

**CITY OF LABELLE
ORDINANCE 2012- 01**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LABELLE, FLORIDA; AMENDING THE CITY OF LABELLE LAND DEVELOPMENT CODE; AMENDING APPENDIX B, ARTICLE V, ADDING SECTION 4-86 TO BE ENTITLED "TATTOO ART REGULATION"; AND AMENDING SECTION 4-70.8, BUSINESS AND INDUSTRIAL USE TABLE; ADDING TATTOO ART REGULATION LAND USE; PROVIDING FOR INTENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission desires to promote and protect the health, safety and welfare of the citizens of LaBelle by regulating the business of tattooing; and

WHEREAS, the City Commission desires to correct and prevent conditions that may adversely affect persons utilizing tattoo establishments; and

WHEREAS, the City Commission recognizes the need to provide standards for the design, construction, operation and maintenance of tattoo establishments; and

WHEREAS, the City Commission would like to promote prevention of disease transmission and ~~meet consumer safety expectations of tattoo establishments; and~~

WHEREAS, the City Commission recognizes the need to provide for compatibility of land uses; and

WHEREAS, the City Commission, in accordance with Section 163.3181, Florida Statutes further provides an opportunity for individuals to participate in the Land Development Code amendment public hearing process.

NOW, THEREFORE, BE IT ADOPTED BY THE COMMISSION OF THE CITY OF LaBelle, FLORIDA, AS FOLLOWS:

1. After public hearing held on January 12, 2012 and February 9, 2012 before the City of LaBelle City Commission, Ordinance No. 2012-01 is hereby adopted.
2. Ordinance 2012-01 shall amend the City of LaBelle Land Development Code, Appendix B, Articles IV, Adding Section 4-86 and Amending Section 4-70.8, as provided in Exhibit "A".

If any Court of competent jurisdiction shall determine that any portion of provision of this Ordinance is unconstitutional or invalid, that portion shall be severed and the remainder of the

Ordinance shall remain in full force and effect and given its ordinary meaning. This Ordinance shall be codified within The City of LaBelle Land Development Code. This is not a change to any part of the City's Charter. This Ordinance shall become effective upon the date of passage.

PASSED AND ADOPTED in open session this 9th day of February, 2012.

THE CITY OF LABELLE, FLORIDA

By: Paul K. Puletti
Paul K. Puletti, Mayor

Attest:

David A. Lyons
David A. Lyons, Clerk Commissioner

Exhibit “A”

Appendix B, Chapter 4

Section 4-86 Tattoo Regulation

Section 4-86.1 General Provisions

A. Purpose

The purpose of this Section is to regulate the business of tattooing in order to protect the health, safety, and welfare of the general public. The principal objectives of this Section are:

1. To prevent disease transmission;
2. To correct and prevent conditions that may adversely affect persons utilizing tattoo establishments;
3. To provide standards for the design, construction, operation, and maintenance of tattoo establishments;
4. To meet consumer expectations of the safety of tattoo establishments, and
5. To ensure compatibility of land uses.

B. Scope

This Section shall apply to all persons performing tattooing procedures and all establishments where tattooing is conducted.

C. Exemptions

Board-certified medical or dental personnel that tattoo as part of a medical or dental procedure are exempt from this section.

D. Prohibitions

No person shall:

1. Conduct branding, cutting, implantation, suspension, or scarification of another person;
2. Operate a tattoo establishment or perform tattooing procedures as described in this section without valid permitting and licensure.

Section 4-86.2 Definitions

Cosmetic Tattooing – also called permanent makeup. See definition of tattoo/tattoo art (state proposed definition).

