

BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN
ORDINANCE DATED: November 3, 2023
ORDINANCE NUMBER: 11-03-23-23

WHEREAS, the Indiana Department of Health has, pursuant to Indiana Code 16-19-3-4, adopted rules to regulate the sanitary operation of tattoo and body piercing facilities, and

WHEREAS, local health departments have been delegated as the enforcement authority for the rules stated above, and

WHEREAS, there exists a very real and distinct possibility of the transmission of serious infectious diseases from the tattooing or body piercing of a person if a tattoo artist or body piercer is not sufficiently skilled and knowledgeable of the dangers associated with said activity.

NOW, THEREFORE, BE IT ordained that the Board of Commissioners of the County of Allen hereby amends Allen County Code, as outlined below.

ALLEN COUNTY CODE - TITLE 10
DEPARTMENT OF HEALTH

ARTICLE 7
TATTOO AND BODY PIERCING ORDINANCE

10-7-1 CHAPTER 1: SANITARY OPERATION OF TATTOO FACILITIES

10-7-1-1 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 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 is used in the tattoo or body piercing process in a sanitary manner as specified in the above-named codes/statutes and as stated herein.

10-7-2 CHAPTER 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 1-5 for the purposes of this ordinance does not include practices that are considered medical or dental procedures by the 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:

- 10-7-2-1 **Booth** means a table, group of tables, or an area from which Tattoo Artists operate at a Tattoo Special Event.
- 10-7-2-2 **Branding** means a form of extreme body modifications and scarification using a super-heated metal object, chemical, or electricity to burn an image into the human body.
- 10-7-2-3 **Contaminated Sharp** means an object that can cut or penetrate the skin, including but not limited to needles, razors, scalpels, and other similar objects that has already been used and has therefore been in contact with the body or bodily fluids.
- 10-7-2-4 **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.
- 10-7-2-5 **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.
- 10-7-2-6 **Department** means the Allen County Department of Health.
- 10-7-2-7 **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.
- 10-7-2-8 **Facility** has the meaning set forth in 410 IAC 1-5-7.5 and for the purposes of this ordinance shall also include a Tattoo Special Event and its booths.
- 10-7-2-9 **Health Commissioner** means the duly appointed Allen County Health Commissioner as set forth in IAC 16-20-2-16. The Allen County Health Commissioner or his/her authorized designee shall enforce this ordinance. The Health Commissioner may designate a representative in the Health Department to perform those duties and responsibilities of the Health Commissioner.
- 10-7-2-10 **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.

- 10-7-2-11 **Nullification** is the voluntary removal of body parts. Most commonly this means castration (and sometimes penectomy), amputation of fingers or toes, or, in extreme cases, removal of full limbs.
- 10-7-2-12 **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.
- 10-7-2-13 **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.
- 10-7-2-14 **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.
- 10-7-2-15 **Tattoo 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 outside of a fixed and permitted tattoo Facility.
- 10-7-2-16 **Tongue Bifurcation** means a non-surgical process in which the tongue is split with the use of lasers or nylon material.
- 10-7-2-17 **Tongue Splitting** means a surgical procedure in which the tongue is cut centrally from its tip part of the way towards its base, forking the end.
- 10-7-2-18 **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, or 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.
- 10-7-2-19 **ACRONYMS USED IN THIS ORDINANCE FOR REFERENCE:**

TSE = Tattoo Special Event

TSEC – Tattoo Special Event Coordinator

10-7-3 CHAPTER 3: OPERATOR RESPONSIBILITIES

10-7-3-1 The tattoo and/or body piercing Facility operator has the responsibility to notify the Allen County Department of Health of any change of ownership of the Facility or employment of permitted tattoo artists (newly arriving or those leaving) at the permitted Facility within five (5) business days of its occurrence. The notice must be made in writing to the Department (via letter, fax, email, or other written means approved by the Department). Failure to notify the Allen County Department of Health within five (5) business days of either item listed above will result in an automatic twenty-five dollar (\$25) fine being assessed for each occurrence (payable within 5 business days).

