

SECTION 5

705.000. TATTOOS, BODY ART AND BODY PIERCING. This Section 5 shall be cited as the “Tattoo Ordinance.”

705.001 JURISDICTION. This section shall be in addition to any state statute or county ordinance presently in effect, subsequently added, amended or repealed.

705.002 DEFINITIONS. As used in this Section 5, unless stated otherwise, the following definitions shall apply:

- A. **BODY ART:** The practice of physical body adornment by licensed establishments and operators using, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding, and scarification.
- B. **BODY ART ESTABLISHMENT:** Any place or premises where the practices of body art, whether or not for profit, are performed, except where such practices are performed by a physician or surgeon who has a current license for the practice of medicine issued by the state of Minnesota.
- C. **BODY PIERCING:** Puncturing or penetration of the skin of a person with presterilized single-use needles and the insertion of presterilized jewelry or other adornment thereto in the opening, except that puncturing the outer perimeter or lobe of the ear with a presterilized single-use stud-and-clasp ear-piercing system shall not be included in this definition.
- D. **OPERATOR:** Any person who controls, operates, manages, conducts, or practices body art activities at a body art establishment. The term includes an assistant or technician who performs body art activities and who works under the supervision, control or authority of somebody else who is an operator.
- E. **PERSON:** An individual, any form of business or social organization or any other nongovernmental legal entity, including, but not limited to, corporations, partnerships, limited liability companies, trusts or unincorporated organizations.
- F. **PHYSICIAN:** A person currently licensed by the state of Minnesota to practice medicine.
- G. **TATTOOING:** Any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing. Additionally, the term “Tattoo” or “Tattooing” includes any conduct that places an indelible mark or figure affixed on the body by insertion of pigment under the skin or by production of scars.

705.003. UNLAWFUL TO OPERATE BODY ART ESTABLISHMENT WITHOUT LICENSE; EXEMPTIONS. It shall be unlawful to operate a body art establishment unless a license is first obtained from the city clerk. The provisions of this Section 5 do not apply to physicians nor to individuals who pierce only the noncartilaginous perimeter and lobe of the ear with a presterilized single use stud and clasp ear piercing system are exempt from these regulations; provided, however, that such individuals shall not be exempt from the applicable U.S. food and drug administration requirements.

705.004. LICENSE TO OPERATE BODY ART ESTABLISHMENT ISSUED ANNUALLY; DISPLAY OF LICENSE REQUIRED; ADOPTION OF REGULATIONS. The license shall be issued annually, January 1, by the city clerk after an inspection and approval of the proposed body art establishment by the Building Inspector of the City of Winsted or his/her designee. The license shall be nontransferable. The license shall be displayed prominently in the body art establishment where it may be readily observed by clients.

The city does hereby adopt the regulations for owners and operators of body art establishments for the City of Winsted. A copy of such regulations shall be posted in all body art establishments in a prominent location so that they may be read by clients and by operators and technicians of a body art establishment.

705.005. APPLICATION FOR LICENSE.

- A. Any person desiring a license to conduct a business where body art is practiced or to engage in the practice of body art shall file with the city an application in writing, signed by the applicant, containing the name of the applicant, if an individual; the names of copartners, if a partnership; and if a corporation, the names of the principal officers of such corporation and the individuals who will engage in the practice of body art, together with a brief description of the place or location at which the business is to be conducted, including therein for each individual named in the application, the appropriate date of birth.
- B. Each application shall be accompanied by the license fee and surety bond as hereinafter required.
- C. All applications for license shall be made upon forms furnished by the city, and upon presentation of the application, the license fee and the surety bond, the application shall thereafter be forwarded for investigation of the persons named in the application and inspection of the proposed location.
- D. The City of Winsted police department shall conduct criminal background investigations on the persons named in the application. In the event a national criminal background investigation is required, the applicant shall be responsible for all additional fees incurred for such and, upon request, provide additional information required to complete this process. All applicants are required to complete an informed consent authorizing the disclosure of all criminal history record information.