Body Piercing –for commercial purposes, the act of penetrating the skin to make, generally permanent in nature, a hole, mark, or scar. Body piercing does not include the use of a mechanized, presterilized ear-piercing system that penetrates the out perimeter or lobe of the ear or both [381.0075(a), F.S., as amended]

Guest Tattoo Artist – a person who is licensed, registered or certified to practice tattooing in a jurisdiction outside of Florida who is registered with the Florida State Department of Health to practice tattooing in

this state. A guest artist registration is not transferable and is valid for 14 days. [381.00791(3), F.S., as amended]

Tattoo or Tattoo Art – a mark or design made on or under the skin of a human being by a process of piercing and ingrainning a pigment, dye or ink in the skin. [381.00791(6), F.S., as amended]

Tattoo Establishment – a place or premise, whether public or private, temporary or permanent in nature or location, where the practice of tattooing is performed. [381.00771(8), F.S., as amended]

Tattoo Artist – any person who conducts or practices body art procedures as defined in Section 381.0071, F.S., including an artist who performs cosmetic tattooing.

Section 4-86.3 Licensure

A. A tattoo establishment shall require:

1. Valid licensure and inspection by the State of Florida for each practicing tattoo artist, whether a permanent, temporary or guest technician.
2. A valid and current occupational license from the City of LaBelle for each practicing tattoo artist whether a permanent, temporary or guest technician.
3. No transfer of occupational license from place-to-place or person-to-person is permitted.

B. Display

Every license required under this section shall at all times be conspicuously displayed in the place of business for which it was issued.

C. License Suspension or Revocation

No person shall solicit business or offer to perform tattooing while under license suspension or revocation by the State of Florida.

D. Temporary Establishment

A temporary establishment license shall not exceed 14 consecutive days. [381.00777(5)(c), F.S.]

Section 4-86.4 Operational Requirements

- A. Hours of Operation shall be between the hours of 7:00 a.m. and 11:00 p.m. seven days per week.
- B. During business hours, the licensee shall be responsible for the conduct of the business and its associates and shall at all times maintain conditions of order.
- C. The tattoo establishment shall at a minimum, meet and maintain the State of Florida operational requirements for tattoo establishments, including but not limited to recordkeeping, sanitation, lighting, sterilization and disposal of biomedical waste.
- D. At least one work area shall provide complete privacy for clients by means of doors, nonabsorbent curtains, or similar approved partitions.

Section 4-86.5 Tattoo Establishment as Accessory Use

- A. Tattoo establishments as an accessory use may be located within, or share premises designed for other retail or personal service uses.
- B. Accessory tattoo establishments shall require licensing and permitting requirements as established in the section.
- C. Accessory tattoo establishments shall comply with the operation requirements as described in Section 4-86.4.

Section 4-86.6 Grounds for Emergency Closure

- A. If any of the following conditions exist, the operator(s) or tattoo artist(s) may be ordered to discontinue all operations of the tattoo establishment.
 - 1. Failure to possess a license or permit, as required by this Section
 - 2. Evidence of a sewage backup in an area of the establishment where tattooing activities are conducted;
 - 3. Lack of potable, plumbed, hot or cold water to the extent that hand washing, or toilet facilities are not operational;
 - 4. Lack of electricity or gas service to the extent that hand washing, lighting, or toilet facilities are not operational;
 - 5. Significant damage to the tattoo establishment due to tornado, fire, flood, or other disasters;
 - 6. Evidence of an infestation of rodents or other vermin;
 - 7. Evidence of contamination, filthy conditions, untrained staff or poor personal hygiene;
 - 8. Any time a public health nuisance exists;
 - 9. Using instruments or jewelry that is not sterile;
 - 10. Failure to maintain required records;
 - 11. Failure to use gloves as required;
 - 12. Failure to properly dispose of sharps, blood or body fluids, or blood or body fluid contaminated items;
 - 13. Failure to report complaints of potential bloodborne pathogen transmission to the Health Authority;
 - 14. Evidence of violations to any applicable section of the City of LaBelle Code of Ordinances, or
 - 15. Evidence of a positive spore test on the sterilizer or an inoperable sterilizer.
- B. Upon satisfaction by the acting authority that the violation(s) causing the emergency closure have been addressed, and finding no other compliance issues for operation as a tattoo establishment, the establishment may commence in the business of tattooing.