**10-7-4 CHAPTER 4: TATTOO ARTIST AND BODY PIERCER
RESPONSIBILITIES INCLUDING MINIMUM TRAINING AND
CERTIFICATION REQUIREMENTS**

10-7-4-1 The following information shall be kept on file on the premises of a tattoo and body piercing facility and available for immediate inspection by the Allen County Department of Health upon request:

- a) Full name, date of birth, and identification photos of all Artists/Apprentices;
- b) Proof that all artists and operators are a minimum of eighteen (18) years of age,
- c) Each artist should be able to immediately provide documentation of the following information upon request of the Health Department:
 - 1) That each artist has either completed or been offered and declined, in writing, the Hepatitis B vaccination series, OR
 - 2) That antibody testing has revealed that the employee is immune to Hepatitis B or that the vaccine is contraindicated for medical reasons.
 - 3) If the artist and operator have not completed the Hepatitis B Vaccination series, they 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.

10-7-4-2 All artists and operators must:

- a) Possess a valid artist permit issued by the Allen County Department of Health and it shall be posted at the Facility in the place where the tattoos or body piercing activities are performed and shall be clearly visible to the public.
- b) Prepare the skin area before a procedure by cleaning with germicidal soap, rinsing with water, and disinfecting with antiseptic solution.
- c) Require all oral piercings to be preceded by the patron performing a minimum of one-minute vigorous application of an antiseptic mouthwash.

- d) Protect the tattooed area after a procedure by applying a tattoo aftercare ointment, balm, or cream, and a single-use, adhesive bandage that must be worn until the patron leaves the facility.
- e) Provide each patron or legal guardian (if patron is less than eighteen (18) years of age), verbal and written guidelines for the aftercare of the tattoo or body piercing. The written public education materials shall:
 - 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).
 - 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).
 - 3) Contain the name, address and phone number of the facility from which the tattoo/body piercing was received.
 - 4) Be provided to the patron. The patron's record as set forth in Chapter 5 below shall be signed and dated by the artist and the patron indicating that the guidelines were reviewed and a written or electronic copy was provided to the patron.

10-7-5 CHAPTER 5: PATRON RECORDS

10-7-5-1 Records of/for each patron shall be maintained for two (2) years following the date of the procedure and available for immediate review upon request of the Health Department. The patron record shall include the following (and be accurately and fully completed) at the time of the activity being conducted:

- a) Patron's full name.
- b) Patron's full address.
- c) Patron's age.
- d) Date that the tattoo or body piercing occurred.
- e) Design of the tattoo.
- f) Detailed location of the tattoo or body piercing on the patron's body.
- g) The name of the tattoo artist or body piercer who performed the work.
- h) Jewelry or other decoration used; including jewelry material type.
- i) Signature of the artist and patron indicating that after-care guidelines have been reviewed and a written or electronic copy was provided to/received by the patron.
- j) Signature indicating proper parental consent when performing tattoo and body piercing activities on any minor as required by law. IAC 35-42-2-7(e) requires the parent to be present and provide consent in writing.

10-7-5-2 Failure to be able to immediately produce all patron records for the past 2-year period upon request of the Health Department will result in an immediate twenty-

five-dollar (\$25) fine being assessed. If patron records are produced but they are not fully and accurately completed as described above, this will result in a ten dollar (\$10) fine per incomplete record documented. These fines are due within five (5) business days.

- 10-7-5-3 If more than twenty-five percent (25%) of the records reviewed during any inspection are not fully and accurately completed, the fine stated above will be issued, but an administrative hearing may be required to determine if additional penalties are warranted for the artist and/or the Facility owner/operator.

10-7-6 CHAPTER 6: HANDWASHING

- 10-7-6-1 Handwashing Facilities shall be readily accessible in the same room where tattooing or body piercing is provided. A hand sink supplied with running water, under pressure, at a temperature of a minimum of 100 degrees Fahrenheit, liquid antibacterial soap, paper towels, and a waste receptacle shall be located in close proximity (within 25 feet) of each artist's station and shall be readily accessible and available without passing through any door or barrier where hands can become re-contaminated. For Tattoo Special Events, the minimum number of portable handwashing facilities must conform to the requirements as stated in Chapter 13 of this ordinance.

10-7-7 CHAPTER 7: TATTOOING EQUIPMENT

- 10-7-7-1 Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied on the area to receive a tattoo or body piercing with sterile gauze or other sterile applicator to prevent contamination of the original container and its contents. The applicator or gauze shall be applied to the skin only once and then discarded.
- 10-7-7-2 All supplies used in the activity of tattooing or body piercing that come into contact with the tattooing or piercing station must be disposed.

10-7-8 CHAPTER 8: NEEDLES, INSTRUMENTS, CONTAMINATED SHARPS

- 10-7-8-1 Needles, instruments, and contaminated sharps shall be discarded in sharps containers immediately after use.

