

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE amending Chapter 8.08 of the Lincoln Municipal Code relating  
 2 to Body Art Establishments to update regulations of health and sanitation to reflect the current state  
 3 of industry practice and to clarify provisions by amending Section 8.08.030 to require at least one  
 4 person with a practitioner permit to be present at all times the establishment is open; amending  
 5 Section 8.08.100 relating to the display or posting of the practitioner permit; amending Section  
 6 8.08.200 to clarify sink requirements; amending Section 8.08.230 to allow autoclaved instruments  
 7 to be used for up to 90 days from the date autoclaved; amending Section 8.08.310 to change a record  
 8 keeping requirement; and repealing Sections 8.08.030, 8.08.100, 8.08.200, 8.08.230 and 8.08.310  
 9 of the Lincoln Municipal Code as hitherto existing.

10 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

11 Section 1. That Section 8.08.030 of the Lincoln Municipal Code be amended to read  
12 as follows:

13 **8.08.030 Body Art Establishment; Permit Required.**

14 It shall be unlawful for any person to operate a body art establishment without first obtaining  
 15 a permit from the Health Director. The operation of a body art establishment without the required  
 16 permit is hereby declared unlawful. The operator of a body art establishment shall conspicuously  
 17 post or display the body art establishment permit so that it is readily viewable by customers of such  
 18 establishment. It shall be unlawful for a body art establishment to operate without at least one  
 19 person present who holds a valid body art practitioner permit.

20 Section 2 That Section 8.08.100 of the Lincoln Municipal Code be amended to read  
21 as follows:

1       **8.08.100       Body Art Practitioner Permit; Required.**

2               Every person who performs body art shall hold a valid body art practitioner permit. The  
3 performance of body art procedures without the required permit is hereby declared unlawful. A  
4 body art practitioner shall conspicuously post or display practitioner permit as issued so that it is  
5 readily viewable by customers of such practitioner. A body art practitioner must follow the  
6 requirements of body art establishments that are provided for by this chapter and other applicable  
7 laws. A failure to follow these requirements are grounds for suspension or revocation of practitioner  
8 permit in addition to any other penalty provided for by law. It shall be unlawful for any person to  
9 perform body art except in a body art establishment holding a current permit.

10               Section 3. That Section 8.08.200 of the Lincoln Municipal Code be amended to read  
11 as follows:

12       **8.08.200       Body Art Establishment; Requirements.**

13               (a)       Structural, electrical, mechanical, ventilation, and plumbing components of buildings  
14 shall comply with all applicable building and zoning codes. Walls, floors, ceilings, and equipment  
15 in all areas shall be maintained in a clean condition and in good repair.

16               (b)       Walls, floors, and procedure surfaces of equipment in areas where body art  
17 procedures are conducted, where equipment and instruments are cleaned, and in restrooms shall be  
18 smooth, non-absorbent and washable. After use by each customer, all procedure surfaces shall be  
19 cleaned and sanitized with a sanitizer that has a demonstrated tuberculocidal activity, as indicated  
20 by the product label.

21               (c)       Effective measures shall be taken by the operator to protect against the entrance,  
22 breeding or presence of insects, vermin and rodents. Openings to the outside shall be protected by  
23 such means as self-closing doors, screened or closed windows. Screening material shall not be less  
24 than sixteen mesh to the inch.

25               (d)       There shall be a minimum of forty-five square feet per station, and each establishment  
26 shall have an area that can be screened from public view for customers requesting privacy or for all  
27 genitalia body art procedures.

28               (e)       A minimum of twenty foot candles of light, measured three feet off the floor, shall  
29 be provided in all areas of the establishment. A minimum of 100 foot candles of light shall be  
30 provided at the level where body art is being performed, and where instruments and sharps are  
31 cleaned and handled.

1 (f) In addition to sinks in restrooms and the equipment washing sink required below in  
2 (i), handwash sinks shall be provided at a ratio of no less than one handwash sink per every three  
3 practitioners. Each handwash sink shall be readily accessible to each practitioner. Each handwash  
4 sink shall be supplied with hot and cold running water which passes through a mixing type faucet,  
5 and with liquid soap and disposable single-use paper towels.

6 (g) Restrooms shall be available in the establishment. Each restroom shall be supplied  
7 with a sink with hot and cold running water which passes through a mixing type of faucet. Each  
8 restroom shall be supplied with liquid soap, toilet tissue, single-use paper towels, and a waste  
9 receptacle. Restrooms shall have self-closing doors.

