

CHAPTER 15

HEALTH AND SANITATION¹

ARTICLE I. GENERALLY1502
 Sec. 15-1. Fluoridation of water supply.1502
 Sec. 15-2. Reserved.1502
 Sec. 15-3. Sale of unwholesome food, etc.1502
 Secs. 15-4 - 15-26. Reserved.1502
ARTICLE II. SWIMMING POOLS1503
 Sec. 15-27. Definitions.1503
 Sec. 15-28. General operating requirements.1503
 Sec. 15-29. Fences.1504
 Sec. 15-30. Sanitation and safety of premises.1504
 Sec. 15-31. Inspections, etc.1504
 Sec. 15-32. Civil liability.1505
 Secs. 15-33 - 15-39. Reserved.1505
ARTICLE III. JEFFERSON CITY CLEAN INDOOR AIR ORDINANCE OF 20101506
 Sec. 15-40. Title.1506
 Sec. 15-41. Definitions.1506
 Sec. 15-42. Application of Article to City-Owned Facilities.1508
 Sec. 15-43. Prohibition of Smoking in Enclosed Public Places1508
 Sec. 15-44. Prohibition of Smoking in Places of Employment1509
 Sec. 15-45. Prohibition of Smoking in Residential Facilities.1509
 Sec. 15-46. Prohibition of Smoking in Outdoor Areas.1509
 Sec. 15-47. Where Smoking Not Regulated.1510
 Sec. 15-48. Declaration of Establishment as Nonsmoking.1510
 Sec. 15-49. Posting of Signs.1510
 Sec. 15-50. Nonretaliation; Nonwaiver of Rights.1511
 Sec. 15-51. Enforcement.1511
 Sec. 15-52. Violation and Penalties.1512
 Sec. 15-53. Public Education.1512
 Sec. 15-54. Other Applicable Laws.1512
 Sec. 15-55. Liberal Construction.1513
 Sec. 15-56. Severability.1513
 Sec. 15-57. Effective Date.1513
ARTICLE IV. TATTOOING1514
 DIVISION 1. GENERALLY1514
 Sec. 15-100. Definitions.1514
 Sec. 15-101. Exemptions.1516
 Sec. 15-102. Restrictions on Minors.1516
 Sec. 15-103. Injury Reports.1516
 Sec. 15-104. Duties of Permit Officer.1516
 Sec. 15-105. Appeals to the Director.1517
 Sec. 15-106. Length of Permit.1518
 Sec. 15-107. Severability.1518
 Secs. 15-108 – 15-119. Reserved.1518
 DIVISION 2. BODY ART ESTABLISHMENT1519
 Sec. 15-120. Body Art Establishment Permit required.1519
 Sec. 15-121. Application.1519
 Sec. 15-122. Contents of Application.1519
 Sec. 15-123. Applications reviewed by Permit Officer.1519

<i>Sec. 15-124. Approval or Denial.</i>	1520
<i>Sec. 15-125. Notice to Applicant.</i>	1520
<i>Sec. 15-126. Appeal of a Denial.</i>	1520
<i>Sec. 15-127. Applicants may reapply.</i>	1521
<i>Sec. 15-128. Operation of Body Art Establishments.</i>	1521
<i>Sec. 15-129. Body Art Establishment Fee.</i>	1525
<i>Secs. 15-130 – 15-139. Reserved.</i>	1525
DIVISION 3. BODY ART PRACTITIONERS	1526
<i>Sec. 15-140. Body Art Practitioner’s Permit required.</i>	1526
<i>Sec. 15-141. Application.</i>	1526
<i>Sec. 15-142. Contents of Application.</i>	1526
<i>Sec. 15-143. Required Training for Body Art Practitioners.</i>	1526
<i>Sec. 15-144. Applications reviewed by Permit Officer.</i>	1527
<i>Sec. 15-145. Approval or Denial.</i>	1527
<i>Sec. 15-146. Notice to Applicant.</i>	1528
<i>Sec. 15-147. Appeal of a Denial.</i>	1528
<i>Sec. 15-148. Applicants may reapply.</i>	1528
<i>Sec 15-149. Body art practitioner fee.</i>	1528
<i>Sec. 15-150. Severability.</i>	1528
<i>Secs. 15-151 through 15-199. Reserved.</i>	1528

ARTICLE I. GENERALLY

Sec. 15-1. Fluoridation of water supply.

- A. Any suppliers of water by means of a pipe distribution system to citizens of the City of Jefferson are hereby required to provide the means and to proceed with the introduction of fluoride ions into the public water supply of the city in such quantities as are required to provide throughout the pipe distribution system a fluoride concentration in accordance with the recommendations of the United States Department of Health and Human Services (HHS) parts of water. The suppliers of water shall keep an accurate record of the amount of fluoride bearing chemical applied to the quantities of water treated and cause such analytical tests to be made for fluoride, in terms of the element "F," in the untreated and treated water supply.
- B. The City of Jefferson shall make periodic tests to ensure compliance with this section.

(Ord. No. 13934, §1, 9-19-2005; Ord. No. 15179, §1, 10-21-2013)

(Code 1977, §§ 19-1, 19-2)

State law reference - Authority to regulate water supply, RSMo. § 77.140.

Sec. 15-2. Reserved.

(Ord. No. 15629, §1, 1-19-2010)

Sec. 15-3. Sale of unwholesome food, etc.

Any person who shall, in this city, sell or expose for sale, or offer for sale at any place, the flesh of any dead animal which was sick or overheated or run down by dogs or otherwise, at or immediately before the time at which the same was butchered or slain, or which died a natural death or was killed by accident, or otherwise than in the usual or ordinary method of slaying animals for food, or shall sell or offer for sale any blown, raised, stuffed, decayed or unsound meat, flesh, vegetables, eggs, poultry, fish or other unwholesome article of food, shall be deemed guilty of a misdemeanor.

(Code 1977, § 26-43)

Secs. 15-4 - 15-26. Reserved.

ⁱⁱARTICLE II. SWIMMING POOLS

Sec. 15-27. Definitions.

For the purpose of this Article the following terms, phrases, words and their derivations shall have the meaning given herein:

Family pool: A body of water and auxiliary structures operated and maintained at a private residence, and intended only for the use of the owner and invited guests.

Person: Any person, firm, partnership, association, corporation, institution or any organization of any kind, including public educational institutions.