10-7-9 CHAPTER 9: REUSABLE EQUIPMENT

- 10-7-9-1 If an autoclave is being utilized to sterilize any reusable items, it must be properly calibrated and monthly spore testing of the autoclave is mandatory. A copy of the

results of all spore tests must be submitted to the Allen County Department of Health on or before (or postmarked by) the 15th day of each month. Failure to submit the test documentation on or before the 15th of each month will result in a fifty (\$50) dollar fine being immediately assessed to the operator, payable within 5 business days. If the 15th day of the month falls on a weekend or government recognized holiday, the operator will be allowed until the following business day to submit the test results without paying the required fine.

- 10-7-9-2 At Tattoo Special Events, equipment may be utilized one time only and then it must be disposed. Reusable equipment shall not be permitted for use at these events.

10-7-10 CHAPTER 10: JEWELRY

- 10-7-10-1 All insertable jewelry is to be sterilized and kept in an individual, sterile, closed container or package.

- 10-7-10-2 All jewelry placed in new piercings must be made of one of the following:
- a) Solid 14k (or higher) white or yellow nickel-free gold
 - b) Surgical implant stainless steel, CrNiMo 316LVM, ASTM F-138
 - c) Niobium
 - d) Surgical implant grades of titanium
 - e) Solid platinum
 - f) Inert plastics
 - g) Mill certificates from the manufacturer or an independent assay must be available to prove material compositions

- 10-7-10-3 Jewelry must have a mirror finish and be free of nicks, scratches, burns and polishing compounds.

10-7-11 CHAPTER 11: WORK ENVIRONMENT

- 10-7-11-1 Tattoo and body piercing Facilities shall be equipped with artificial light sources equivalent to at least twenty (20) foot-candles of light at a distance of thirty (30) inches above the floor throughout the establishment. A minimum of seventy (70) foot-candles of light shall be provided at the level where the tattooing is being performed. Spotlighting may be used to achieve this required degree of illumination.

- 10-7-11-2 Tattoo and body piercing areas shall be separated from waiting patrons or observers by a non-absorbent panel, a door, or by a minimum of ten (10) foot distance apart. If, however, the patron is a minor, then the parent/legal guardian must be present during the procedure and is allowed to be near the tattoo/body piercing area. If the facility allows it, the patron may sign a written consent

allowing an observer to watch the procedure without space restrictions, but they must practice basic sanitation guidelines so as not to contaminate the area or equipment.

- 10-7-11-3 All walls and floors near equipment used for tattooing and body piercing activities shall be smooth, nonabsorbent and easily cleanable surfaces and be maintained in a sanitary manner at all times.
- 10-7-11-4 During a procedure, a Facility shall place single-use disposable barriers on equipment that cannot be sterilized. Barriers shall be discarded immediately after use. If used, disposable table or chair paper or cover shall be changed between patrons.
- 10-7-11-5 Lavatory facilities shall be available to employees at all times the Facility is open for operation and they must be located within the same physical structure/building. The lavatory(s) shall be equipped with a toilet, toilet paper, hand sink supplied with warm running water under pressure, liquid soap, paper towels, and a waste receptacle.
- 10-7-11-6 An additional hand sink, other than the one located in the lavatory, shall be located in close proximity (within 25 feet) of each artist's station and shall be readily accessible and available without passing through any door or barrier as stated in 10-7-6-1. These handsinks shall also be supplied with running water under pressure at a minimum temperature of 100 degrees Fahrenheit, liquid antibacterial soap, paper towels, and a waste receptacle.
- 10-7-11-7 Equipment and supplies used in the course of tattoo and body-piercing activities or disinfection and sterilization procedures shall not be stored or utilized within the lavatory.

10-7-12 CHAPTER 12: TREATMENT AND TRANSPORT OF INFECTIOUS WASTE

- 10-7-12-1 Prior to approval of any permit, the operator must submit proof of a current contract with an infectious waste removal company or agreement with other agencies where treated infectious waste will be disposed. The operator must document how the infectious waste was treated and/or disposed. An operator must maintain these records for a period of two (2) years following each pick-up of such infectious waste or disposal and allow immediate inspection of such records by the Allen County Department of Health upon request.
- 10-7-12-2 The infectious waste must be disposed of at least annually. A copy of the transporting infectious waste off-site form in accordance with 410 IAC 1-3-28 must be on file at the Facility and available for immediate review by the Allen County Department of Health upon request. Failure to be able to produce this

form upon request of the Health Department will result in a \$25 fine being immediately assessed, payable within five (5) business days.

