

3/17/97, 3/20/97
4/4/97, 4/23/97, 5/5/97

39-0-97

AN ORDINANCE

Amending Title 8 of the Evanston City Code
Regulating Tattoo Facilities

WHEREAS, the City Council finds and declares that there is substantial scientific evidence that the use of unsanitary needles to puncture the human skin can result in serious infections, including human immunodeficiency virus (HIV), Acquired Immune Deficiency Syndrome (AIDS), and Hepatitis B; and

WHEREAS, the City Council finds that any improper and unsafe method of providing tattoos on the human body has potential health risks for the individual; and

WHEREAS, the City Council declares that infection control guidelines for the use of needles used in the art of tattooing are important to the health, safety and welfare of the residents of Evanston; and

WHEREAS, the City Council declares that the enactment of this Ordinance directly pertains to and is in furtherance of the health, safety, and welfare of the residents of Evanston,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That Title 8 of the City Code of the City of Evanston, 1979, as amended, be and hereby is further amended by adding the following new Chapter:

CHAPTER 23

TATTOO FACILITIES

8-23-1: DEFINITIONS:

CONSUMER: Any person who receives a tattoo under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration.

DEPARTMENT: Evanston Public Health Department

DIRECTOR: The Public Health Director of the City of Evanston or his/her designee.

INSPECTOR: All authorized agents of the Evanston Health Department who have the authority to enter and make reasonable inspections of any tattoo facility during their regular hours of business for the purpose of determining compliance with this Chapter governing tattoo facilities.

TATTOO: A permanent design on the skin made by puncturing the skin and inserting indelible colors.

TATTOOING: The act of puncturing the skin and inserting indelible colors to form a permanent design.

TATTOOER: One who punctures the skin and inserts indelible colors to form a tattoo.

TATTOO FACILITY: Any place where the act of tattooing is performed regardless of whether a fee is involved.

8-23-2: FACILITIES

(A) The premises of the tattoo facility shall be clean, in good repair, have adequate lighting and be maintained in a sanitary condition. Such facilities shall be separate from other business areas and separate from living areas.

(B) There shall be a hand washing facility located within the tattooing area. This hand washing facility shall be provided with hot and cold running water and be separate from any public restroom. A supply of bactericidal hand-cleansing soap or detergent must be available. A supply of disposable sanitary towels or a heated air hand-drying device must be provided at the

hand wash sink. If disposable towels are used, easily cleanable waste receptacles must be conveniently located near the hand washing facility. Hand wash sinks shall be accessible to employees at all times.

(C) Floors, walls and ceilings shall be constructed of a smooth, easily cleanable, durable material. Concrete or pumice blocks used for interior wall construction shall be finished and sealed to provide an easily cleanable surface.

(D) Toilet facilities shall be available at all times for staff and customers. All toilet facilities shall include a handwash station inside or immediately adjacent to the toilets that is not the same hand washing station as required within the tattooing area. A supply of bactericidal hand-cleansing soap or detergent must be available. A supply of disposable sanitary towels or a heated air hand-drying device must be provided at the hand wash sink. If disposable towels are used, easily cleanable waste receptacles must be conveniently located near the hand washing facility. Hand wash sinks shall be accessible to employees at all times.

(E) Solid Waste Disposal

1. Containers

a. All solid waste shall be kept in durable containers that do not leak or absorb liquids. Infectious waste, Biohazard bags, shall be used to line containers used for materials that have come into contact with body fluids.

b. Containers stored outside the establishment shall be provided with tight-fitting lids and kept covered when not in use.

2. Disposal

All potentially contaminated garbage and rubbish shall be sterilized before disposal according to Section 8-23-7 or disposed of by an IEPA Medical Waste Disposal Company. Records of waste disposal shall be maintained for 3 years.

(F) Sharps

Used needles, lancets and other sharp items must be placed in puncture resistant containers located in the use area. The puncture resistant containers

shall be disposed of by a licensed IEPA medical waste disposal company.

- (G) Tattooing is prohibited in temporary facilities.

8-23-3: EQUIPMENT

- (A) Needles, lancets, other sharp objects, pens, stencils, ink caps and their contents shall be disposed of after puncturing the skin and/or contact with body fluids, and prior to the removal of gloves by the tattooer.
- (B) All other equipment used in the application of the tattoo shall be washed, rinsed, sterilized, and air dried after each use. The method of sterilization shall be in a manner described in Section 8-23-7.
- (C) Solder used as part of the equipment must be lead free.
- (D) All equipment and preparation materials used in the application of the tattoo shall be stored in such a manner as to prevent accidental contaminations.
- (E) All tables or counters shall be constructed of a nonabsorbent, smooth, easily cleanable, durable material which is capable of being sanitized.
- (F) Clean, dry and disposable sanitary toweling shall be provided and used for no other purpose than with the tattooing process. Towels and sheets shall be discarded after each use. (No repeat use between clients).
- (G) Kneeling pads, other pads, and contact surfaces such as, but not limited to machine heads and clipcords, shall be cleaned and sanitized after each use. Such contact surfaces shall be sanitized by rinsing, spraying, or swabbing with a chemical sanitizing solution that will provide the equivalent bactericidal effect of a solution containing at least 100 ppm of available chlorine as a hypochlorite and having a temperature of at least 75 degrees F.
- (H) A test kit or other device that accurately measures the parts per million concentration of the sanitizing solution shall be available and used after each mixing of a new batch.