Health authority: The designated representative from the Department of Planning and Protective Services, division of community sanitation. (Ord. No. 13301, 11-5-2001)

Swimming pool: An artificial or natural receptacle containing a body of water, whether located indoors or outdoors, used or intended to be used for public, semi-public or private swimming, whether or not any charge or fee is imposed for such uses, operated and maintained by any person, including all swimming pools operated and maintained in conjunction with or by clubs, motels, hotels, apartment complexes and shall include all structures, appurtenances, equipment, appliances and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool, excluding family pools as defined herein.
(Ord. No. 9430, § 1(19-30), 5-19-80)

Sec. 15-28. General operating requirements.

- A. The publication entitled "A Guide for the Design and Operation of Public Bathing Places" (E 12.01-Rev. 5/72), printed by the Department of Social Services, Missouri Division of Health, Jefferson City, Missouri, is hereby adopted by reference as if set out at length in this Article, and a copy of the same has been filed in the office of the city clerk.
- B. Any person owning or operating a swimming pool, or a pool operated as ancillary service of a motel, hotel, or apartment complex, excluding family pools, shall provide and maintain the following:
 1. At least one lifeguard on duty at an appointed station for each fifty (50) persons in the pool area during the time that such pool is in use. Said lifeguard shall have completed the senior life saving or water safety instructor courses conducted by the American Red Cross or the YMCA, and shall have in his possession a valid, unexpired card duly authenticated to that effect; except that when organized classes are being conducted by an educational institution, the aforesaid requirements shall be satisfied by the presence of an appointed swimming instructor of the institution conducting the classes. All such lifeguards or instructors on duty must be physically fit and able to rescue any bather in danger of drowning.
 2. Rules for the conduct of bathers so as to minimize danger of injury to persons using the pool shall be approved by the Department of Planning and Protective Services. (Ord. No. 13301, 11-5-2001)
 3. Swimming pools operated in conjunction with a hotel, motel, or apartment complex, shall, at all times when a lifeguard is not on duty, have conspicuously posted at the entrance to the pool a sign with letters not less than two (2) inches in height reading, "No Lifeguard on Duty. Swim at Own Risk."
 4. Daily records showing chlorine residuals and pH values shall be kept and made available upon request.

C. The following are operating requirements for swimming pools and family pools:

1. The water in such pool shall contain not less than 0.6 or more than 2.0 parts per million (ppm) available or excess chlorine and a pH between 7.2 and 7.8 at all times when the pool is in use except that natural bodies of water shall only be certified free of pollution and approved for swimming by the health authority.
2. A continuous feeding chemical feeder sized according to the pool size, having such capacity to maintain proper chlorine residuals in the pool at all times shall be provided.
3. Filters of acceptable construction with a circulation pump capable of a pool turnover rate of once every eight (8) hours, complete with pressure gauge and flow metering device shall be provided.
4. Bacteriological quality shall be demonstrated by water samples collected by the health authority and analyzed by a certified laboratory. Staphylococci organism per standard sample shall not exceed fifty (50) per one hundred (100) milliliters of pool water. Whenever in any two (2) consecutive tests made by the health authority, not more than fifteen (15) days apart nor less than five (5) days apart, the count of staphylococci organisms exceed the allowable limits described above, the pool shall be immediately closed on a temporary basis until further tests are conducted and the water complies with the above standards.
5. Convenient means of ingress and egress shall be provided. Water depth shall be clearly indicated as well as any irregularities of the bottom of the pool.

(Ord. No. 9430, § 1(19-31), 5-19-80)

Sec. 15-29. Fences.

Any person owning or operating a permanently constructed swimming pool or permanently constructed family pool, whether public or private, shall provide and maintain a fence or wall not less than four (4) feet in height, having no openings or holes larger than six (6) inches in any dimensions except for doors and gates, which fence shall completely surround the pool or the property upon which it is located. All doors and gates shall be fastened and locked at any and all times that the pool is not in use or is unattended.

(Ord. No. 9430, § 1(19-32), 5-19-80)

Sec. 15-30. Sanitation and safety of premises.

The buildings, grounds, dressing rooms, and other swimming pool or family pool facilities shall be kept by the owner or operator of such pool in a sanitary and safe condition and maintained free from garbage, trash, other refuse and objects hazardous to the health and safety of bathers.

(Ord. No. 9430, § 1(19-31), 5-19-80)

Sec. 15-31. Inspections, etc.

- A. The Department of Planning and Protective Services shall be required to inspect all swimming pools and family pools regularly and to take samples of water in use for the purpose of determining the sanitary condition of the pool and pool area, and for this purpose shall have the right to enter upon the pool premises. If the condition of the pool area or the water (except bacteriological quality) fails to meet the requirements of the rules and regulations of the department, or if the pool is not being operated within the provisions of this Article, the department shall have the power to abate or cause a suspension of the use of such pool until such time as compliance is obtained; provided, however, that the owner and operator of the

pool shall have first been notified of the unsatisfactory conditions and given a reasonable period of time to correct the conditions to the satisfaction of the department. (Ord. No. 13301, 11-5-2001)

- B. Family pools shall be exempt from regular inspection. The Department of Planning and Protective Services shall inspect family pools under the following conditions: (Ord. No. 13301, 11-5-2001)
1. After receiving a request from the owner for assistance, with a date and time pre-determined by the owner prior to the inspection.
 2. After receiving a complaint upon the operation of a family pool creating a nuisance to the public, at which time the owner shall be contacted as to the nature of the complaint and a pre-determined time established for the inspection.
- C. All assistance available to swimming pool owners shall be made available to the family pool owner upon request.
(Ord. No. 9430, § 1(19-32), 5-19-80)

Sec. 15-32. Civil liability.

This Article shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling, or installing a swimming pool or family pool; nor shall the city, or any of its inspectors, agents or employees, including its sanitarian, be held as assuming any such liability by reason of the inspection authorized herein or permits issued as herein provided.
(Ord. No. 9430, § 1(19-35), 5-19-80)

Secs. 15-33 - 15-39. Reserved.

ARTICLE III. JEFFERSON CITY CLEAN INDOOR AIR ORDINANCE OF 2010

Sec. 15-40. Title.

This Article shall be known as the Jefferson City Clean Indoor Air Ordinance of 2010.

