

TITLE XI: BUSINESS REGULATIONS

Chapter

**110. TATTOO PARLORS AND BODY PIERCING
FACILITIES**

111. RETAIL FOOD ESTABLISHMENTS

CHAPTER 110: TATTOO PARLORS AND BODY PIERCING FACILITIES

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' 110.01 APPLICABILITY.

The definitions in this rule apply throughout this chapter.
(Ord. 05-0801-1, passed 11-28-2005)

' 110.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BLOOD. Human blood.

BLOODBORNE PATHOGENS. Pathogenic micro-organisms that are present in human blood and can cause disease in humans. These **PATHOGENS** include, but are not limited to, the following:

- (1) HBV;
- (2) HCV; or

(3) HIV.

BODY PIERCER. Any person who performs body piercing on an individual.

BODY PIERCING. The perforation of any human body part other than the external ear for the purpose of inserting jewelry or other decoration or for some other nonmedical purpose.

CLEANED. Removal of all visible dust, soil, or any other foreign material.

CONTAMINATED. The presence or reasonably anticipated presence of blood or OPIM on an item.

DECONTAMINATED. The use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item which does not require sterilization to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

DEPARTMENT. The Indiana State Department of Health.

FACILITY. A tattoo parlor or a body piercing facility, or both, which is any room or space where tattooing or body piercing, or both, is provided or where the business of tattooing or body piercing, or both, is conducted.

HBV. The Hepatitis B virus.

HCV. The Hepatitis C virus.

HEALTH OFFICER. Health Officer of the county.

HIGH LEVEL DISINFECTION. A process that destroys all micro-organisms, with the exception of high numbers of bacterial spores.

HIV. The human immunodeficiency virus.

INFECTIOUS WASTE. Waste that epidemiologic evidence indicates is capable of transmitting a dangerous communicable disease. **INFECTIOUS WASTE** includes, but is not limited to, the following:

- (1) Contaminated sharps or contaminated objects that could potentially become contaminated sharps;
- (2) Infectious biological cultures, infectious associated biologicals, and infectious agent stock;
- (3) Pathological waste;

- (4) Blood and blood products in liquid and semiliquid form;
- (5) Carcasses, body parts, blood and body fluids in liquid and semiliquid form, and bedding of laboratory animals; or
- (6) Other waste that has been intermingled with infectious waste.

INTERMEDIATE LEVEL DISINFECTION. A process that inactivates:

- (1) Mycobacterium tuberculosis;
- (2) Vegetative bacteria;
- (3) Most viruses; and
- (4) Most fungi; but does not necessarily kill bacterial spores.

OPERATOR. Any person who controls, operates, manages, or owns any facility.

OTHER POTENTIALLY INFECTIOUS MATERIALS or ***OPIM.*** The following:

- (1) Human body fluids as follows:
 - (a) Semen;
 - (b) Vaginal secretions;
 - (c) Cerebrospinal fluid;
 - (d) Synovial fluid;
 - (e) Pleural fluid;
 - (f) Pericardial fluid;
 - (g) Peritoneal fluid;
 - (h) Amniotic fluid;
 - (i) Saliva in dental procedures;
 - (j) Any body fluid that is visibly contaminated with blood; or
 - (k) All body fluids where it is difficult or impossible to differentiate between body fluids.

(2) Any unfixed tissue or organ, other than intact skin, from a human, living, or dead; and

(3) HIV-containing cell or tissue cultures, and HIV or HBV-containing culture medium or other solutions, and blood, organs, or other tissues from experimental animals infected with HIV or HBV.

PARENTERAL. Piercing the mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, or abrasions.

PERSONAL PROTECTIVE EQUIPMENT. Specialized clothing or equipment worn for protection against contact with blood or OPIM.

REGULATORY AUTHORITY. The local, state, or federal enforcement body or authorized representative having jurisdiction over tattoo parlors and body piercing facilities.