8-23-4: TATTOOER HYGIENE

- (A) Tattooer shall always properly wash and dry their hands before and after contact with customers and after every instance of possible contamination

of the hands. Hands must be so washed before and after gloves are used. If hands come in contact with blood, body fluids, or human tissue, they must be immediately washed with bactericidal soap and water.

- (B) Surgical gloves must be worn when contact with blood, body fluids, tissue or contaminated surfaces is anticipated. Fresh gloves shall be used for each customer and shall be used after each instance of possible contamination.
- (C) Gowns and/or aprons must be worn when providing services for customers if clothing is likely to be soiled with blood/body fluids. Clothing shall be clean.
- (D) Protective eyewear should be worn when services are being provided for the customer. The tattooer is required to wear protective eyewear while tattooing.
- (E) Unused ink portions left in disposable ink containers shall be discarded after each customer. No inks shall be reused.
- (F) Only single use styptics can be used to stop bleeding. Such styptics shall be only in powder or liquid form to preclude possible contamination.
- (G) No food, drink or smoking is permitted in the area where tattooing is performed.
- (H) Any tattooer with any communicable disease shall not tattoo.

8-23-5: PROCEDURES

- (A) Each consumer shall receive pre-procedure consultation to discuss tattooing, its risks, and potential complications. An informed consent form shall be signed by each consumer.
- (B) All materials used in the application of the tattoo are to be provided in sufficient quantities as to preclude the need for replenishment during the actual tattooing. In the event that supplies do run out during the tattooing, the tattooer is to either have an assistant, after proper hand washing, deliver the needed items, or the tattooer must remove his/her gloves, properly wash his/her hands, replenish supplies, properly wash his/her hands and put on new unused surgical grade gloves.
- (C) Persons with open skin lesions or communicable diseases transmitted by blood or other body fluids should not be tattooed.

- (D) The skin surface to be tattooed shall be shaved clean by a razor.
- (E) The skin surface to be tattooed shall be thoroughly washed for at least one (1) minute with a bactericidal soap.
- (F) During the tattooing, any oils, creams, gels, stencils, etc. used must be dispensed in a sanitary manner. These dispensed items must be discarded after each tattoo.
- (G) Tattoo artists shall record the color, manufacturer, and lot number of pigments used in each tattoo. Adverse reactions shall be reported to the Department and the Food and Drug Administration.
- (H) Following the application of the tattoo, the area of the skin having the tattoo shall be properly covered.
- (I) Before leaving the tattoo facility, each customer shall receive printed tattoo care instructions approved by the Department.

8-23-6: DISEASES

All communicable diseases resulting from a tattoo shall be reported to the Department by the facility operator and the person having received the tattoo. This shall be done immediately upon detection of a disease or complication.

8-23-7: STERILIZATION OF EQUIPMENT

- (A) All equipment, supplies, tools, and waste items subject to possible contamination shall be sterilized by either
 1. Dry heat at a minimum of 300 degrees F for a minimum of two hours; OR
 2. Autoclave at a minimum of 250 degrees F under at least twenty (20) pounds of pressure per square inch for at least thirty-five (35) minutes.
- (B) Approved temperature indicators shall be used on packaging of all equipment sterilized.
- (C) Needles, tubes and bars shall remain in their sterilization packages until used.

8-23-8:

RECORDS AND LIMITATIONS

- (A) A file with the date of the procedure, tattooer's name, type of tattoo, customer's name, age, address, phone number, and signed consent forms shall be kept for a minimum of three (3) years, and made available for the Inspector upon inspection of the facility.

The customer's age is to be documented by a picture i.d. which includes the customer's date of birth.

- (B) The tattooing of any person under the age of twenty-one (21) by any person, other than a person licensed to practice medicine in all of its branches, is prohibited. 720 ILCS 5/12-10.

This age requirement is to be posted next to the facility license.

8-23-9

LICENSES:

- (A) License required:

It shall be unlawful for any person to operate a tattoo facility within the City without first having obtained a license for that purpose, issued by the Evanston Public Health Department.

- (B) License Application:

Any person desiring to keep or maintain any tattoo facility, as defined in this Chapter, shall make written application for a license, setting forth the location and description of the premises where such tattooing is to be conducted. Such application shall be filed in writing with the Director or his/her designee on a form to be provided by the City.