Accordingly, the City of Jefferson finds and declares that the purposes of this ordinance are (1) to protect the public health and welfare by prohibiting smoking in public places and places of employment; and (2) to guarantee the right of nonsmokers to breathe smoke-free air, and to recognize that the need to breathe smoke-free air shall have priority over the desire to smoke.

(Ord. No. 11334, § 1, 11-6-89; Approved by voters 11-2-2010, effective 1-31-2011)

Sec. 15-41. Definitions.

The following words and phrases, whenever used in this Article, shall be construed as defined in this Section:

- A. "Bar" means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.
- B. "Business" means a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.
- C. "Employee" means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services for a non-profit entity.
- D. "Employer" means a person, business, partnership, association, corporation, including a municipal corporation, trust, or non-profit entity that employs the services of one or more individual persons.
- E. "Enclosed Area" means all space between a floor and ceiling that is enclosed on all sides by permanent or temporary walls or windows (exclusive of doorways), which extend from the floor to the ceiling.
- F. "Health Care Facility" means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, long-term care facilities, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, psychiatrists, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.
- G. "Place of Employment" means an area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, private

offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility.

- H. "Private Club" means a not-for-profit organization incorporated under the laws of the State of Missouri for fraternal or social purposes or for a congressionally chartered veterans' organization, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities and a defined membership and restricts admission to members of the club and their guests. The organization has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. Section 501. Private club shall not include an establishment that is generally open to members of the general public upon payment of a fee.
- I. "Public Place" means an enclosed area to which the public is invited or in which the public is permitted, including but not limited to, banks, bars, educational facilities, gaming facilities, health care facilities, hotels and motels, laundromats, public transportation vehicles and facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a child care, adult day care, or health care facility.
- J. "Restaurant" means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area within the restaurant.
- K. "Retail Tobacco Store" means a retail store used primarily for the sale of smoking materials and where more than seventy percent (70%) of the volume of trade or business carried on there is that of the blending of tobaccos or sales of tobaccos, cigarettes, pipes, cigars or smoking sundries and in which the sale of other products is incidental. Does not include a tobacco department of a larger commercial establishment such as a department store, discount store, or bar or retail stores not used primarily for the sale of smoking materials.
- L. "Service Line" means an indoor or outdoor line in which one (1) or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money, including but not limited to, ATM lines, concert lines, food vendor lines, movie ticket lines, and sporting event lines.
- M. "Shopping Mall" means an enclosed public walkway or hall area that serves to connect retail or professional establishments.
- N. "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe in any manner or in any form.
- O. "Sports Arena" means sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the general public

assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.

(Ord. No. 11334, § 1, 11-6-89)

Sec. 15-42. Application of Article to City-Owned Facilities.

All enclosed facilities, including buildings and vehicles owned, leased, or operated by the City of Jefferson, shall be subject to the provisions of this Article.

(Ord. No. 11334, § 1, 11-6-89)

Sec. 15-43. Prohibition of Smoking in Enclosed Public Places.

Smoking shall be prohibited in all enclosed public places within the City of Jefferson including but not limited to, the following places:

- A. Aquariums, galleries, libraries, and museums.
- B. Areas available to and customarily used by the general public in businesses and non-profit entities patronized by the public, including but not limited to, banks, laundromats, professional offices, and retail service establishments.
- C. Bars.
- D. Bingo facilities.
- E. Child care and adult day care facilities.
- F. Convention facilities.
- G. Educational facilities, both public and private.
- H. Elevators.
- I. Gaming facilities.
- J. Health care facilities.
- K. Hotels and motels.
- L. Lobbies, hallways, and other common areas in apartment buildings, condominiums, retirement facilities, nursing homes, and other multiple-unit residential facilities.
- M. Polling places.

- N. Public transportation vehicles, including buses and taxicabs, under the authority of the City of Jefferson, and ticket, boarding, and waiting areas of public transportation facilities, including bus, train, and airport facilities.
- O. Restaurants.
- P. Restrooms, lobbies, reception areas, hallways, and other common-use areas.
- Q. Retail stores.
- R. Rooms, chambers, places of meeting or public assembly, including school buildings, under the control of an agency, board, commission, committee or council of the City of Jefferson or a political subdivision of the State, to the extent the place is subject to the jurisdiction of the City of Jefferson.
- S. Service lines.
- T. Shopping malls.
- U. Sports arenas, including enclosed places in outdoor arenas.
- V. Theaters and other facilities primarily used for exhibiting motion pictures, stage dramas, lectures, musical recitals, or other similar performances.

(Ord. No. 11334, § 1, 11-6-89)

Sec. 15-44. Prohibition of Smoking in Places of Employment.

- A. Smoking shall be prohibited in all enclosed facilities within places of employment without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.
- B. This prohibition on smoking shall be communicated to all existing employees by the effective date of this Article and to all prospective employees upon their application for employment.

(Ord. No. 11334, § 1, 11-6-89; Ord. No. 13301, 11-5-2001)

Sec. 15-45. Prohibition of Smoking in Residential Facilities.

Smoking shall be prohibited in all private and semi-private rooms in nursing homes.

(Ord. No. 11334, § 1, 11-6-89)

Sec. 15-46. Prohibition of Smoking in Outdoor Areas.

Smoking shall be prohibited in the following outdoor places:

- A. Within a reasonable distance of ten (10) feet outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited, so as to insure that tobacco smoke does not enter those areas.
- B. In all outdoor arenas, stadiums, and amphitheaters. Smoking shall also be prohibited in, and within ten (10) feet of, bleachers and grandstands for use by spectators at sporting and other public events.
- C. In, and within ten (10) feet of, all outdoor public transportation stations, platforms, and shelters under the authority of the City of Jefferson.
- D. In all outdoor service lines.

Sec. 15-47. Where Smoking Not Regulated.