SECURE AREA. An area that is designated and maintained to prevent the entry of unauthorized persons.

SEMILIQUID BLOOD, BLOOD PRODUCTS. BLOOD PRODUCTS that have intermediate fluid properties and are capable of flowing in a manner similar to liquid.

STERILIZE. The use of a physical or chemical procedure to destroy all microbial life, including highly resistant bacterial endospores.

STORE. The containment of infectious waste in such a manner as not to constitute collection, treatment, transport, or disposal.

TATTOO. Includes:

(1) Any indelible design, letter, scroll, figure, symbol, or other mark placed with the aid of needles or other instruments; or

(2) Any design, letter, scroll, figure, or symbol done by scarring; upon or under the skin.

TATTOO ARTIST. Any person who provides a tattoo to an individual.

UNIVERSAL PRECAUTIONS. An approach to infection control in which all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, HCV, and other bloodborne pathogens.

(Ord. 05-0801-1, passed 11-28-2005)

' 110.03 OPERATION; STATE LAW INCORPORATED BY REFERENCE.

Tattoo parlors and/or body piercing facilities shall be operated in accordance with this chapter and State Department of Health. 410 I.A.C. 1-5 is hereby incorporated by reference.
(Ord. 05-0801-1, passed 11-28-2005)

' 110.04 HAND-WASHING.

(A) All tattoo parlors and/or body piercing facilities shall have hand-washing facilities in each tattooing and/or body piercing station and restrooms.

(B) Each hand-washing facility shall have a sink equipped to provide running water from an approved water source having a temperature of at least 100°F by means of a mixing valve or combination faucet.

(C) Each hand-washing facility shall be accessible at all times to allow convenient use.

(D) Each hand-washing facility shall be provided with a supply of hand-cleaning soap and individual disposable single use towels.

(E) Each hand-washing facility shall be maintained clean at all times for use.

(F) Each hand-washing facility shall not be used for purposes other than hand-washing.

(G) Each hand-washing facility shall be provided with a waste receptacle.

(H) The sink shall be separate from the restroom facilities.

(Ord. 05-0801-1, passed 11-28-2005) Penalty, see ' 10.99

' 110.05 VENTILATION AND LIGHTING.

All tattoo parlors and/or body piercing facilities shall be well ventilated and provided with an artificial light source equivalent to at least 20 candles three feet off the floor, except that at least 100 footcandles shall be provided three feet off the floor where the tattooing or body piercing is being performed and where instruments and sharps are assembled.

(Ord. 05-0801-1, passed 11-28-2005) Penalty, see ' 10.99

' 110.06 EQUIPMENT ACCESSIBILITY.

Operators shall keep disinfection and sterilization equipment in an area that is not accessible to the public.

(Ord. 05-0801-1, passed 11-28-2005) Penalty, see ' 10.99

' 110.07 EQUIPMENT TESTING.

(A) Operators shall have all disinfection and sterilization equipment tested by an approved, independent laboratory on a monthly basis. Operators shall provide test results to the Health Officer on a monthly basis.

(B) Operators shall pay a \$100 fee if the Health Officer does not receive test results by the twenty-first day of the month. Operators shall pay a \$100 fee per day after the twenty-first day of the month until results are received.

(Ord. 05-0801-1, passed 11-28-2005) Penalty, see ' 10.99

' 110.08 PATRON RECORDS.

Operators shall maintain a copy of photo identification of each patron with age identification for two years and made available to the regulatory authority, upon request, to ensure compliance with this chapter.

(Ord. 05-0801-1, passed 11-28-2005) Penalty, see ' 10.99

' 110.09 HEPATITIS B VACCINATION.

Operators shall require all tattoo artists and/or body piercers to show proof of having received the Hepatitis B vaccination or proof of having declined said vaccination by signing a waiver.

(Ord. 05-0801-1, passed 11-28-2005) Penalty, see ' 10.99

' 110.10 LICENSE AND FEES.

