

## ORDINANCE 2015-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MINNEOLA, FLORIDA, AMENDING CHAPTER 18 OF THE CITY CODE OF ORDINANCES ENTITLED "TATTOO ESTABLISHMENTS;" SPECIFICALLY AMENDING THE REQUIREMENTS APPLICABLE TO THE OPERATION OF TATTOO ESTABLISHMENTS WITHIN THE CITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Minneola has found and determined that it is necessary to regulate the location and operation of tattoo establishments for the health, safety and welfare of the residents of the City; and

WHEREAS, the City Council of the City of Minneola desires to amend its regulations for the operation of tattoo establishments within the City; and

WHEREAS, the City Council of the City of Minneola hereby adopts this Ordinance to do so.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINNEOLA, FLORIDA, AS FOLLOWS:

**Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance upon adoption hereof.

**Section 2.** Section 18-267 of the City of Minneola Code of Ordinances is hereby amended to read as follows:

### **Section 18-267. General Regulations.**

(a) The purpose of this section is to limit the number of tattoo establishments within the boundaries of the City of Minneola in order to address their adverse secondary effects. The potential and actual adverse secondary effects are considered to be: an increase in the incidence of disease; the potential deterioration of the business district fronting on U.S. Highway 27; and land use incompatibilities.

(b) All tattooing shall be performed inside the principal structure.

(c)  
All tattooing shall be performed by a person licensed as a tattoo artist or registered as a guest tattoo artist pursuant to Section 381.00775, Florida Statutes, at a tattoo establishment or temporary establishment licensed both by the City and under Florida Statutes section 381.00777.

(d) The tattoo establishment must be licensed pursuant to Florida Statutes section 381.00777 and comply with all requirements set forth in Section 381.00779, Florida Statutes.

- (e) A person certified in CPR, first aid, and blood borne pathogens shall be present on-site during the time tattooing is performed. All certificates must be prominently displayed in the establishment and copies of all certificates shall be submitted each year at the time of city business tax renewal.
- (f) A Florida Department of Health (FDOH) biomedical waste permit shall be prominently displayed at all times.
- (g) All biomedical waste shall be disposed of in compliance with the FDOH permit.
- (h) Smoking shall be prohibited in the tattoo establishment.
- (i) Food or drink shall not be permitted in the work area.
- (j) Autoclave equipment shall be spore tested monthly every 40 hours of use but not less than quarterly. All testing and maintenance records shall be available for inspection.
- (k) There shall be a separate sink located away from restroom facilities for all tattoo establishment personnel for hygiene purposes.
- (l) Floor area in the tattoo application work area shall be a sealed hard-surface tile, concrete, etc.
- (m) The removal of tattoos shall be prohibited in any tattoo establishment.

**Section 3.** Section 18-268 of the City of Minneola Code of Ordinances is hereby amended to read as follows:

**Section 18-268. Licensing.**

City shall approve or deny a business application for a tattoo establishment not later than 45 days from the date of the submittal of a complete application for a business tax receipt and the applicant's compliance with all building codes.

**Section 4.** Section 18-271 of the City of Minneola Code of Ordinances is hereby amended to read as follows:

**Section 18-271. Additional policies and procedures.**

- (a) All customers of tattoo establishments (Sec. 18-261 "Customer") shall present identification.
- (b) A tattoo artist or guest tattoo artist may tattoo the body of a minor child only to the extent authorized in Florida Statute section 381.00787.
- (c) Customer shall sign a consent form.
- (d) Customer shall not be visibly impaired by any substance, intoxicated or under the influence of any substance and shall sign a waiver attesting to such.
- (e) Records for each customer shall be kept for two years.
- (f) Customer shall receive oral and written instructions required for the receiving of and care of each tattoo.
- (g) Tattoo artist shall use only single-use disposable ink containers.

(h) Tattoo artist shall only use sterile disposable one-time use needles.

(i) All artists shall wear medical grade gloves.

**Section 5.** The requirements set forth in Sections 18-266 to 18-272 of the City of Minneola Code of Ordinances do not apply to a person licensed to practice medicine or dentistry under chapter 458, chapter 459, or chapter 466 of the Florida Statutes who performs tattooing exclusively for medical or dental purposes. Notwithstanding the foregoing, the tattooing of a minor child by any person must comply with the requirements set forth in Florida Statutes section 381.00787.


**Section 6.** All ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 7.** The provisions of this ordinance are intended to be incorporated into the Code of Ordinances of the City of Minneola, Florida and the sections of this ordinance may be renumbered, relettered, and the word "ordinance" may be changed to "section," "article," or such other word or phrase in order to accomplish such intention.

**Section 8.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

**Section 9.** This ordinance shall become effective immediately upon passage for all new tattoo establishments.

PASSED AND ORDAINED this 6<sup>th</sup> day of October, 2015, by the City Council of the City of Minneola, Florida.

  
PAT KELLEY, Mayor

ATTEST:

  
CHRISTINA STIDHAM, City Clerk

Passed First Reading 9/15/15  
Passed Second Reading 10/6/15

Approved as to form:

  
SCOTT A. GERKEN, City Attorney