- (C) Inspections Required:

Before a license is issued, the following investigations and inspections shall be made:

1. The Public Health Director shall cause to be made an inspection of the premises described in such application to determine whether said premises are in compliance with the requirements of this Chapter.
 2. The Community Development Director shall ascertain that the premises may be used for the purpose in conformity with the zoning
- (D)

regulations and other ordinances of the City applicable thereto.

3. The Fire Chief shall determine that all fire hazard preventions have been taken and conform to the fire prevention regulations of the City.

(E) License Issuance:

Upon payment of a license fee and a determination that the provisions of this Chapter have been met, said license shall be issued in accordance with such application and recommendations.

8-23-10: LICENSE FEES; TERM

(A) License Fees:

The annual license fees for each tattoo facility herein regulated shall be \$500 per year.

(B) Term of License:

All licenses shall expire on December 31 following their issuance. It shall be unlawful to transfer any such license from one person to another.

8-23-11: PENALTIES:

Any person violating any provision of this Chapter shall be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition to any other penalty, a licensee violating any provision of this Chapter may be subject to having his/her license revoked, suspended or not renewed by the Director.

8-23-12: ADMINISTRATION AND ENFORCEMENT:

(A) Administration:

The Director is charged with the administration of this Chapter.

(B) Suspension or Revocation of License:

The Director may suspend or revoke any license issued under the provisions of this Chapter if he/she determines that the licensee has violated any of the provisions hereof.

(C) Fine in Lieu of Suspension or Revocation:

In lieu of suspension or revocation of a license, the Director may, instead, levy a fine on the licensee. The fine imposed shall not exceed five hundred dollars (\$500.00) for each violation. Each day on which a violation continues shall constitute a separate violation.

(D) Hearing; Decision; Fees:

1. Notice of Hearing: No such license shall be suspended or revoked and no licensee shall be fined except after a public hearing by the Director with a seven (7) day written notice to the person affording an opportunity to appear and defend against the charges contained in such notice. The seven (7) day notice provisions shall begin the day following delivery by certified mail or by personal service.

2. Public Health Director's Decision: The Director shall within seven (7) days after such hearing, if he/she determines after such hearing that the license should be revoked or suspended, or that the licensee should be fined, state the reason for such determination in a written order and either the amount of the fine, the period of suspension or that the license has been revoked and serve a copy of such order within the seven (7) days upon the licensee. Fines shall be paid to the City within thirty (30) days of said decision.

3. Fees:

Any licensee determined by the Public Health Director to have violated any of the provisions of this Chapter shall pay to the City the costs of the hearing before the Director on such violation. The Director shall determine the costs incurred by the City for said hearing, including, but not limited, to, court reporter's fees, the cost of transcript or records, attorneys' fees, the costs of preparing and mailing notices and orders and all other miscellaneous expenses incurred by the City or such lesser sum as the Director may allow.

The licensee shall pay said costs to the City within thirty (30) days of notification of the costs by the Director. Failure to pay said costs within thirty (30) days of notification is a violation of this Chapter and may be cause for license suspension or revocation or the levy of a fine.

E. Suspension - Health Hazard:

Notwithstanding the other provisions of this Chapter, whenever the Department finds unsanitary or other conditions in the tattoo operation which, in its judgment, constitute a substantial immediate hazard to the public health, it may without warning, notice or hearing, issue a written notice to the license holder or operator citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken; and, if deemed necessary, such order shall state that the license is suspended at the time of inspection. Tattoo service operations are to be immediately discontinued. Any person to whom such an order is issued shall comply therewith, but, upon written petition, filed not more than seventy-two (72) hours after the discontinuance order, may, request a hearing for Abatement of the order. The Department shall provide a hearing not later than five (5) days from the filing of such petition.

8-23-13: INSPECTIONS:

- (A) At least two (2) times every year, each tattoo facility located in Evanston shall be inspected. As many additional inspections and reinspections as are necessary for the enforcement of this Chapter will be made.
- (B) The Department shall be permitted to inspect, at any reasonable time, any tattoo facility within Evanston for the purpose of determining compliance with this Chapter. The Department shall be permitted to examine records of the tattoo facility to obtain information pertaining to supplies purchased, received or used in the act of tattooing and persons employed by the tattoo facility.
- (C) Whenever an inspection of a tattoo facility is made, a record of findings will be made. A copy will be made available to the licensee.
- (D) Whenever an inspection of a tattoo facility discovers that any of the provisions of this Chapter have been violated, the licensee or operator will be notified of such violations by means of an inspection report or written notice. In such notifications, a specific and reasonable period of time for the correction of the violations found will be noted.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: March 24, 1997

Adopted: May 5, 1997

Approved: May 8, 1997

Lorraine H. Morton
Mayor

ATTEST:

Mary J. Morris
City Clerk

Approved as to form:

[Signature]
Corporation Counsel