(A) No person may operate a tattoo parlor and/or body piercing facility without obtaining a license from the regulatory authority. Such license shall be posted in a conspicuous place at the facility. The license shall be begin January 1 and expire December 31 and shall be renewed annually.

(B) The license fee shall be \$500 annually. The license fee for a facility not open in the previous licensing year, filing after July 1, shall be \$250.

(C) An additional fee of \$100 shall be imposed for license renewal fees submitted after December 31.

(D) An additional fee of \$500 shall be imposed when a facility is opened without obtaining a license.

(E) Plan view fee of \$250 shall be submitted with the plan review application and facility plans.

(1) A pre-operational facility inspection shall be required prior to opening.

(2) Sec. (f) shall apply to any pre-operational facility reinspection.

(F) An additional fee of \$100 shall be imposed for each reinspection.

(G) Reopening inspection fee shall be \$250 for each required reopening inspection.

(H) Temporary or mobile tattoo parlors and/or body piercing facilities shall be prohibited from obtaining a license.

(I) No license issued under this chapter may be transferred to another person or another location. No refund will be granted for any unexpired period of the license.

(Ord. 05-0801-1, passed 11-28-2005) Penalty, see ' 10.99

' 110.11 CLOSURE OF FACILITIES.

(A) Closure of tattoo parlors and body piercing facilities shall be by the regulatory authority.

(B) Tattoo parlors and body piercing facilities shall be closed when any of following occur:

(1) *Failure to renew license.* Inspection required for reopening;

(2) *Untimely reporting of test results.* Inspection required for reopening;

(3) *Proper hand-washing facility not provided at each station.* Inspection required for reopening;

(4) *Conditions that present an imminent threat to public health or transmission of communicable disease.* Inspection required for reopening; and

(5) *Three or more occurrences of the conditions described in this section within a 12-month period.* Requires hearing with Health Officer of the county for reopening approval.

(C) The Health Officer or the Health Officer=s representative may post a sign notifying the public that the facility has been closed.

(D) It is a violation of this chapter for any person other than the Health Officer or the Health Officer=s representative to remove this sign.

(Ord. 05-0801-1, passed 11-28-2005) Penalty, see ' 10.99

' 110.12 CONSTITUTIONALITY.

Should any section, paragraph, sentence, clause, or phrase of this chapter be declared unconstitutional or invalid for any reason, the remainder of said chapter shall not be affected thereby. Any prior ordinances that are in conflict with this chapter shall be repealed herein.
(Ord. 05-0801-1, passed 11-28-2005)

CHAPTER 111: RETAIL FOOD ESTABLISHMENTS

Section

- 111.01 Definitions
- 111.02 Permits and fees
- 111.03 Permit and fee exception
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' 111.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADULTERATED AND MISBRANDED. As provided in Article 5, Chapter 157, Acts of 1949, known as the Indiana Food, Drug and Cosmetic Act.

CLOSED. Fitted together snugly leaving no openings large enough to permit the entrance of vermin.

CORROSION RESISTANT MATERIAL. A material which maintains its original surface characteristics under prolonged influence of the food, cleaning compounds, and sanitizing solutions which may contact it.

EASILY CLEANING. Readily accessible and of such material and finish, and so fabricated that residue may be completely removed by normal cleaning methods.

EMPLOYEE. Any person working in a food service establishment who transports food or food containers, who engages in food preparation or service, or who comes in contact with any food, food utensils, or equipment.

EQUIPMENT. All stoves, ranges, hoods, tables, counters, food or utensil carts, refrigerators, sinks, dishwashing machines, steam tables, and similar items, other than utensils, used in the operation of a food-service establishment.

FOOD. Any raw, cooked, or processed edible substances, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

FOOD CONTACT SURFACES. Those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces with which food may come in contact and drain back into food or onto surfaces normally in contact with food.

FOOD-PROCESSING ESTABLISHMENT. A commercial establishment in which food is processed, packaged, or manufactured for human consumption.

