

ORDINANCE NO. 024-15

AN ORDINANCE OF THE CITY OF WAYCROSS, GEORGIA, TO AMEND AND UPDATE WAYCROSS CODE OF ORDINANCES, CHAPTER 20 – HEALTH AND SANITATION, ARTICLE IV. – TATTOO/BODY-PIERCING STUDIOS AND ARTISTS, SECTIONS 20-85, 20-86, 20-99; TO SET AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, there is a need to update the Waycross Code of Ordinances, Chapter 20 – Health and Sanitation, Article IV. – Tattoo/Body-Piercing Studios and Artists, Sections 20-85. – Definitions, Section 20-86. – Governing Body, Section 20-99. – Personnel/operator/artist permit, so as to update the applicable rules and regulations of the Department of Public Health; and

NOW, THEREFORE, IT IS ORDERED AND ORDAINED BY THE AUTHORITY OF THE CITY COMMISSION OF THE CITY OF WAYCROSS AS FOLLOWS:

SECTION 1. The City of Waycross Code of Ordinances, **CHAPTER 20 – HEALTH AND SANITATION, ARTICLE IV. – TATTOO/BODY-PIERCING STUDIOS AND ARTISTS, SECTIONS 20-85. – DEFINITIONS, SECTION 20-86. – GOVERNING BODY, AND SECTION 20-99. – PERSONNEL/OPERATOR/ARTIST PERMIT**, are amended and will hereafter read as follows:

Sec. 20-85. Definitions.

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

Antibacterial solution means any solution used to retard the growth of bacteria approved for application to human skin and includes all products labeled accordingly.

Appropriate disinfectant means an EPA-registered disinfectant or a 1:10 dilution of bleach and water.

Body piercing means the creation of an opening in an individual's body other than the individual's ear, to insert jewelry or other decoration.

Body-piercing artist means any person who performs body piercing.

County means the local county board of health or its duly authorized representatives.

Currently licensed health care professional includes physicians, registered nurses (RN), licensed practical nurses (LPN), and licensed emergency medical technicians.

Department means the department of human resources of the state.

Governing body means the partnership, the corporation, the association, or the person or group of persons who maintain and control the tattoo/body-piercing studio and who are legally responsible for the operation of the studio.

OSHA means Occupational Safety and Health Association.

Permit means the authorization granted by the County Board of Health to the governing body to operate a tattoo/body-piercing studio.

Plan of correction means a plan for correcting deficiencies in meeting rules and regulations of the department of human resources.

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

Sanitized means effective antibacterial treatment by a process that provides sufficient concentration of chemicals for enough time to reduce the bacteria count including pathogens to a safe level on equipment.

State means the state board of health or its duly authorized representatives.

Sterilization means holding an instrument in an autoclave for required length of time at 15 to 30 pounds pressure at a temperature of 273 degrees Fahrenheit or 121 degrees Celsius.

Tattoo means to mark or color the skin by pricking in, piercing, or implanting indelible pigments or dyes under the skin.

Tattoo artist means any person who performs tattooing.

Tattoo/body-piercing studio means any permanent building or structure on a permanent foundation, holding a valid city or county business license and permit from the county board of health, wherein a tattoo/body-piercing artist performs tattooing or body piercing.

Sec. 20-86. Governing body.

- (a) The governing body shall be responsible for compliance with the requirements in O.C.G.A. § 41-40-1 et seq., with applicable administrative rules and regulations of the Department of Public Health, Chapter 511-3-8, Body Art, as may be amended from time to time through and beyond the effective date of the ordinance from which this article is derived and the same are hereby adopted and incorporated (together with all parts and subparts thereof, including, without limitation, all indices and appendices) as fully as if set forth at length herein and from the date the ordinance from which this article is derived shall take effect, the provisions thereof shall be controlling with respect to the subject matter thereof, and relating to the public safety, health and general welfare within the corporate limits of the city, including, but not limited to, all applicable statutes, rules and regulations regarding disclosure of ownership.
- (b) Prior to being granted a permit, each tattoo/body-piercing studio shall develop a written statement of policies and procedures outlining the responsibilities of management.

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- (1) Tattoo/body-piercing artists shall not be under the influence of alcohol and/or drugs while performing tattoo/body-piercing procedures.
 - (2) No person shall be tattooed or pierced who appears to be under the influence of alcohol and/or drugs.
 - (3) No animals, except for guide dogs accompanying blind persons, shall be allowed in the tattoo studio.
 - (4) No minors are to be tattooed (O.C.G.A. § 16-5-71), or receive body piercing.
 - (5) Written report of any infection or allergic reaction resulting from the application of a tattoo or body piercing shall be forwarded to health department within five working days of its occurrence or knowledge thereof.
 - (6) Tattoo artists shall not remove an existing tattoo from a person.

Sec. 20-99. Personnel/operator/artist permit.

- (a) No person shall practice body art procedures without first obtaining an operator/artist permit from the Department of Public Health.
- (b) The operator/artist permit shall be valid from the date of issuance and shall automatically expire in one year and must be renewed annually unless revoked sooner by the department.
- (c) Application for operator/artist permits shall include:
 - (1) Name;
 - (2) Date of birth;
 - (3) Sex;
 - (4) Residence address;
 - (5) Mailing address;
 - (6) Phone number;
 - (7) Place of employment as an operator/artist;
 - (8) Training and/or experience;
 - (9) Proof of attendance at a bloodborne pathogen training program and first aid course given or approved by the Department of Public Health;
 - (10) Physical examination;
 - (11) Criminal history report;

(12) Fingerprinting;

(13) Photograph.

- (d) All operator/artist permits shall be posted in a prominent and conspicuous area where they may be readily observed by clients.
- (e) Persons performing the tattoo/body-piercing operation shall be 18 years of age or older and maintain current certification in CPR first aid and have proof of attendance at a bloodborne pathogen training program (or equivalent), given or approved by the Department of Public Health. Training/courses provided by professional body art organizations/associations may also be submitted for consideration.
- (f) The certification required in subsection (e) of this section must be obtained prior to the permit being issued.
- (g) The artist must obtain a physical examination by a licensed physician within 12 months prior to employment or initial application for permit. The examination must be sufficiently comprehensive to assure that the artist is free of communicable diseases.
- (h) Proof shall be provided upon request that all operators have completed the Hepatitis B vaccination series; that antibody testing has revealed that the employee is immune to Hepatitis B; or that the vaccine is contraindicated for medical reasons. Contraindication requires a dated and signed physician's statement specifying the name of the employee and that the vaccine cannot be given.

SECTION 2. This Ordinance shall take effect and be enforced from and after the date of its final approval after second reading by the Commission of the City of Waycross, Georgia.

SECTION 3. If any portion of this ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

SECTION 4. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become part of the Code of the City of Waycross, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

SO ORDAINED, this 18th day of June, 2024.

CITY OF WAYCROSS, GEORGIA

BY: *Michael Angelo James*
MICHAEL-ANGELO JAMES, Mayor

ATTEST:

Jacqueline Powell
JACQUALINE POWELL, City Clerk

Read First Time: 06/04/2024

Read Second Time and Adopted: 06/18/2024