Section 4-86.7 Issuance of Temporary Tattoo Artist Special Event Permit

- A. Special event permits for guest tattoo artists shall be limited to local licensed and permitted tattoo artists and/or their affiliated guest artists.

Category	Specific Use	Zoning Districts					Additional Regulations (apply in all districts unless otherwise stated)
		B-1	B-2	B-3	I-1/ I-1A	I-2	
Residential							
	Caretaker/ Security Quarters	A	A	A	A	A	Accessory Use Only
	Multi-family	P	NP	NP	NP	NP	As component of a multi-use development (Appendix B, Sec. 4- 70.2.)
	RV Park	NP	SE	SE	NP	NP	
	Accessory Building	P	P	P	P	P	
Institutional, Public, Quasi-public							
Accessory Buildings		P	P	P	P	P	See Definitions, Sec. 2-4
Airports and Landing Strips		NP	NP	SE	SE	SE	
Clubs, Lodges		SE	SE	P	P	P	
Cultural Institutions		P	P	P	P	NP	
Health Care	Hospital, walk-in clinics and similar uses	P	P	P	SE	SE	Excluding Home Health Care
Government Offices		P	P	P	P	P	
Institutional Housing	Congregate Living Facility	P	SE	SE	NP	NP	See Definitions, Sec. 2-4
	Community-based Residential Facility	P	P	P	SE	NP	
	Recovery Home/ Residential Treatment Facility	NP	SE	SE	SE	NP	
Park and Recreation Facilities		SE	SE	SE	SE	SE	
Private/Quasi-Public Utilities		SE	SE	P	P	P	
Religious Assemblies/Church		SE	SE	SE	SE	SE	
Schools, Public or Private		SE	SE	SE	NP	NP	
City of LaBelle Utilities		P	P	P	P	P	
Wireless Communication Facilities	Antennas	P	P	P	P	P	
	Towers	NP	NP	SE	SE	SE	
	Alternative Tower Structures	SE	SE	SE	SE	SE	
Commercial							
Accessory Buildings		P	P	P	P	P	See Definitions, Sec. 2-4
Adult Business	Adult Entertainment, including tattoo parlors , psychics, etc.	NP	NP	NP	NP	SE	
Amusement Facilities	Indoor	SE	P	P	P	P	
	Outdoor	NP	SE	P	P	P	
Animal Sales and Services	Boarding Outdoors	NP	NP	SE	SE	P	See also Appendix B, Sec. 2-4, Pet Kennel and Veterinary Clinic
	Grooming	NP	SE	P	P	P	
	Animal Hospital/Clinic	SE	SE	P	P	P	
	Animal Shows/ Exhibitions	NP	NP	SE	P	P	
	Retail Sales	P	P	P	P	NP	
Convenience Stores	With Gas Pumps	NP	P	P	P	P	See also Vehicle/Equipment Sales and Service
	Without Gas Pumps	SE	P	P	P	P	