FOOD-SERVICE ESTABLISHMENT. Any food-service establishment, restaurant, coffee shop, cafeteria, short-order café, luncheonette, grill, tea room, sandwich shop, soda fountain, tavern, bar, cocktail lounge, night club, industrial feeding establishment, private, public or nonprofit organization or institution routinely serving food, a catering kitchen, a commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for human consumption with or without charge.

HEALTH OFFICER. The Health Officer having jurisdiction in the county, or his or her authorised representative.

KITCHENWARE. All multi-use utensils other than tableware used in the storage, preparation, conveying, or serving of food.

MOBILE FOOD-SERVICE ESTABLISHMENT. Any food-service establishment capable of being readily moved from location to location, one without a fixed location.

PERISHABLE FOOD. Any food of such type or in such condition as may spoil.

PERSON. Any individual, partnership, co-partnership, firm, company, corporation, association, joint-stock company, trust, estate, or municipality, or his, her, or its legal representative or agent.

POTENTIALLY HAZARDOUS FOOD. Any perishable food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, or other food capable of supporting growth of infectious or toxigenic microorganisms.

SAFE TEMPERATURES. As applied to potentially hazardous food, food temperatures of 45°F or below, and 140°F or above.

SANITIZE. Effective bactericidal treatment of clean surfaces of equipment and utensils by a process which has been approved by the Health Officer as being effective in destroying microorganisms, including pathogens.

SEALED. Free of cracks or other openings which permit the entry or passage of moisture.

SINGLE SERVICE ARTICLES. Cups, containers, lids or closures, plates, knives, forks, spoons, stirrers, paddles, straws, place mats, napkins, doilies, wrapping materials, and all similar articles which are constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic, synthetic, or other readily destructible materials, and which are intended by the manufacturers and generally recognized by the public as for one usage only, then to be discarded.

TABLEWARE. All multi-use eating and drinking utensils, including flatware (knives, forks, and spoons).

TEMPORARY FOOD-SERVICE ESTABLISHMENT. Any food-service establishment which operates for a temporary period of time, not to exceed two weeks, in connection with a fair, carnival, circus, public exhibition, or similar transitory gathering.

UTENSIL. Any tableware and kitchenware used in the storage, preparation, conveying, or serving of food.

WHOLESOME. Sound condition, clean, free from adulteration, and otherwise suitable for use in human food.
(Ord. 3-41-3, passed - -1980)

' 111.02 PERMITS AND FEES.

(A) It shall be unlawful for any person to operate a food-service establishment, mobile service establishment, bed and breakfast, push cart, temporary food-service establishment, retail food store, commissaries, vending machines, and other items in the county, who does not possess a valid permit from the Health Officer. Such permit shall be posted in a conspicuous place in each type of food establishment. Only persons who comply with the applicable requirements as specified by State Board of Health laws and rules shall be entitled to receive and retain such a permit.

(B) A permit for all food establishments shall be for a term of one year beginning January 1, and expiring December 31, of the same year and shall be renewed annually. The permit for a temporary retail food establishment shall be for the term of one continuous operation. Any permit issued by the Health Officer shall contain the name and address of the person to whom the permit is granted, the form of ownership of the establishment, the address of the premises for which same is issued, and such other pertinent data as may be required by the Health Officer.

(C) A separate permit shall be required for each retail food establishment operated or to be operated by any person. A permit issued under this chapter is not transferable.

(D) A permit shall be issued subsequent to application and inspection upon a determination by the Health Officer or an authorized representative that the permittee has complied with all the applicable provisions of this chapter.

(E) Fees shall be established by ' 37.04 or as the same may be hereinafter changed or amended. (Ord. 3-41-8, passed 11-4-1996) Penalty, see ' 111.99

' 111.03 PERMIT AND FEE EXCEPTION.

(A) No permit shall be required and no permit fee shall be paid for retail food establishments, operated by religious, educational, or charitable organizations. However, such establishments shall comply with the other provisions of this chapter.