- A. Notwithstanding any other provision of this Article to the contrary, the following areas shall be exempt from the provisions of Sections 44 and 45:
- B. Private residences, except when used as a childcare, adult day care, or health care facility, and except as provided in Section 47.
- C. Not more than twenty percent (20%) of rooms of any hotel and motel rented to guests and designated as smoking rooms. All smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into areas where smoking is prohibited under the provisions of this Article. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms.
- D. Outdoor areas of places of employment except those covered by the provisions of Section 46.
- E. Private clubs as per the definition herein contained, that have no employees, except when being used for a function to which the general public is invited; provided that smoke from such clubs does not infiltrate into areas where smoking is prohibited under the provisions of this Ordinance. This exemption shall not apply to any organization that is established for the purpose of avoiding compliance with this ordinance.
- F. Retail tobacco stores, as per the definition herein contained, this exemption shall not apply to any organization that is established for the purpose of avoiding compliance with this ordinance.

Sec. 15-48. Declaration of Establishment as Nonsmoking.

Notwithstanding any other provision of this Article, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of Section 49(A) is posted.

Sec. 15-49. Posting of Signs.

Rev. 10/23/2013

- A. "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this Article, by the owner, operator, manager, or other person in control of that place.
- B. Every public place and place of employment where smoking is prohibited by this Article shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited. Every vehicle that constitutes a place of employment under this Article shall have at least one conspicuous sign, visible from the exterior of the vehicle, clearly stating that smoking is prohibited.
- C. All ashtrays shall be removed from any area where smoking is prohibited by this Article by the owner, operator, manager, or other person having control of the area.

Sec. 15-50. Nonretaliation; Nonwaiver of Rights.

- A. No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this Article or reports or attempts to prosecute a violation of this Article. Notwithstanding Section 54, violation of this Subsection shall be a misdemeanor, punishable by a fine not to exceed \$1000 for each violation.
- B. An employee who works in a setting where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.

Sec. 15-51. Enforcement.

- A. This Article shall be enforced by the City Administrator or his/her authorized designee. The City Administrator shall have authority to promulgate rules for the enforcement of this Article.
- B. Notice of the provisions of this Article shall be given to all applicants for a business license in the City of Jefferson.
- C. Any citizen who desires to register a complaint under this Article may initiate enforcement by filing a complaint in such manner as designated by the City Administrator.
- D. All city employees, while conducting routine inspections, shall also inspect for compliance with this Article.
- E. An owner, manager, operator, or employee of an establishment regulated by this Article shall inform persons violating this Article of the appropriate provisions thereof.
- F. Notwithstanding any other provision of this Article, an employee or private citizen may bring legal action to enforce this Article.

- G. In addition to the remedies provided by the provisions of this Section, Department of Planning and Protective Services or any person aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this Article may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

Sec. 15-52. Violations and Penalties.

- A. A person who smokes in an area where smoking is prohibited by the provisions of this Article shall be guilty of an infraction, punishable by a fine not exceeding fifty dollars (\$50).
- B. Except as otherwise provided in Section 51(A), a person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this Article shall be guilty of an infraction, punishable by:
1. A fine not exceeding one hundred dollars (\$100) for a first violation.'
 2. A fine not exceeding two hundred dollars (\$200) for a second violation within one (1) year.
 3. A fine not exceeding five hundred dollars (\$500) for each additional violation within one (1) year.
- C. In addition to the fines established by this Section, violation of this Article by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.
- D. Violation of this Article is hereby declared to be a public nuisance, which may be abated by the Department of Planning and Protective Services by restraining order, preliminary and permanent injunction, or other means provided for by law, and the City of Jefferson may take action to recover the costs of the nuisance abatement.
- E. Each day on which a violation of this Article occurs shall be considered a separate and distinct violation.

Sec. 15-53. Public Education.

The Department of Planning and Protective Services shall engage in a continuing program to explain and clarify the purposes and requirements of this Article to citizens affected by it, and to guide owners, operators, and managers in their compliance with it. The program may include publication of a brochure for affected businesses and individuals explaining the provisions of this ordinance.

Sec. 15-54. Other Applicable Laws.

This Article shall not be interpreted or construed to permit smoking where it is otherwise restricted by other

applicable laws.

Sec. 15-55. Liberal Construction.

This Article shall be liberally construed so as to further its purposes.

Sec. 15-56. Severability.

If any provision, clause, sentence, or paragraph of this Article or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable.

Sec. 15-57. Effective Date.

This Article shall be effective ninety (90) days from and after the date of its adoption.*

Note: Article IV repealed by Ord. 13654 11-17-2003
New Article IV established by Ord. 14629, 1-19-2010
New Article III established by petition approved by voters on *11-2-2010, effective 1-31-2011

(Ord. No. 11883, § 1, 4-21-93; Ord. 13654, §1, 11-17-2003)

ARTICLE IV TATTOOING

DIVISION 1. GENERALLY

Sec. 15-100. Definitions.

For the purposes of this Article and unless the context plainly requires otherwise, the following definitions are adopted:

Aftercare means written instructions given to the client, specific to the body art procedure(s) rendered, about caring for the body art and surrounding area, including information about when to seek medical treatment, if necessary.

Autoclave means an apparatus for sterilization utilizing steam pressure at a specific temperature over a period of time.

Autoclaving means a process which results in the destruction of all forms of microbial life, including highly resistant spores, by the use of an autoclave for a minimum of thirty minutes at 20 pounds of pressure (PSI) at a temperature of 270 degrees Fahrenheit.

Blood borne Pathogens Standard means OSHA Guidelines contained in 29 CFR 1910.1030, entitled "Occupational Exposure to Blood borne Pathogens."

Body Art means the practice of physical body adornment using, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing.

Body Art Establishment or establishment means a location, place, or business that has been granted a permit where the practices of body art are performed, whether or not for profit.

Body Art Practitioner or practitioner means a specifically identified individual who has been granted a permit to perform body art in an establishment that has been granted a permit.

Body Piercing means puncturing or penetrating the skin of a client with presterilized single-use needles and the insertion of presterilized jewelry or other adornment into the opening. This definition does not include piercing of the earlobe with a presterilized single-use stud-and-clasp system manufactured exclusively for ear-piercing.

Client means a member of the public who requests a body art procedure at a body art establishment.

Department means the Department of Planning and Protective Services or its authorized representatives.

Director means the Director of Planning and Protective Services or his or her designee.

Disinfectant means a product registered as a disinfectant by the U.S. Environmental Protection Agency (EPA).

Disinfection means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

Ear piercing means the puncturing of the lobe of the ear with a presterilized single-use stud-and-clasp ear-piercing system following the manufacturer's instructions.

Equipment means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of a body art establishment.

