prior to use on another patron. Needles used in tattooing

shall be sterilized by a hot or cold sterilization method. Needles, if not immediately used, shall be stored in sterile containers. The open end of the needle tube of the tattooing machine shall be cleaned and sterilized in a similar method after each use.

(k) *Premises; insect, rodent and vector control.* The premises inside and outside shall be kept clean and free of vermin at all times. There shall be no fly or mosquito breeding places or rodent harborage on the premises. Reptiles, birds or other domesticated house pets shall not be allowed in the establishment. Obsolete articles and other litter shall not be permitted to accumulate on the premises. None of the operations shall be conducted in any room used for domestic purposes.

(1) *Procedure when infection suspected.* When the health authority has reasonable grounds to suspect that infection is being transmitted by any employee of an establishment, the health authority is authorized to require any or all of the following measures:

- (1) The immediate exclusion of the employee from employment in the establishment.
- (2) The immediate closing of the establishment concerned until the health authority determines no further danger of disease outbreak exists.
- (3) Adequate medical examinations of the employee and of his associates, with such laboratory examination as may be indicated.

The health authority shall take prompt action to determine whether further danger of disease outbreak exists. (Ord. of 7-3-1984, § VI)

Sec. 38-72. Right of entry.

The health authority shall have the right to enter at all reasonable times and inspect any known or suspected tattoo establishment for the purpose of investigating a known or suspected tattoo operation, but nothing in this article shall authorize entry into a private noncommercial dwelling without consent of the occupants or a proper warrant for such entry having been issued by a court of competent jurisdiction. (Ord. of 7-3-1984, § VII)

Sec. 38-73. Enforcement by private citizens.

Any person other than persons responsible for enforcement of this article may initiate legal action on his behalf against any person who is alleged to be in violation of any provision of this article. (Ord. of 7-3-1984, § VIII)

Sec. 38-74. Right to appeal.

Should any controversy arise regarding the denial, suspension or revocation of a permit required by this article, the person aggrieved may appeal to the tattoo review board for a hearing. No such hearing shall be held unless a written petition is filed in the office of the health director on or before the tenth day following the day on which the action or lack of action took place that caused the petitioner to be aggrieved. The written petition requesting the hearing must set out the grievances of the petitioner. Within five working days of receipt of the

petition, a hearing shall be held before the board. If the grievances are not resolved at this hearing and the aggrieved party so requests, it shall be the duty of the health director to communicate the request for a hearing to the chairman of the board of health as soon as practicable. Such hearing shall be held by the board of health within seven days following receipt of such request by the chairman. After such hearing the board of health may affirm or reverse the decision of the tattoo review board. The findings of the board of health shall be final. (Ord. of 7-3-1984, § IX)

Sec. 38-75. Penalties.

(a) *Criminal.* If any person shall violate the rules and regulations promulgated by the board of health, he shall be guilty of a misdemeanor and punished as provided in section 1-19.

(b) *Other remedies.* In addition to other remedies provided in this article, the health authority may institute any other appropriate action or proceedings to restrain, correct or abate such violations or otherwise prevent the unlawful operation of such tattoo establishments or artists as authorized by the laws of the state. (Ord. of 7-3-1984, § X)

Sec. 38-76. Application required.

All persons desiring to be tattooed shall apply in writing to the license tattoo parlor. No tattoo shall be given until 24 hours from the date of the initial application. Any violation of this section shall be punishable as specified in section 38-75. (Ord. of 7-3-1984, § XI)