10-7-13 CHAPTER 13: TATTOO SPECIAL EVENT REQUIREMENTS

- 10-7-13-1 In addition to the requirements stated in this ordinance, a Tattoo Special Event (TSE) must meet the additional requirements of this chapter.
- 10-7-13-2 The booths must be protected at all times from contamination including but not limited to weather elements, dust, dirt, rain, etc. as well as possible contamination from members of the public or other nearby activities. If not operating in an enclosed building, an overhead covering, at minimum, must be provided to protect the unit/area.
- 10-7-13-3 Each booth must have access to either a permanent or portable handwashing station/facility which meets ALL requirements described below (regardless if it is a permanently plumbed sink or a temporary/portable handwashing station/unit/facility):
- (1) The handwashing facility/station must be readily accessible to adequately service the number of artists present, and a restroom/lavatory handsink is not able to be used for this purpose.
 - (2) No physical barriers may be present (i.e.; doors, curtains, walls, etc.) in between the booth/work area and the handwashing facility/station.
 - (3) The handwashing facility/station must be capable of providing, at a minimum, warm and cold running water, under pressure at all times. No portable thermoses/bins will be allowed for use as handwashing stations.
 - (4) The handwashing facility/station must be provided with liquid antibacterial handsoap, disposable paper towels, waste tank to collect wastewater for disposal if not a permanently plumbed sink, and a waste basket for paper towel disposal.
- 10-7-13-4 The flooring must be smooth, easily-cleanable, and non-absorbent. The walls should be non-absorbent.
- 10-7-13-5 Only single use equipment is able to be used. No reusable equipment is allowed to be used at Tattoo Special Events whether or not they have been sterilized in a permitted tattoo and body piercing Facility.

10-7-14 CHAPTER 14: TEMPORARY SPECIAL EVENT REQUIREMENTS (TSE), TEMPORARY SPECIAL EVENT COORDINATOR (TSEC) RESPONSIBILITIES, AND PERMITTING REQUIREMENTS

10-7-14-1 There must be a designated Temporary Special Event Coordinator (TSEC) for each Temporary Special Event (TSE) who holds a TSEC permit. This person is responsible for each Booth's/Artist's compliance with the applicable regulations contained herein as they relate to these special events and is responsible for overseeing the overall event as it relates to compliance with this ordinance. If the TSEC allows an unpermitted booth/artist to operate, the TSEC will be assessed an immediate fine of one hundred dollars (\$100) per unpermitted artist operating (not per booth). The fine is payable within five (5) business days.

10-7-14-2 The Temporary Special Event Coordinator (TSEC) must:

- (a) Be eighteen (18) years of age or older;
- (b) Notify the Department of the date, time, and location of the TSE at least sixty (60) days prior to the event.
- (c) Be available onsite at all times during the event when tattoo services are being provided. If the TSEC appoints a designated representative to assist with these duties in his/her brief absences from the site, both names and associated contact information must be provided on the TSEC permit application in advance of the event. Only one TSEC permit is required, however, in this instance and the main TSEC will be held responsible for all requirements listed in this ordinance regarding TSEC responsibilities and penalties.
- (d) Provide a diagram/layout of the event and all booths at least ten (10) business days in advance of the event to include the following:
 - 1. Booth/Vendor name, all artist's names, and contact information for all parties;
 - 2. Booth location for each Booth/Vendor/Artist;
 - 3. Total floor space of each booth which cannot exceed one hundred and fifty (150) square feet;
 - 4. Description of the means that will be used to protect the tattoo working space/area and clients from contamination; and
 - 5. Location of all handwashing facilities (as specifically defined under 10-7-13-3 above).

Failure to submit the event layout/diagram, including everything required under 10-7-14-1(d) & (e) above, at least ten (10) business days in advance of the event will result in an immediate twenty-five dollar (\$25) fine being assessed for each day it is late being submitted, payable within five (5) business days.

- (e) Provide, in writing, at least ten (10) business days in advance of the event:
 - 1. The disposal method of all sharps and bio-hazard wastes/materials for each booth;
 - 2. Proof of a current contract with an infectious waste removal/disposal company for the items in #1 above.