10 (h) At least one waste receptacle shall be provided in each station area. Solid waste,  
11 including infectious waste, shall be collected, stored, and disposed of in a manner and frequency in  
12 compliance federal regulations, with Lincoln Municipal Code and in such a way that does not create  
13 a nuisance, as defined in the Lincoln Municipal Code.

14 (i) Other equipment and supplies necessary for providing body art services and for  
15 cleaning and sterilizing instruments shall include: at least a separate ~~one-compartment~~ sink or basin  
16 with hot and cold running water under pressure for cleaning instruments; an autoclave; instruments  
17 and single use supplies for performing body art; work tables or counters; customer chairs; and  
18 storage cabinets or containers for storing clean and sterilized instruments and supplies.

19 (j) All surfaces of equipment shall be made of smooth, non-absorbent and non-porous  
20 material.

21 (k) Each ~~one-compartment~~ equipment washing sink and autoclave must have an adequate  
22 size, depth or capacity to submerge or otherwise accommodate the instruments being cleaned or  
23 autoclaved.

24 (l) Ultrasonic cleaning units shall be used and maintained in accord with manufacturer's  
25 recommendations and shall be kept clean and sanitary.

26 (m) Animals shall not be allowed in a body art establishment. Support animals or  
27 aquariums with fish shall be allowed in waiting rooms and nonprocedural areas.

28 (n) Smoking is prohibited in areas where body art is performed or where instruments and  
29 supplies are cleaned or stored.

1 (o) Practitioners may not eat or drink in areas where body art is performed or where  
2 instruments and supplies are cleaned or stored.

3 (p) Water supplies shall comply with the provisions of the Lincoln Municipal Code.

4 (q) Sewage disposal shall comply with the provisions of the Lincoln Municipal Code.

5 (r) In addition to required handwashing and equipment washing sinks, there shall be a  
6 separate janitorial sink for disposal of mop water.

7 (r s) There shall not be a direct opening between an establishment and any building or  
8 portion of a building used as living or sleeping quarters or as a food, liquor, or tobacco  
9 establishment. This shall be accomplished, at a minimum, by a solid floor to ceiling wall of  
10 separation.

11 (s t) An establishment not in full compliance with the building and equipment  
12 requirements of this section on the effective date of this chapter, shall have six months from the  
13 effective date of this chapter to comply with requirements that are not determined by the Health  
14 Director to pose imminent health risk.

15 Section 4. That Section 8.08.230 of the Lincoln Municipal Code be amended to read  
16 as follows:

17 **8.08.230 Body Art Establishment; Requirements for Sterilizing Instruments and**  
18 **Jewelry.**

19 (a) All non-disposable instruments used for body art shall be cleansed and sterilized after  
20 each use. Autoclave sterilization shall be conducted for the cycle of time and corresponding  
21 operating pressure recommended by the manufacturer of the autoclave. Sanitizers used in the  
22 cleaning process must have demonstrated tuberculocidal activity, as indicated by the product label,  
23 and be registered with the U.S. Environmental Protection Agency.

24 (b) Jewelry used for a new body piercing must be sterilized with a liquid chemical  
25 sterilant approved by the Health Director or as required by the product label. Jewelry used in healed  
26 body piercing does not have to be sterilized, but must be used according to the product label.

27 (c) ~~Unless otherwise specified by the autoclave manufacturer, i~~Instruments that are to be  
28 autoclaved must be packed ~~individually~~ in single use paper peel-packs or other containers designed

1 for sterilizing instruments and marked with the expiration date. The expiration date shall not exceed  
2 thirty ninety days from the date autoclaved.

3 (d) A log shall be kept to document the hours of autoclave operation.

4 (e) All sterilized instruments shall remain stored in sterilized containers until just prior  
5 to performing a body art procedure. Where several instruments are sterilized at the same time in the  
6 same container, such as in a single use setup, once the container is opened, any instruments not used  
7 immediately in a procedure must be resterilized.

8 (f) Every batch of sterilized equipment shall be monitored for sterilization by use of a  
9 heat sensitive indicator that is capable of indicating approximate time and temperature achieved.  
10 In addition to the indicator requirements, spore destruction tests shall be performed to prove that  
11 autoclaves are capable of attaining the minimum operating standards. Spore tests shall be performed  
12 at a minimum of once for each autoclave every thirty days and shall be verified through an  
13 independent laboratory.

