

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF PEACHTREE CITY, GEORGIA, AS AMENDED, SO AS TO PROVIDE FOR REQUIREMENTS FOR TATOO ARTISTS AND TATOO PARLORS; TO PROVIDE DEFINITIONS; TO ESTABLISH QUALIFICATIONS; AND FOR OTHER PURPOSES.

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEACHTREE CITY, GEORGIA, THAT:

Section 1. Article V, Chapter 42, of the Code of Ordinances of the City of Peachtree City, Georgia, as amended, is hereby further amended by adding the following:

Article V. Tatooing

Sec. 42-200. Findings and purpose.

The City of Peachtree City hereby finds and declares the need to protect its people through greater supervision of tattooing and tattoo businesses. The City of Peachtree City recognizes that the threat of AIDS/HIV and hepatitis contamination through shared tattoo needles and other aspects of the tattoo process has the potential for negatively affecting the health and safety of the general public. The City of Peachtree City also recognizes that there has been an alarming expansion of the tattoo business into the criminal activity of tattooing minors. The City of Peachtree City also recognizes the potential impact that tattoo businesses can have on property values. Pursuant to O.C.G.A. 31-40-5, the Fayette County Board of Health is authorized to establish reasonable standards for health and safety of tattoo studios. Until such time as the Board establishes such rules and develops a permitting process, the City of Peachtree City realizes its obligation to protect the health and safety of its people and hereby regulates the tattoo industry, and pursuant to O.C.G.A. § 31-40-9, hereby adopts regulations applicable to tattoo businesses.

Sec. 42-201. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Tattoo or *tattooing* means to mark or color the skin of any person with an indelible mark or figure fixed upon the body by pricking in, inserting, or implanting pigments under the skin or by production of scars.

Tattoo parlor, studio or *corporation* means any business wherein one or more tattooers perform tattooing, and where such tattooing comprises over fifty (50) percent of the services rendered by such business.

Tattooer means any person qualified to perform tattooing.

Sec. 42-202. Qualifications.

It shall be unlawful for any person to tattoo the body of any human being, except that tattooing may be performed by a person licensed to practice medicine or osteopathy under O.C.G.A. Title 43, Chapter 34, or by a technician acting under the direct supervision of such licensed professional.

Sec. 42-203. Restrictions; requirements; hours of operation.

(a) The use of the word "tattoo" in a business name or business advertising shall be prohibited unless the person providing the tattooing and the businesses using such term are qualified and licensed under this division and under applicable regulatory and zoning ordinances. For the purposes of this section, "advertising" includes telephone directory listings.

(b) A parlor, studio or corporation which conducts tattooing shall meet the following physical requirements:

- 1) The studio shall be constructed in a manner to allow the customer receiving the tattoo adequate privacy from observers. The studio shall have both a seated waiting area and a proper work area. The work area shall be separated from the waiting area by a permanent wall or like structure.
- 2) A clean and sanitary toilet and hand washing facility shall be made accessible to customers and shall be separate from the work area.
- 3) The work area shall be equipped with at least one sink and basin providing hot and cold running water for the use of the artists for washing their hands and preparing their customers for tattooing and/ or body piercing.
- 4) The work area shall be provided with adequate lighting. The work area shall not be used as a corridor for access to other rooms.

(c) A tattoo parlor, studio, or corporation may only be located on properties zoned Limited Industrial (LI) under the City of Peachtree City Zoning Ordinance.

(d) A tattooer or a tattoo parlor/corporation may only perform such services between the hours of 8:00 a.m. and 8:00 p.m.

Sec. 11-139. Violations.

(a) Any nonqualified person performing tattooing in violation of this division shall be guilty of a misdemeanor, and shall be punished as provided in section 1-11.

(b) Any qualified person performing tattooing in violation of the requirements and restrictions of this division shall be guilty of a misdemeanor, and shall be punished as provided in section 1-11.

Section 2. All ordinances or parts thereof which conflict with the provisions of this ordinance are, to the extent of such conflict and except as hereinafter provided, hereby repealed.

Section 3. Should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any provision thereof other than the provisions specifically declared to be invalid. The City Council declares that it would have passed this ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared invalid.

Section 4. This ordinance shall be in full force and effect upon its official adoption by the City Council and shall apply to all tattoo parlors, studios, or corporations not in operation or permitted by the State as of the date of adoption. Any tattoo parlor, studio, or corporation already in operation or already permitted by the State shall have a period of 12 months to comply with the provisions of the ordinance upon receiving written notification of its adoption.

This 7th day of February 2008.

Harold K. Logsdon, Mayor

Attest: _____
City Clerk