- (f) Provide a uniform patron's record form for use by all vendors/artists participating in the event that is specifically developed to capture all of information required in 10-7-5-1. A patron record must be completed by each artist for each tattoo conducted (at the time of the activity occurring) at the event and all records must be submitted to the Allen County Department of Health on or before close of business each day of the operation of the temporary special event. If the event occurs over a weekend, the forms may be turned in within two (2) business days.

Failure to turn in the patron records as specified above will result in an immediate fine of twenty-five dollars (\$25) being assessed to the TSEC per day of missed records being submitted, payable within five (5) business days. If the fine is not paid within 5 business days upon being assessed, the total fine will increase by ten dollars (\$10) per day for each day the fine payment is submitted late.

All patron record forms are to be fully completed as required. For every patron record that is submitted that is not fully completed, there will be an immediate ten dollar (\$10) fine assessed to the TSEC per incomplete record payable within five (5) business days. If the fine is not paid within 5 business days upon being assessed, the total fine will increase by five dollars (\$5) per day for each day the fine is submitted late.

- (g) Be responsible for paying any unpaid vendor permit fees or late fees/fines for artists/booths.

- 10-7-14-3 Each Booth may not have more than two (2) artists operating from the booth.
- 10-7-14-4 Each Tattoo Artist at a Temporary Special Event must possess either a valid Allen County Tattoo Artist Permit used in a permitted Tattoo & Body Piercing Establishment OR they must apply/pay for a Guest Artist Permit to operate at the special event.
- 10-7-14-5 A. Event Period: The event period of operational time for a Temporary Special Event cannot exceed fourteen (14) consecutive calendar days. Further, a Temporary Special Event Coordinator may not host/apply for more than two (2) such special events in any one calendar year.
- B. Inspection Is Required Before Tattoo Activities may commence: The event facility, set-up, booth spaces and artist's equipment/supplies must be inspected by the Allen County Department of Health prior to the performance of any tattoo activities at the event and permission must be given to commence such activities.
- 10-7-14-6 To protect the health of the public, Temporary Special Event permits including the Temporary Special Event Coordinator permit, and/or the Guest Artist permits

may be suspended immediately for failure of the permit holder, event coordinator, tattoo operator/artists to comply with the requirements of this ordinance.

10-17-15 CHAPTER 15: PROHIBITED ACTS

10-7-15-1 The following activities are strictly prohibited:

- a) Branding
- b) Cutting
- c) Dermal Punching
- d) Implantation
- e) Nullification
- f) Scarification
- g) Skin Peeling
- h) Suspension Piercing
- i) Tongue Bifurcation
- j) Tongue Splitting

10-7-16 CHAPTER 16: PERMITS, PERMIT FEES, & PERMIT FINES

10-7-16-1 **PERMITS AND FEES:**

A. Permits/Fees: The permit fees for all required permits in this ordinance are delineated in Allen County Code, Title 10, Article 14 (Allen County Department of Health Fees Ordinance).

B. Business. Each tattoo/body piercing Facility/operation shall obtain a permit from the Allen County Department of Health prior to the operation of any such business or commencement of tattoo/body piercing activities. The permit shall provide the name and address of the owner of the business and the name and address of each tattoo artist and body piercer located at each location. The permit expires on December 31st of each year.

C. Failure to Renew Permit by Deadline: Should any permittee fail to renew his/her permit on or before the expiration date of December 31st each year, the said annual fee shall be 125% of the annual fee set forth above for the Tattoo and/or Body Piercing Facility. However, if December 31st falls on a weekend or government-recognized holiday, the permittee will be given until the following business day to renew the permit without late fees being assessed.

D. Failure to Obtain Permit Prior to Operation: Should a facility fail to obtain a permit prior to the opening of a Tattoo and Body Piercing Facility or prior to commencement of tattoo/body piercing activities, an immediate fine of one hundred dollars (\$100) will be assessed which will be required payable within five (5) business days.

E. Inspections/Enforcement/Forms: Any holder of a permit shall be subject to inspections and enforcement steps as set forth herein. The Allen County Department of Health shall provide the appropriate application forms for this permit. Said permit shall be posted at the Facility in the area where the tattoo or body piercing services are performed and shall be clearly visible to the public.