Hot water means water that attains and maintains a temperature 110°-130°F.

Instruments Used for Body Art means hand pieces, needles, needle bars, and other instruments that may come in contact with a client's body or may be exposed to bodily fluids during any body art procedure.

Invasive means entry into the client's body either by incision or insertion of any instruments into or through the skin or mucosa, or by any other means intended to puncture, break, or otherwise compromise the skin or mucosa.

Jewelry means any ornament inserted into a newly pierced area, which must be made of surgical implant-grade stainless steel; solid 14k or 18k white or yellow gold, niobium, titanium, or platinum; or a dense, low-porosity plastic, which is free of nicks, scratches, or irregular surfaces and has been properly sterilized prior to use.

Permit Officer means the person appointed by the Director to supervise the City's tattoo permits.

Operator means any person who individually, or jointly or severally with others, owns, or controls an establishment, but is not a body art practitioner.

Permit means approval in writing by the Director to either (1) operate a body art establishment or (2) operate as a body art practitioner within a body art establishment.

Person means an individual, any form of business or social organization or any other non-governmental legal entity, including but not limited to corporations, partnerships, limited-liability companies, associations, trusts or unincorporated organizations.

Physician means an individual licensed as a qualified physician by the Missouri Board of Healing Arts.

Sanitary means clean and free of agents of infection or disease.

Sanitize means the application of a U.S. EPA registered sanitizer on a cleaned surface in accordance with the label instructions.

Sharps means any object, sterile or contaminated, that may intentionally or accidentally cut or penetrate the skin or mucosa, including, but not limited to, needle devices, lancets, scalpel blades, razor blades, and broken glass.

Sharps Container means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal and that is labeled with the International Biohazard Symbol.

Single Use Items means products or items that are intended for one-time, one-person use and are disposed of after use on each client, including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups, and protective gloves.

Sterilize means the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

Tattoo means the indelible mark, figure or decorative design introduced by insertion of dyes or pigments into or under the subcutaneous portion of the skin.

Tattooing means 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.

Universal Precautions means a set of guidelines and controls, published by the Centers for Disease Control and Prevention (CDC), as "Guidelines for Prevention of Transmission of Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV) to Health-Care and Public-Safety Workers" in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vo1.38 No. S-6, and as "Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures" in MMWR, July 12,1991, Vo1.40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for

HIV, HBV, and other blood pathogens. Precautions include hand washing; gloving; personal protective equipment; injury prevention; and proper handling and disposal of needles, other sharp instruments, and blood and body fluid-contaminated products.

Sec. 15-101. Exemptions.

The following persons are exempt from these regulations:

- A. Physicians who perform body art procedures as part of patient treatment.
- B. Individuals who pierce only the lobe of the ear with a presterilized single-use stud-and-clasp ear-piercing system.

Sec. 15-102. Restrictions on Minors.

No tattooing or body piercing shall be performed on a person under the age of 18.

Sec. 15-103. Injury Reports.

A person holding a body art establishment permit or a body art practitioner's permit shall make a written report to the Department of any injury, infection complication or disease as a result of a body art procedure, or complaint of injury, infection complication or disease, shall be forwarded by the operator to the Department, with a copy to the injured client within five working days of its occurrence or knowledge thereof. The report shall include the name of the affected client; the name and location of the body art establishment involved; the nature of the injury, infection complication or disease; the name and address of the affected client's health care provider, if any; any other information considered relevant to the situation. Failure to do so shall constitute a violation of the holder's permit.

Sec. 15-104. Duties of Permit Officer.

- A. The Permit Officer shall investigate any complaints to the Director or the Department and may investigate any person or business permitted under this division for violations of this Division of this Chapter.
- B. The Permit Officer shall impose reasonable discipline upon holder of permits for violation of any section of this Division.
- C. Subject to review by the Director, the Permit Officer is granted authority to suspend or revoke the permit for any reasonable length of time for violation of any provision of this Division of this Chapter.
- D. If the Permit Officer finds a violation of any section of this division the officer shall notify the permit holder of the violation and the intended discipline.

- E. The disciplinary action of the Permit Officer may be appealed to the Director by filing a notice of appeal to the Director, on a form to be promulgated by the Director, within 10 days of the date of the Notice to the Permit holder. The disciplinary action shall be stayed during the appeal.

Sec. 15-105. Appeals to the Director.

- A. All hearings before the Director either for an appeal of discipline or the denial of a permit shall be conducted according to this section.
- B. Appeals to the Director shall be public hearings which occur no earlier than 5 days after receipt of an appeal and no later than 30 days after receipt of the appeal. Such hearings may be continued at the request of the Applicant or the City upon good cause shown.
- C. The Hearing shall be held to determine whether the prior action of the Permit Officer was supported by substantial and competent evidence.
- D. The Hearing procedure for all hearings brought under this section shall be as follows:
 - 1. Procedures:
 - a. The Hearing shall be open to the public and on the record.
 - b. The Director shall conduct the hearing.
 - c. The Director shall rule upon all motions by the parties.
 - d. Any party to the Hearing may be represented by counsel and have the right to present evidence. The Permit Officer shall represent the City and the City Counselor's office shall serve as attorney to the Permit Officer/City.
 - e. The technical rules of evidence shall not apply in the hearing. Any relevant evidence may be admitted and considered by the Director if it is the sort of evidence of which responsible persons are accustomed to rely in the conduct of serious affairs. Objections to evidence shall be noted and a ruling given by the Director.
 - f. All testimony shall be under oath, which may be administered by the Director.
 - g. A recording shall be made by the City or a written record of the hearing may be made by a reporter to be employed by the City, the cost of which shall be paid by the City should the proceeding be eventually held against the City and by the applicant if it should not.
 - h. All decisions by the Director must be made upon substantial and competent evidence presented at the hearing.
 - 2. Conduct of the Hearing.
 - a. The Hearing shall proceed in the following manner. The City will allowed to present its evidence first. Witnesses called by the City will be directly examined with an opportunity for the opposing party to cross-examine, followed by an opportunity for

the City to re-direct. Once the City's case is presented, the opposing party will have an opportunity to present his or her case. The same procedure for questioning witnesses will be followed. The Director may also inquire with questions of his/her own of any witness. Then the City will have an opportunity for rebuttal, if it so chooses. Finally, the City and the applicant will have an opportunity to make closing remarks in that respective order.