(B) An organization that is exempt from the Indiana gross income tax under I.C. Title 6 and that offers food for sale to the final consumer at an event held for the benefit of the organization is exempt from complying with the requirements of the ordinance that may be imposed upon the sale of food at that event if:

(1) Members of the organization prepare the food that will be sold;

(2) Events conducted by the organization under this section take place for no more than 30 days in any calendar year; and

(3) The name of each member who has prepared a food item is attached to the container in which the food item has been placed.

(Ord. 3-41-8, passed 11-4-1996)

' 111.04 MINIMUM REQUIREMENTS FOR RETAIL FOOD ESTABLISHMENTS.

All food-service establishments, mobile food-service establishments, bed and breakfasts, push carts, temporary food-service establishments, retail food stores, commissaries, vending machines, and other items shall comply with the minimum requirements specified by the State Board of Health in Rules 410 I.A.C. 7-15.1, 410 I.A.C. 7-16.1, and 410 I.A.C. 7-17. Two copies of which are on file in the office of the Clerk of the county for public inspection.

(Ord. 3-41-8, passed 11-4-1996) Penalty, see ' 111.99

' 111.05 SALE, EXAMINATION, AND CONDEMNATION OF UNWHOLESOME ADULTERATED OR MISBRANDED FOOD.

(A) It shall be unlawful for any person to sell through food-service establishments, mobile food-service establishments, bed and breakfasts, push carts, temporary food-service establishments, retail food stores, commissaries, vending machines, and other items any food which is unwholesome, adulterated, or misbranded as provided in the Indiana Food, Drug, and Cosmetic Act, I.C.16-42.

(B) (1) Samples of food may be taken and examined by the Health Officer or an authorized representative as often as may be necessary to determine freedom from contamination, adulteration, or misbranding. The Health Officer or an authorized representative may, on written notice to the owner or operator, impound and forbid the sale of any food which is unwholesome, adulterated, or misbranded, or which the Health Officer or an authorized representative has probable cause to believe is unfit for human consumption, unwholesome, adulterated or misbranded; provided that in the case of misbranding which can be corrected by proper labeling, such food may be released to the operator for correct labeling under the supervision of the Health Officer or an authorized representative.

(2) The Health Officer or an authorized representative may also cause to be removed or destroyed any dairy product, meat, meat product, seafood, poultry, poultry product, confectionery, bakery product, vegetable, fruit, or other perishable articles which in their opinion are unsound, or contain any filthy, decomposed, or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe.

(Ord. 3-41-8, passed 11-4-1996) Penalty, see ' 111.99

' 111.06 INSPECTION OF RETAIL FOOD ESTABLISHMENTS.

(A) *Frequency of inspection.* At least once every six months, the Health Officer or an authorized representative shall inspect each retail food operation for which a permit is required under the provisions of this chapter.

(B) *Procedure when violations are noted.* If during the inspection of any retail food operation the Health Officer or an authorized representative discovers the violation of any of the requirements in ' 111.04, the Health Officer or an authorized representative shall issue a written order listing such violations to the proprietor or, in his or her absence, to the person in charge, and fixing a time within which the proprietor of the retail food establishment shall abate and remedy such violations. A copy of the written order shall be filed with the records of the Health Department.

(C) *Final inspection -prosecution or hearing for violators.* If upon second and final inspection the Health Officer or an authorized representative finds that a retail food operation, person, or employee is violating any of the provisions of this chapter that were in violation on the previous inspection, and concerning which a written order was issued, the Health Officer or an authorized representative shall furnish evidence of the violation to the prosecutor having jurisdiction in the county in which the violation occurs, and the prosecutor shall prosecute all persons violating the provisions of this chapter; or the Health Officer or an authorized representative may promptly issue a written order to the permittee of the retail food operation to appear at a certain time, no later than ten days from the date of final inspection, and at a place in the county fixed in the order to show cause why the permit issued under ' 111.02 should not be revoked.