10-7-16-2

A. Tattoo Artist or Body Piercer. Every person that desires to perform any tattoo or body piercing activities shall, before doing so, obtain a "Tattoo/Body Piercing Artist Permit" from the Allen County Department of Health. No person shall tattoo or body pierce another person unless he or she has first obtained a permit from the Allen County Department of Health. No person shall, in an effort to advertise or solicit business with the intent to perform tattoo or body piercing activities, use or assume the title of tattooist or body piercer, designate or represent themselves to be a tattooist or body piercer unless he or she has first obtained a permit from the Allen County Department of Health. The applicant must satisfy the minimum requirements as set forth in Chapter 4 of this ordinance prior to being issued a permit. The permit shall not be transferable. The permit expires on December 31st of each year.

B. Failure to Renew Permit by Deadline: Should a tattoo artist or body piercer fail to obtain the permit prior to performing any tattoo or body piercing or should any permittee fail to renew his/her permit on or before the expiration date of December 31st each year, the said annual fee shall be 125% of the annual fee set forth above for the tattoo artist or body piercer. However, if December 31st falls on a weekend or government-recognized holiday, the permittee will be given until the following business day to renew the permit without late fees being assessed.

C. Failure to Obtain Permit Prior to Operation: Should an artist/body piercer fail to obtain a permit prior to the commencement of tattoo/body piercing activities, an immediate fine of one hundred dollars (\$100) will be assessed which will be required payable within five (5) business days.

D. Inspections/Enforcement/Forms/Permit Posting: Any holder of a permit shall be subject to inspection and enforcement steps as set forth herein. The Allen County Department of Health shall provide the appropriate application forms for this permit. Said permits 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.

10-7-16-3

Owner/Operator. In the event that a Tattoo and Body Piercing Facility is a sole proprietorship and the owner shall also perform tattooing or body piercing for their business, the owner shall only be required to obtain a business permit as described in this section.

10-7-16-4

Guest tattoo artist or body piercer. Every person that desires to perform any tattoo or body piercing services within Allen County on a temporary basis shall

obtain a “Guest Tattoo/Body Piercing Artist Permit” from the Allen County Department of Health. This permit must be obtained before any tattoos are affixed or body piercing is done to any person and after the required training. The applicant must satisfy the minimum requirements as set forth herein in Chapter 4 of this ordinance. The permit shall not be transferable. The permit shall expire thirty (30) days after the date of issuance. Any holder of a permit shall be subject to inspection as set forth herein. The Allen County Department of Health shall provide the appropriate application forms for this permit. Said permits shall be posted at the Facility in the area where the tattoo or body piercing services are performed and shall be clearly visible to the public.

- 10-7-16-5 **Temporary Special Event Coordinator (TSEC).** Each Temporary Special Event must designate a Temporary Special Event Coordinator who must comply with all requirements as stated in Chapter 14 of this ordinance. The permit shall not be transferable. The permit shall be valid for a period not to exceed fourteen (14) days of consecutive operation at the same location. Any holder of a permit shall be subject to inspection as set forth herein. The Allen County Department of Health shall provide the appropriate application forms for this permit. Said permit shall be posted at the Temporary Special Event in the area where the tattoo activities are performed and shall be clearly visible to the public.
- 10-7-16-6 **Pro-Rating of Fees.** In the event that a fixed facility, artist, or piercer shall apply for an annual permit any time prior to July 1st of any year, they shall be responsible for the total annual fee as described in this chapter. In the event that a fixed facility, artist, or piercer shall apply for an annual permit July 1st or after of any year, they shall be required to pay only one half (½) of the annual fee as set forth in this ordinance. All permits, however, shall expire on December 31st of the year in which they were issued.
- 10-7-16-7 **Exceptions.** The provisions of this Ordinance shall not apply to an act of a healthcare professional (as defined in Indiana Code 16-27-2-1) licensed under Indiana Code, Chapter 25, when the act is performed in the course of the licensed health care professional’s scope of practice.

10-7-17 **CHAPTER 17: INSPECTIONS**

- 10-7-17-1 The Allen County Department of Health shall conduct inspections of each Facility located in Allen County, Indiana. The Allen County Department of Health shall conduct a minimum of two (2) inspections per year for fixed Facilities. Tattoo Special Events and associated permits/booths/artists shall be inspected at least once in each forty-eight (48) hour period of operation. Additional inspections may be conducted by the Allen County Department of Health as it determines necessary and/or in response to complaints submitted. The results of the inspections shall be provided to each operator in written form (electronic or hard copy). Violations noted by the Allen County Department of Health shall be

corrected immediately or within the timeframe set forth on the inspection report. The Department shall conduct follow-up inspections to determine compliance with this ordinance as deemed necessary.