- E. Upon completion of the investigation, the application shall be forwarded to the council with recommendations for the council approval or denial of the license.

705.006. LICENSE FEES AND TERM.

- A. License Fees: As established by the city's fee schedule.
- B. License Term: All licenses issued under this Section 5 shall be for a period of one year with the initial license to expire on December 31 of each year and all renewals thereof to run from January 1 to December 31 of each year.

705.007. SURETY BONDS. A surety bond in the penal sum of five thousand dollars (\$5,000.00) with sufficient sureties, to be approved by authorized city personnel, shall accompany each application for a license and shall become effective upon the issuance of each license. The surety bond shall be conditioned upon the licensee and every person named in the application for such license, in every particular, conforming to the requirements of this Section 5 and with requirements of any law or other ordinance which may hereafter be passed regulating and licensing body art within the city.

705.008. HEALTH AND SANITARY REQUIREMENTS. No person shall engage in the practice of tattooing, body art, body piercing or ear piercing at any place within the city without complying with the following regulations.

- A. Every place where tattooing or body piercing is done shall be equipped with a sewer and water connected toilet and hand basin or sink. The hand basin or sink shall be supplied with hot and cold running water under pressure, and shall be maintained in good working order at all times; it shall be kept in a clean and sanitary condition.
- B. No person having any skin infection or other disease of the skin or any communicable disease shall be tattooed.
- C. All equipment including needles, knell bars, tubes, pigment and receptacles, stencils, razors and razor blades, shall be kept in a dust-proof glass case when not in use.
- D. All needles and operating instruments shall be individually pre-packaged, pre-sterilized and disposable. No such equipment shall be used on more than one customer, but shall be discarded in a safe and sanitary manner after its first use.
- E. All bandages and surgical dressings used in connection with tattooing or body piercing of any person shall be individually pre-packaged, pre-sterilized and disposable.
- F. Every person who practices tattooing or body piercing shall wear clean, washable outer garments when engaged in the practice of tattooing.

- G. Every person who practices tattooing shall wash his or her hands thoroughly with soap and water and then dry them in a clean, unused towel before and after each tattooing. The customer's skin shall also be thoroughly cleansed with soap and water and disinfected by an antiseptic solution before the use or application of any tattooing instrument or equipment.
- H. Whenever it is necessary to shave the skin, a safety razor must be used. A new blade must be used for each customer. The razor shall be cleaned with soap and water after each use and shall be kept in a closed case when not in use. All electric hair clippers shall be sanitized by a method approved by the Commissioner of Health.
- I. Pigments used in tattooing shall be sterile and free from bacterial and noxious agents and substances. The pigments used from stock solutions for each customer shall be placed in a single service receptacle and this receptacle and remaining solution shall be discarded in a safe and sanitary manner after use on each customer.
- J. Every person to be tattooed or have their body pierced shall be asked whether he or she has had viral hepatitis in the preceding six months. No person suspected of presently having viral hepatitis or having had viral hepatitis within the last six months, shall be tattooed without the written consent of a licensed physician.
- K. No place used for the practice of tattooing or body piercing shall be used or occupied for living or sleeping quarters or for any purpose other than tattooing.
- L. There shall be a minimum of 150 square feet of floor space at the place where the practice of tattooing is conducted and the place shall be adequately ventilated and lighted. All tables, chairs and operating furniture shall be constructed of metal with white enamel or porcelain finish or stainless steel, and shall be kept in a clean and sanitary condition.
- M. No person shall practice tattooing or body piercing while under the influence of alcohol or drugs. No customer shall be tattooed or body pierced while under the influence of alcohol or drugs.
- N. A person tattooed or body pierced shall be provided with written instructions on the approved care of the tattoo and/or body piercing during the healing process.

705.009. INSPECTIONS OF LICENSED PREMISES. The chief of police, or any officer of the police department, or any agency which the city has contracted to do such work, may, at any time, enter upon any licensed premises for the purpose of inspection or to determine whether the licensed premises are in compliance with any and all ordinances of the city and regulations adopted by the City of Winsted. A copy of the inspection report must be furnished to the license holder or operator of the body art establishment.