Category	Specific Use	Zoning Districts					Additional Regulations (apply in all districts unless otherwise stated)
		B-1	B-2	B-3	I-1/ I-1A	I-2	
Day Care		SE	SE	SE	SE	SE	See also Appendix B, Sec. 2-4, Child Care Center
Financial Institutions		P	P	P	P	P	
Food and Beverage Sales/Establishments	Accessory Alcoholic Beverage Sales, Off- Premise	P	P	P	P	P	See also Part II, Chapter 3, Sec. 3-4
	Accessory Alcoholic Beverage Sales, On- Premise	SE	SE	SE	P	P	
	Alcoholic Beverage Establishment	SE	SE	P	P	P	See Part II, Chapter 3, Sec. 3-4 for location restrictions
	Bars	NP	NP	SE	SE	NP	See Part II, Chapter 3, Sec. 3-4
	Liquor Stores	P	P	P	P	SE	
	Restaurant	P	P	P	P	P	
	Clubs/Lodges	P	P	P	P	P	
Funeral and Internment Services, including Crematorium		NP	SE	P	SE	SE	
Laboratories		NP	SE	SE	P	P	
Maintenance and Repair Services		P	P	P	P	P	See also Vehicle/Equipment Sales and Service
Manufacturing and Fabrication		NP	NP	NP	SE	P	
Marina/Boatyard		NP	NP	NP	NP	P	
Mining and Processing		NP	NP	NP	NP	P	Does not include excavation for water management
Offices		P	P	P	P	P	
Outdoor Sales Area		A	A	P	P	P	See also temporary uses
Outdoor Storage Area ¹		NP	A ¹	A ¹	A ²	P ²	See also Vehicle/Equipment Sales and Service and Appendix B, Sec. 4-80, Landscape Requirements
Parking Lots	Stand Alone	NP	NP	P ¹	P	P	See also Appendix B, Sec. 4-80, Landscape Requirements
Pawnshops		NP	P	P	P	P	
Personal Services	General	P	P	P	P	P	
	Dry-Cleaning Establishments	P	P	P	P	P	
Plant Nurseries (horticulture production)		NP	NP	NP	P	P	
Research and Development Services		NP	SE	SE	SE	P	
Retail Sales/Rental Establishments	General	P	P	P	P	P	See also Vehicle/Equipment Sales and Service
	Heavy Equipment, Lumber Yards and Building Supplies	NP	P	P	P	P	

Category	Specific Use	Zoning Districts					Additional Regulations (apply in all districts unless otherwise stated) B-2
		B-1	B-2	B-3	I-1/I-1A	I-2	
Street Vending		SE	SE	SE	SE	SE	See Code of Ordinance Part II, 11-4
<u>Tattoo Establishment</u>		<u>SE</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Vehicle/ Equipment Sales and Service	Car Wash, Detailing	NP	P	P	P	P	
	Commercial Parking Facility ²	SE	SE	P	P	P	See ² below
	Fuel Bulk Plant	NP	SE	P	P	P	
	Fleet Fueling Station	NP	SE	P	P	P	
	Service Stations	NP	SE	P	P	P	See also Appendix B, Sec. 4-1, Filling Station
	Repair	NP	SE	SE	P	P	
	New Vehicle Sales	NP	SE	P	P	P	
	Uses Vehicle Sales	NP	SE	P	P	P	
	Auctions, Rentals	NP	SE	SE	P	P	
	Outdoor Storage ²	NP	A	A	P	P	See ² below
Visitor Accommodations	Mobile Homes	NP	NP	P*	P*	P*	*See special design criteria Appendix B, Sec. 4.70-3.C
	Bed and Breakfast	P	SE	SE	NP	NP	See Appendix B, Sec. 4-75.5
	Hostels	SE	SE	P	NP	NP	
	Hotels/Motels	SE	P	P	NP	NP	
Warehousing	Mini-warehouse	NP	A	P	P	P	
	Salvage/Junk Yards/Recycling	NP	NP	NP	NP	SE	See also Chapter 10, Article II
Temporary Uses							
Special Events	With Outdoor Sales Area	P	P	P	P	P	Requires a Special Event Permit
Security Trailer		SE	SE	SE	SE	SE	Excluding construction related security trailers
Vehicle/Equipment Sales and Services	Temporary Sales, Auctions, Rentals	NP	SE	SE	SE	SE	Applies to locations that are not currently permitted for vehicle/equipment sales and services. Only local businesses may apply.

¹ Must be enclosed by a minimum six-foot high perimeter, 100% opaque fence or wall and buffered as required by the landscape regulations.

² Outside storage areas shall be placed or screened so that they cannot be viewed from a street.

P Permitted use
A Accessory use
SE Special Exception
NP Not Permitted