10-7-18 CHAPTER 18: PROCEDURES WHEN VIOLATIONS ARE NOTED

- 10-7-18-1 If, during the inspection of any Facility, the Health Commissioner or designated representative discovers the violation of any provision of Allen County Code, Title 10, Article 7, he/she shall issue a written report listing such violations and the remedial action(s) to be taken. A copy of said report shall be delivered to the permittee (or their authorized representative, in electronic or hard copy format) by hand delivering the report to him/her on-site, mailing the notice by Certified Mail to the address listed by the permittee as his/her/its mailing address on the permit application, or delivering the notice via electronic means to the designated address listed by the operator on the permit application.
- 10-7-18-2 A copy of the written order shall be filed in the records of the Department after appropriate review by supervisory personnel and then shall be made available to the public as required.
- 10-7-18-3 Follow-up inspections to ensure corrections have been made as required will occur on or around thirty (30) days following the issuance of the report detailing the needed remediation steps. If violations are not corrected as ordered within the report or if there are repeated violations over the course of multiple inspection, other enforcement means will be undertaken such as, but not limited to, requiring the attendance of the facility owner, operator, artist, and/or piercer to mandatory enforcement discussion meetings resulting in an action plan for remediation, mandatory attendance to education or training sessions presented by the Department as deemed appropriate, or other measures to ensure corrections are made to protect the health of the public.
- 10-7-18-4 Any fines defined herein that are immediately issued upon violation observation/documentation, are due within five (5) business days unless otherwise stated. Failure to pay these fines before the due date will result in either additional fines or penalties as specified herein, or an administrative hearing for willful non-compliance (as specified in 10-7-20) where other penalties may be assessed. Further, no permits will be issued/renewed if the Facility/Artist has outstanding fines at the time of permit application submission.

10-7-19 CHAPTER 19: PERMIT SUSPENSION/REVOCATION - REASONS

- 10-7-19-1 The Health Commissioner may order the suspension or revocation of any permit issued for a Facility/Artist/Booth/Special Event Coordinator, which order shall include the prohibition of any further operation for the following reasons:

10-7-19-2 Interference with the Health Commissioner, or his/her authorized representatives, in the performance of his/her duties. Interference shall be defined as the process of obstructing, hampering, threatening, blocking, physically/verbally threatening, or utilizing profanities toward the Health Commissioner (or his/her authorized representatives), during the performance of his/her duties.

10-7-19-3 As a result of the willful and/or continuous violation of any provision of this Ordinance.

10-7-20 CHAPTER 20: PERMIT REVOCATION, SUSPENSION AND IMMEDIATE CLOSURE ORDERS

10-7-20-1 Except as set forth in 10-7-20-1 (A) & (B), no suspension or revocation shall be ordered by the Health Commissioner except after a hearing held pursuant to 10-7-21-1.

A. Notwithstanding the provisions of 10-7-20-1, whenever the Health Commissioner, or his/her authorized representatives find unsanitary or other conditions, involving the operation of any Facility or the activities of any Artist/Piercer which, in his/her reasonable belief, constitute an imminent health hazard, he/she shall without notice or hearing, issue and serve a written order upon the permittee requiring the immediate closure of its operations, shall cite the existence of said unsanitary conditions and shall specify the corrective actions to be taken.

1. Such order shall be effective immediately.
2. Upon written request to the Health Commissioner, the permittee shall be afforded an administrative hearing on the next business day as set forth in 10-7-21-1.
3. The Health Commissioner or his/her designee shall conduct a re-inspection for possible re-opening upon the request of the permittee. When the Health Commissioner determines that the necessary corrective action(s) have been taken, operation of the Facility may be resumed.

B. Notwithstanding the provisions of 10-7-20-1, whenever the Health Commissioner, or his/her authorized representatives, encounter the actions as stated in 10-17-19-2, he/she shall without notice or hearing, issue and serve a written order upon the permittee requiring the immediate closure of its operations/ceasing of its activities, shall cite the details of the occurrence, and shall specify the corrective actions to be taken.

1. Such order shall be effective immediately.

2. Upon written request to the Health Commissioner, the permittee shall be afforded an administrative hearing on the next business day as set forth in 10-7-21-1.
3. The Health Commissioner or his/her designee shall conduct a re-inspection for possible re-opening upon the request of the permittee. When the Health Commissioner determines that the necessary corrective action(s) have been taken, operation of the Facility may be resumed.