705.010. LICENSES; TERMINATION, SUSPENSION, REVOCATION. All licenses issued under the provisions of this Section 5, unless otherwise specifically provided, shall terminate on December 31 following the date of issuance; provided, however, that any license issued under the provisions of this Section 5 may, under certain circumstances, be terminated, suspended or revoked by the City Council.

- A. The City Council may, in its discretion, suspend or revoke for cause any license issued under the provisions of this Section 5. The grounds for suspension or revocation shall, among others, include the following:
- i. The licensee has filed a petition in bankruptcy;
 - ii. An individual licensee, one of the partners in a partnership licensee, or one of the officers in a corporation licensee, or any individual in active management of the licensed business is convicted of violating any of the provisions of this Section 5;
 - iii. The licensee has been convicted of a felony under the laws of the United States or under the laws of one of the several states;
 - iv. The licensee has made any false statement in his application for a license;
 - v. The licensee has violated one or more of the regulations created pursuant to this ordinance.
 - vi. The Licensee has violated one or more statutes, rules, regulations, ordinances, or other requirements of the State of Minnesota and/or County of McLeod.
- B. The grounds enumerated herein shall not be deemed to be exclusive and any license issued under the provisions of this Section 5 may be suspended or revoked by the council for any other reason deemed by the City Council to be sufficient in order to promote and protect the health, safety, and welfare of the public. When any license is suspended or revoked by the council pursuant to the provisions of this Section 5, or when the licensee voluntarily ceases business, no portion of the permit fee previously paid shall be returned to the licensee or to anyone claiming under or through him.
- C. No license issued under the provisions of this Section 5 shall be suspended or revoked for cause by the City Council without a public hearing. In the event that the council intends to consider the suspension or revocation of any license for cause, it shall direct the city clerk to notify the licensee of its intention to consider the same. The notice shall specify the time and place of the suspension or revocation hearing and shall be served upon the licensee or his managing agent in the same manner as provided by law for the service of a summons in a civil action. No suspension or revocation hearing shall be held before the expiration of fifteen (15) days after the date of the service of the notice upon the licensee.

If, upon such hearing, it appears to the council that sufficient cause exists for the suspension or revocation of a license issued pursuant to the provisions of this Section 5, the council shall make its order suspending or revoking the said license.

705.011. UNLAWFUL PRACTICES. In addition to such other prohibitions as are contained in this Section 5:

- A. No person shall perform body art on any body part of a person under the age of eighteen (18) without the written consent of the parent or legal guardian of such minor and without said parent (includes both the custodial and non custodial parent) or legal guardian being present during such procedure.
- B. No person shall obtain or attempt to obtain any body art establishment license by means of fraud, misrepresentation or concealment.
- C. No person shall perform body art procedures unless such procedures are performed in a body art establishment with a current license.
- D. No person shall perform body art procedures unless they are at least eighteen (18) years of age.
- E. No person shall interfere with an appropriate enforcement officer in the performance of an inspection or in the performance of any other duties. Willful failure by the licensee to post regulations which are required to be posted pursuant to this ordinance shall be unlawful.
- F. No person shall perform any body art or body piercing between the hours of midnight (12:00 A.M.) and 6:00 A.M. on any day.

705.012. LOCATION RESTRICTIONS. No person shall engage in the practice of body art at any place other than the place or location named or described in the application and license, nor, in any event, shall such business or practice be conducted at a location other than within the C-1 or C-2 commercial classification districts within the city.

705.013. PENALTY. Any violation of the provisions of this Section 5, the regulations adopted pursuant to same, any state statutes, rules, regulations, and ordinances or rules adopted by the county, shall be guilty of a misdemeanor and subjected to the penalties defined by Minnesota State statutes for a misdemeanor (i.e. currently M.S.A. § 609.02 subdivision 3).

(Ord. O-10-01; 1/5/10)