- b. The Director shall then cause to be issued findings of fact and conclusions of law explaining the decision based upon the evidence presented and the decision of the Director within 30 days of the date of the hearing.
- c. Notice of the decision shall be provided to all parties pursuant to Chapter 536 RSMo.
- d. Any person aggrieved by this decision, including the city, shall, within 30 days after notice of the ruling as required by Chapter 536 RSMo., file his or her administrative appeal pursuant to the rules established in Chapter 536 RSMo., for review of a contested case in the circuit court of Cole County. If no action is taken to appeal the decision of the administrative hearing officer as required by Chapter 536 RSMo., the decision shall be final.

Sec 15-106. Length of Permit.

All permits issued hereunder shall automatically expire in two (2) years from the date of issuance unless revoked sooner

Sec 15-107. Severability.

If any provision contained in this chapter is deemed invalid for any reason, it shall be severed and shall not affect the validity of the remaining provisions.

Secs. 15-108 - 15-119. Reserved

DIVISION 2. BODY ART ESTABLISHMENT

Sec 15-120. Body Art Establishment Permit required.

No Person shall either by himself/herself or through the use of agents or servants, partnership, association of person or corporation shall operate a body art establishment without procuring a Body Art Establishment Permit from the city authorizing such activity. No person shall perform body art except in a permitted Body Art Establishment.

Sec. 15 -121. Application.

Before any permit shall be issued pursuant to the provisions of this division, the applicant therefor shall apply in writing to the Department, giving the location of the place of business including the specific areas inside the building to which the permit is to apply, the names of all parties interested in the business to be operated under such permit, except in the case of a corporation when the name of the president, secretary and manager only need be given.

Sec. 15-122. Contents of Application.

In addition to any other information required by the Director, the applicant shall provide the following information in order to be issued an establishment permit:

- A. Name, address, and telephone number of the body art establishment
- B. The operator of the establishment
- C. The body art practitioner(s) working at the establishment
- D. The manufacturer, model number, model year, and serial number, where applicable, of the autoclave used in the establishment
- E. A signed and dated acknowledgment that the applicant has read and understood the requirements of these regulations.
- F. A signed and dated consent to allow the city to audit any and all records, including financial records. (Ord. No. 14738, §1, 11-1-2010)

Sec. 15-123. Applications reviewed by Permit Officer.

All applications for licenses and all petitions so filed with such applications shall be referred to the Permit Officer. The review of the applications for permit shall normally be completed within twenty (20) working days of the date of the application unless there is cause for additional time.

Sec. 15-124. Approval or Denial.

The Permit Officer shall approve a permit unless the Permit Officer finds that the applicant or any person conducting body art on the permitted premises has committed or permitted to occur:

- A. Any actions which would indicate that the health or safety of the public would be at risk
- B. Fraud, deceit or misrepresentation in obtaining a permit, or its renewal
- C. Any criminal conduct which the Director determines to be of such a nature as to render the establishment, practitioner or applicant unfit to practice body art as evidenced by criminal proceedings resulting in a conviction, guilty plea, or plea of nolo contendere or an admission of sufficient facts
- D. Any present or past violation of the Director's regulations governing the practice of body art
- E. Any present or past violation of State regulation governing the practice of body art
- F. The practice of body art while the ability to practice is impaired by alcohol, drugs, physical disability or mental instability
- G. An unauthorized person to perform activities requiring a permit
- H. The practice of body art while his/her permit is lapsed, suspended, or revoked
- I. An act causing discipline in another jurisdiction in any way by the proper permitting authority for reasons substantially the same as those set forth in the Director's regulations
- J. Other just and sufficient cause which the Director may determine would render the establishment, practitioner or applicant unfit to practice body art

Sec. 15-125. Notice to Applicant.

- A. If the Permit Officer approves the application for a body art establishment permit, the Director shall approve the application and issue to the applicant a permit.
- B. If the Permit Officer denies the application, a permit shall not be issued, unless by the Director only after a properly filed appeal and subsequent, hearing, and the Permit Officer shall notify the applicant, in writing of the reason for the denial and the applicant's right to appeal.

Sec. 15-126. Appeal of a Denial.

Any applicant aggrieved by the decision of the Permit Officer to deny or refuse to renew a tattoo permit may file a petition with the Director within ten (10) days after the action by the Director appealing said action.

Sec. 15-127. Applicants may reapply.

Any Applicants denied a permit may reapply at any time after denial.

Sec. 15-128. Operation of Body Art Establishments.

Body art establishments shall be operated in accordance with the following:

- A. Each body art establishment shall be constructed, operated and maintained in accordance with the OSHA Blood borne Pathogens Standard.
- B. Requirements for Single Use Items Including Inks, Dyes and Pigments
 1. Single-use items shall not be used on more than one client for any reason. After use, all single-use sharps shall be immediately disposed of in approved sharps containers.
 2. All products applied to the skin, such as but not limited to body art stencils, applicators, gauze and razors, shall be single use and disposable.
 3. Hollow bore needles or needles with a cannula shall not be reused.
 4. All inks, dyes, pigments, solid core needles, and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions.
 5. Inks, dyes or pigments may be mixed and may only be diluted with water from an approved potable source. Immediately before a tattoo is applied, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single-use paper cups or plastic caps. Upon completion of the tattoo, these single-use cups or caps and their contents shall be discarded.
- C. Sanitation and Sterilization Measures and Procedures
 1. All non-disposable instruments used for body art, including all reusable solid core needles, pins and stylets, shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water, (to remove blood and tissue residue), and shall be placed in an ultrasonic unit operated in accordance with manufacturer's instructions.
 2. After being cleaned, all non-disposable instruments used for body art shall be packed individually in sterilizer packs and subsequently sterilized in a steam autoclave. All sterilizer packs shall contain either a sterilizer indicator or internal temperature indicator. Sterilizer packs must be dated with an expiration date not to exceed six (6) months.
 3. The autoclave shall be used, cleaned, and maintained according to manufacturer's instruction. A copy of the manufacturer's recommended procedures for the operation of the autoclave must be available for inspection by the Director. Autoclaves shall be located away from workstations or areas frequented by the public.
 4. Each holder of a permit to operate a body art establishment shall demonstrate that the autoclave used is capable of attaining sterilization by monthly spore destruction tests. These tests shall be

verified through an independent laboratory. The permit shall not be issued or renewed until documentation of the autoclave's ability to destroy spores is received by the Director. These test records shall be retained by the operator for a period of three (3) years and made available to the Director upon request.