10-7-21 CHAPTER 21: HEARING

- 10-7-21-1 All hearings required under this section, except those set forth in 10-7-20-1, shall be held only upon at least ten (10) days written notice to the permittee of time, place and nature thereof. The notice of hearing shall be served upon the permittee by leaving, or mailing by Certified Mail, the notice 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 Health Commissioner.
- 10-7-21-2 At any hearing required under this Ordinance, the Hearing Officer shall be the Health Commissioner or the Health Commissioner's designee. Every person who is a party to such proceedings shall have the right to submit evidence, to cross-examine witnesses and to be represented by legal counsel. All such hearings shall be conducted in an informal manner, but irrelevant, immaterial or unduly repetitive evidence may be excluded.
- 10-7-21-3 Upon the conclusion of such hearing, the Hearing Officer shall enter a final order, subject to the right of appeal in accordance with 10-7-22-1.

10-7-22 CHAPTER 22: APPEAL

- 10-7-22-1 Any permittee aggrieved by any final order of the Health Commissioner, including an order for the payment of immediately assessable fines, shall be entitled to a review of the final order before the Allen County Board of Health (Board) by filing a written request therefore with the Secretary of the Board within fifteen (15) days after such final order is issued.
- 10-7-22-2 Upon the Health Commissioner's receipt of such request, the Board 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 Commissioner and permittee may agree to a shorter period of time, if requested by either party). The notice shall be issued by the Secretary of the Board to the permittee filing the request.
- 10-7-22-3 The notice of hearing shall be served upon the permittee by leaving or mailing by Certified Mail, the notice 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 Board.

10-7-22-4 At such hearing, the same rules of procedure shall apply as set forth in 10-7-21-2, provided, that upon written request by the permittee or the Health Commissioner, the Board shall cause the proceedings before it to be recorded by a reporter employed for such purpose, and the same, together with all papers and documents filed therein, shall, at the request of either party, be reproduced by said Board in the form of a transcript, a copy of which shall be available to any party.

10-7-22-5 The Board shall make written findings of facts and shall enter its final order or determination of the matter in writing.

10-7-23 CHAPTER 23: ENFORCEMENT

10-7-23-1 It shall be the duty of the Health Commissioner or his/her designee 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 Commissioner or Board shall be considered to be a violation of this Ordinance.

10-7-24 CHAPTER 24: VIOLATIONS

10-7-24-1 Whenever the Health Commissioner determines that any Facility/Artist/Booth/Special Event Coordinator, or any other person, is in willful violation of any of the provisions of this Ordinance, the Health Commissioner shall furnish evidence of said willful violation to the Prosecuting Attorney of Allen County, Indiana or the attorney for the Board/Department who shall seek all appropriate legal remedies against the person(s) violating said provisions of this Ordinance.

10-7-25 CHAPTER 25: PENALTY

10-7-25-1 Any person who willfully violates any of the provisions of this Ordinance shall be subject to a fine of not more than five hundred dollars (\$500.00) for each violation. Each day of the existence of any violation of this Ordinance shall be considered to be a separate offense.

10-7-26 CHAPTER 26: INJUNCTION

10-7-26-1 The Health Commissioner may bring an action for an injunction in the Circuit or Superior Court of Allen County, Indiana, to restrain any person from violating the provisions of this Ordinance, to cause such violation(s) to be prevented, abated or removed.

10-7-27 CHAPTER 27: EXPENSE

10-7-27-1 Any person violating any of the provisions of this Ordinance shall be liable to the Allen County Department of Health for the expense, loss or damage occasioned by reason of such violation, including reasonable attorney's fees and costs.

10-7-28 CHAPTER 28: CUMULATIVE

10-7-28-1 The remedies provided in this section shall be cumulative, and not exclusive, and shall be in addition to any other remedy provided by law.

10-7-29 CHAPTER 29: SEVERABILITY

10-7-29-1 Invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance.

10-7-30 CHAPTER 30: EFFECTIVE DATE

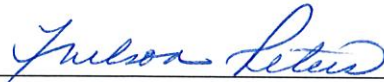
10-7-30-1 Effective Date

This Ordinance shall become effective as of _____.

Passed this 3 day of November, 2023.

THE BOARD OF COMMISSIONERS OF
THE COUNTY OF ALLEN

F. Nelson Peters



Richard Beck



Therese M. Brown

Absent

ATTEST:



Nicholas Jordan, Auditor