(D) *Revocation of permit.* Upon hearing if the permittee should fail to show cause, the Health Officer or an authorized representative may revoke the permit and promptly give written notice of the action to the permittee. The Health Officer or an authorized representative shall maintain a permanent record of their proceedings filed in the office of the Health Department.

(E) *Suspension of permit.* Any permit issued under this chapter may be temporarily suspended by the Health Officer or an authorized representative without notice or hearing for a period of not to exceed 30 days, for any of the following reasons:

(1) Unsanitary or other conditions which in the Health Officer=s or an authorized representative=s opinion endanger the public=s health; and/or

(2) Interference with the Health Officer or any authorized representatives in the performance of their duties; provided, however, that upon written application from the permittee, served upon the Health Officer within 15 days after the suspension, the Health Officer shall conduct a hearing upon the matter after giving at least five-days= written notice of the time, place, and purpose thereof to the suspended permittee; provided, further, that any suspension order shall be issued by the Health Officer in writing and served upon the permittee by delivery of registered or certified mail.

(F) *Reinstatement of permit.* Any person whose permit has been suspended may at any time make application to the Health Officer or an authorized representative for the reinstatement of his or her permit.

(Ord. 3-41-8, passed 11-4-1996)

' 111.07 INSPECTION OF TEMPORARY FOOD ESTABLISHMENTS.

(A) *Frequency of inspection.* At least once in each period covered by each permit, the Health Officer or an authorized representative shall inspect each temporary food establishment for which a permit is required under the provision of this chapter.

(B) *Duration of permit.* A temporary establishment may be issued a permit for up to seven days. A permit must be obtained before each event.

(C) *Procedure to follow when any violation is noted.* If during the inspection of any temporary food establishment, the Health Officer or an authorized representative discovers the violation of any of the requirements of this chapter, the Health Officer, or an authorized representative may order the immediate correction of the violation.

(D) *Revocation of permit and penalties for continued operation.* Upon failure of any person maintaining or operating a temporary food establishment to comply with any order of the Health Officer or an authorized representative, it shall be the duty of the Health Officer or an authorized representative summarily to revoke the permit of the person and establishment and to forbid the further sale or serving of food therein.

(Ord. 3-41-8, passed 11-4-1996)

' 111.08 AUTHORITY TO INSPECT AND COPY RECORDS.

The retail food establishment operator shall, upon the request of the Health Officer or an authorized representative, permit the Health Officer or an authorized representative access to all parts of the food establishment and shall permit the Health Officer or an authorized representative to collect evidence and/or exhibits and to copy any or all records relative to the enforcement of this chapter.

(Ord. 3-41-8, passed 11-4-1996)

' 111.09 APPROVAL OF PLANS.

All retail food establishments which are hereafter constructed or altered shall conform with the applicable requirements of the State Board of Health and by the State Department of Fire and Building Services. Properly prepared plans and specifications shall be submitted to and approved by the Health Officer or an authorized representative, or in the absence of a local plan review program by the Division of Retail and Manufactured Foods, State Board of Health, and the State Department of Fire and Building Services as may be required before starting any construction work.

(Ord. 3-41-8, passed 11-4-1996)

' 111.10 EFFECTIVE DATE AND REPEAL.

All ordinances and parts of ordinances in conflict with this chapter are hereby repealed, and this chapter shall be in full force and effect January 1,1997.

(Ord. 3-41-8, passed 11-4-1996)

' 111.99 PENALTY.

In addition, to any civil penalty that may be imposed under state law, any person who violates any

provisions of the chapter shall be deemed guilty of a Class B misdemeanor. A person who commits a Class B misdemeanor shall be imprisoned for a fixed term of not more than 180 days; in addition, he may be fined not more than \$1,000.

(I.C. 35-50-3-3) (Ord. 3-41-8, passed 11-4-1996)