5. All instruments used for body art procedures shall remain stored in sterile packages until just prior to the performance of a body art procedure. After sterilization, the instruments used in body art procedures shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.
6. Sterile instruments may not be used if the package has been breached or after the expiration date without first repackaging and resterilizing.
7. If the body art establishment uses only sterile single-use, disposable instruments and products, and uses sterile supplies, an autoclave shall not be required.
8. When assembling instruments used for body art procedures, the operator shall wear disposable medical gloves and use medically recognized techniques to ensure that the instruments and gloves are not contaminated.
9. Reusable cloth items shall be mechanically washed with detergent and dried after each use. The cloth items shall be stored in a dry, clean environment until used.
10. Each station utilized by a tattoo artist shall be equipped with a hot water sink. (Ord. No. 14738, §2, 11-1-2010)

D. Posting Requirements. The following shall be prominently displayed at any body art establishment:

1. A Disclosure Statement, a model of which shall be available from the Department. A Disclosure Statement shall also be given to each client, advising him/her of the risks and possible consequences of body art procedures.
2. Contact information for the Department and an explanation as to how to file a complaint with the Department.
3. A current establishment permit.
4. Each practitioner's permit.

E. Establishment Record-keeping. The establishment shall maintain the following records in a secure place for a minimum of three (3) years, and such records shall be made available to the Department upon request:

1. Establishment information, which shall include:
 - a. hours the establishment operated;
 - b. a complete description of all body art procedures performed;
 - c. an inventory of all instruments and body jewelry, all sharps, and all inks used for any and all body art procedures, including names of manufacturers and serial or lot numbers, if applicable. Invoices or packing slips shall satisfy this requirement;
 - d. a Material Safety Data Sheet, when available, for each ink and dye used by the establishment; and
 - e. monthly Autoclave spore destruction tests

2. Employee information, which shall include:
 - a. full names and exact duties;
 - b. date of birth; home address; home /work phone number
 - c. Proof for all body art practitioners that they have either completed, or were offered and declined, in writing, the hepatitis B vaccination series.
3. Client Information which shall include
 - a. name;
 - b. date of birth;
 - c. address of the client;
 - d. date of the procedure;
 - e. name of the practitioner who performed the procedure(s);
 - f. description of procedure(s) performed and the location on the body;
 - g. a consent form signed by the client consenting the procedure.

F. Standards of Practice.

Body Art Establishments shall assure that Practitioners are required to comply with the following minimum health standards:

1. A practitioner shall perform all body art procedures in accordance with Universal Precautions set forth by the U.S Centers for Disease Control and Prevention.
2. A practitioner shall refuse service to any person who may be under the influence of alcohol or drugs.
3. Practitioners who use ear-piercing systems must conform to the manufacturers' directions for use, and to applicable U.S. Food and Drug Administration requirements. No practitioner shall use an ear piercing system on any part of the client's body other than the lobe of the ear.
4. Health History and Client Informed Consent. Prior to performing a body art procedure on a client, the practitioner shall:
 - a. Inform the client, verbally and in writing that the following health conditions may increase health risks associated with receiving a body art procedure
 - b. history of diabetes;
 - c. history of hemophilia (bleeding);
 - d. history of skin diseases, skin lesions, or skin sensitivities to soaps, disinfectants etc.;
 - e. history of allergies or adverse reactions to pigments, dyes, or other sensitivities;
 - f. history of epilepsy, seizures, fainting, or narcolepsy;
 - g. use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting; and
 - h. any other conditions such as hepatitis or HIV.

- i. Require that the client sign a form confirming that the above information was provided, that the client does not have a condition that prevents them from receiving body art, that the client consents to the performance of the body art procedure and that the client has been given the aftercare instructions.
5. A practitioner shall maintain the highest degree of personal cleanliness, conform to best standard hygienic practices, and wear clean clothes when performing body art procedures. Before performing body art procedures, the practitioner must thoroughly wash their hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.
6. In performing body art procedures, a practitioner shall wear disposable single- use gloves. Gloves shall be changed if they become pierced, torn, or otherwise contaminated by contact with any unclean surfaces or objects or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed before the next set of gloves is put on. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable single-use gloves does not preclude or substitute for hand washing procedures as part of a good personal hygiene program.
7. The skin of the practitioner shall be free of rash or infection. No practitioner affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of a body art establishment in any capacity in which there is a likelihood that that person could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.
8. Any item or instrument used for body art that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.
9. Preparation and care of a client's skin area must comply with the following:
 - a. Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.
 - b. Before a body art procedure is performed, the immediate skin area and the areas of skin surrounding where body art procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation. If shaving is necessary, single-use disposable razors or safety razors with single-service blades shall be used. Blades shall be discarded after each use, and reusable holders shall be cleaned and autoclaved after use. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.
 - c. In the event of bleeding, all products used to stop the bleeding or to absorb blood shall be single use, and discarded immediately after use in appropriate covered containers, and disposed.
 - d. Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied on the area to receive a body art procedure with sterile gauze or other sterile applicator to prevent contamination of the original container and its contents. The applicator or gauze shall be used once and then discarded.
10. The practitioner shall provide each client with verbal and written instructions on the aftercare of the body art site. The written instructions shall advise the client on the proper cleansing of the area which received the body art; to consult a health care provider for: unexpected redness,

tenderness or swelling at the site of the body art procedure, any rash unexpected drainage at or from the site of the body art procedure, or a fever within 24 hours of the body art procedure; and of the address, and phone number of the establishment.