14 (g) Autoclaves shall be cleaned at the frequency recommended by the manufacturer.  
15 Autoclaves shall be serviced at the frequency recommended by the manufacturer. A copy of the  
16 manufacturer's instructions for cleaning and servicing the autoclave must be maintained in operator's  
17 file.

18 (h) All clean or packaged sterilized instruments and supplies shall be stored in clean, dry  
19 closed cabinets, tightly covered containers, or in such a way that they remain sterile until used.

20 (i) Prepackaged sterilized instruments shall not be used past the manufacturer's  
21 expiration date.

22 Section 5. That Section 8.08.310 of the Lincoln Municipal Code be amended to read  
23 as follows:

24 **8.08.310 Body Art Establishment; Record Procedures and Requirements.**

25 (a) Reporting infections, complaints of injuries. Any injury or complaint of injury,  
26 suspected infections that required treatment by a health care professional, or any notifiable diseases  
27 resulting from the body art procedure that become known to the operator or practitioner shall be  
28 reported to the Lincoln-Lancaster County Health Department by the operator or practitioner within  
29 twenty-four hours.

30 (b) Customer records. Records must be maintained and shall include the following:

31 (1) The customer's full name, address and telephone number;

32 (2) Their date of birth, ~~race~~ and sex;

33 (3) A list of medical conditions;

1 (4) A list of allergies, including allergies to medicines or topical solutions used  
2 by the establishment;

3 (5) History of bleeding disorders, or diseases;

4 (6) The date of the customer's initial visit and any subsequent visits;

5 (7) The body part or location the body art was performed;

6 (8) A description of the jewelry used in the piercing; or a description of design  
7 of the tattoo, brand, or other body art;

8 (9) If an existing tattoo, brand, or other body art was altered, a description of the  
9 original and its alteration must be recorded;

10 (10) A description of any complications that occurred at the time of the body art  
11 procedure;

12 (11) Copies of the signed statement for receipt of educational information required  
13 by this chapter;

14 (12) The signature and printed name of the practitioner that performed the  
15 procedure at each visit.

16 (c) Additional customer records for body art procedures performed on a minor. These  
17 records shall be kept with other records for the minor. Records must be maintained and shall include  
18 the following:

19 (1) A copy of a state issued driver's license or identification card of the parent.  
20 A copy of a school issued identification card or state issued driver's license or identification card of  
21 the minor;

22 (2) A copy of any legal documents required to establish parent's legal relationship  
23 with minor;

24 (3) A copy of the signed consent by minor and parent.

25 (4) A single legible fingerprint taken from the right index finger of the parent, or  
26 if the right index finger is missing, then from the left index finger of the parent.

27 (d) Other body art establishment records. The following records must also be maintained  
28 by the establishment operator:

29 (1) Autoclave maintenance records and spore test results required of this chapter;

30 (2) A copy of this chapter;

31 (3) Records of employees. Such records shall include the following employee  
32 information: full names, dates of birth, sex, home addresses and telephone numbers, their dates of  
33 hire, and their duties and responsibilities. Such records shall be maintained for at least two years after  
34 a person's employment ends;

35 (4) Records of practitioners. Such records shall include the following practitioner  
36 information: full name, mailing address, telephone number; permit number and expiration date.  
37 Such records shall be maintained for at least five years after a person's employment end;

38 (5) Documentation of training required by this chapter;

39 (6) A complete description of all body art procedures provided by the body art  
40 establishment.

41 (e) Records required by this section shall be maintained at each establishment for the  
42 current permitting period. Records may be stored elsewhere after that time frame, but they must be  
43 stored for a period of five years and be made available for review by the Health Director upon  
44 request.

1                   Section 6. That Sections 8.08.030, 8.08.100, 8.08.200, 8.08.230 and 8.08.310 of the  
2 Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

3                   Section 7. That this ordinance shall take effect and be in force from and after passage  
4 and publication in one issue of a daily or weekly newspaper of general circulation in the City,  
5 according to law.

Introduced by:

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Approved as to Form & Legality:

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City Attorney

Approved this ____ day of _____, 2012:  <hr/> <p style="text-align: center;">Mayor</p>
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