- G. Hours of Operation. Each Body Art Establishment shall limit its hours of operation to not earlier than 9:00 a.m. and not later than 8:00 p.m.
- i. Sunday through Thursday Hours of Operation. Each Body Art Establishment shall limit its hours of operation during Monday through Thursday to not earlier than 9:00 a.m. and not later than 8:00 p.m.
 - ii. Friday through Saturday Hours of Operation. Each Body Art Establishment shall limit its hours of operation during Friday and Saturday to not earlier than 9:00 a.m. and not later than 10:00 p.m.
 - iii. These time restrictions shall apply to the entire establishment. (Ord. No. 14737, §1, 11-1-2010)
- H. The Director shall inspect each establishment at least once every six months and may make as many additional inspections as the director deems necessary for the enforcement of this chapter.
- I. Appearance. The Council finds that the design and advertising frequently used by Body Art Establishments, if unregulated can have the an adverse impact on the surrounding neighborhood. The City has therefore promulgated these regulations to minimize any adverse effects. The goal of this section is to insure that Body Art Establishments blend with their surrounding environment and this section is to be interpreted so as to further that goal.
1. Each Body Art Establishment shall keep the exterior of the facility where the Body Art Establishment is operated neat, clean, and properly maintained.
 2. The Body Art Establishment shall not display on its exterior or in any window visible from the public streets or sidewalks any pictures or drawings of Body Art on or depicted to be on a person; nor any illuminated signs.
 3. The Body Art Establishment shall not make, or cause to be made, any change to the exterior of the premises in which it is located, except that such change will make the exterior aesthetically similar to the surrounding neighborhood. In determining whether the change will be aesthetically similar, the license may request the advice of the Historic Preservation Commission and if the licensee relies on such advice shall be deemed to be in compliance.

Sec. 15-129. Body Art Establishment Fee.

The permit fee for a body art establishment shall be 1% of all gross revenue collected for body art or \$500, whichever is greater.

Secs. 15-130 - 15-139. Reserved

DIVISION 3. BODY ART PRACTITIONERS

Sec. 15-140. Body Art Practitioner's Permit required.

No Person shall engage in the practice of body art without procuring a Body Art Practitioner's Permit from the city authorizing such activity.

Sec. 15 -141. Application.

Before any permit shall be issued pursuant to the provisions of this division, the applicant therefor shall apply in writing to the Department on a form prescribed by the Director for a Body Art Practitioners Permit.

Sec. 15-142. Contents of Application.

In addition to any other information required by the Director, the applicant shall provide the following information in order to be issued an establishment permit:

- A. Background information including name; date of birth; residence address; mailing address; phone number;
- B. Place(s) of employment as a practitioner;
- C. Practitioner Training and Experience.

Sec. 15-143. Required Training for Body Art Practitioners.

Training for all practitioners shall be approved by the Director and, at a minimum, shall include the following:

- A. Blood borne pathogen training program (or equivalent) which includes infectious disease control; waste disposal; hand washing techniques; sterilization equipment operation and methods; and sanitization, disinfection and sterilization methods and techniques; and
- B. First Aid and cardiopulmonary resuscitation (CPR). Examples of courses approved by the Director include "Preventing Disease Transmission" (American Red Cross) and "Blood borne Pathogen Training" (U.S. OSHA). Training/courses provided by professional body art organizations or associations or by equipment manufacturers may also be submitted to the Director for approval.
- C. A course on anatomy, completed an examination on anatomy, or possesses an equivalent combination of training and experience deemed acceptable to the Director.

- D. A course on skin diseases, disorders and conditions, including diabetes, or completed an examination on skin diseases, disorders and conditions, including diabetes, or possesses a combination of training and experience deemed acceptable to the Director.

Sec. 15-144. Applications reviewed by Permit Officer.

All applications for permits and all petitions so filed with such applications shall be referred by the Permit Officer. The review of the applications for license shall normally be completed within twenty (20) working days of the date of the application unless there is cause for additional time.

Sec. 15-145. Approval or Denial.

The Permit Officer shall approve a permit unless the Permit Officer finds that the applicant is less than 18 years old and/or has committed or permitted to occur:

- A. Any actions which would indicate that the health or safety of the public would be at risk
- B. Fraud, deceit or misrepresentation in obtaining a permit, or its renewal
- C. Any criminal conduct which the Permit Officer determines to be of such a nature as to render the establishment, practitioner or applicant unfit to practice body art as evidenced by criminal proceedings resulting in a conviction, guilty plea, or plea of nolo contendere or an admission of sufficient facts
- D. Any present or past violation of these regulations governing the practice of body art
- E. Any present or past violation of State regulation governing the practice of body art
- F. The practice of body art while the ability to practice is impaired by alcohol, drugs, physical disability or mental instability
- G. An unauthorized person to perform activities requiring a permit
- H. The practice of body art while his/her permit is lapsed, suspended, or revoked
- I. An act causing discipline in another jurisdiction in any way by the proper permitting authority for reasons substantially the same as those set forth in the Director's regulations
- J. Other just and sufficient cause which the Director may determine would render the establishment, practitioner or applicant unfit to practice body art
- K. Failed to complete any of the required training for body art practitioners

Sec. 15-146. Notice to Applicant.

- A. If the Permit Officer approves the application for a body art establishment permit, the Director shall approve the application and issue to the applicant a permit.
- B. If the Permit Officer denies the application, a permit shall not be issued, unless by the Director only after a properly filed appeal and subsequent hearing, and the Permit Officer shall notify the applicant, in writing of the reason for the denial and the applicant's right to appeal.

Sec. 15-147. Appeal of a Denial.

Any applicant aggrieved by the decision of the Permit Officer to deny or refuse to renew a tattoo permit may file a petition with the Director within ten (10) days after the action by the Director appealing said action.

Sec. 15-148. Applicants may reapply.

Any Applicants denied a permit may reapply at any time after denial.

Sec 15-149. Body art practitioner fee.

A permit fee for a body art practitioner shall be set by the City Administrator.
(Ord. No. 14738, §3, 11-1-2010)

Sec. 15-150. Severability.

If any provision of this Chapter is found to illegal or unconstitutional that provision shall be considered void, but all remaining provisions shall remain in full force and effect.
(Ord. No. 14629, §2, 1-19-2010)

Secs. 15-151 through 15-199. Reserved.

(Ord. 14803, §1, 6-20-2011; Ord. No. 14829, §8, 8-1-2011; Ord. No. 14994, §1, 7-16-2012)

NOTES

-
- i. Cross references - Definitions and rules of construction generally, § 1-2; animals and fowl, Ch. 5; nuisances, Ch. 21; sewers and sewage disposal, Ch. 29; solid waste, Ch. 30.
State law reference - General health power of city, RSMo. §§ 77.530, 77.560.
 - ii. Cross reference - Buildings and building regulations, Ch. 8.