

Bill No. 1559 Ordinance No. 99-149

Requested by: Gil Copley  
Sponsored by: Shirley Sisco

AN ORDINANCE REPEALING ORDINANCE 97-130 RELATING TO PERFORMING BODY PIERCING OR TATTOOING ON MINORS WITHOUT PARENTAL CONSENT AND ENACTING IN ITS PLACE AN ORDINANCE REGULATING TATTOOING AND BODY PIERCING.

Section 1. Short Title.

This Ordinance may be cited as the “Tattooing and Body Piercing Ordinance.”

Section 2. Legislative Findings and Intent.

A. The Council finds that there is sufficient information to believe that injuries, infections and occasional disease may occur as the result of Tattooing and Body Piercing. In order to protect the health and welfare of residents, the regulation of Tattooing and Body Piercing Establishments and Operators is required.

B. The Council finds that residents desire regulation of Tattooing and Body Piercing Establishments and that such regulation is required for the health and safety of the residents.

C. The Council is concerned with health dangers posed by the unsafe practices that could be employed by some Tattooing and Body Piercing Establishments and Operators.

Section 3. Definitions. For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANTISEPTIC. An agent that destroys disease causing microorganisms on human skin or mucosa. A list of approved

antiseptic agents will be maintained by the Department of Community Health and the Environment.

**BODY PIERCING.** Any method of piercing the skin or mucosa in order to place any object including, but not limited to, rings, studs, bars or other forms of Jewelry through the skin or mucosa. This Ordinance expressly excludes ear piercing, as defined in Section 8 (B) below, as a Body Piercing procedure.

**CLIENT.** Any person who inquires about or requests a Tattooing and Body Piercing procedure.

**CONTAMINATED WASTE.** Any liquid or semi-liquid blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps and pathological and microbiological wastes containing blood and other potentially infectious materials, as further defined in state and federal regulations.

**COSMETIC TATTOOING.** The practice of depositing pigment into the epidermis, utilizing needles, which is either permanent, semipermanent or temporary by someone other than a state licensed physician. Cosmetic Tattooing shall also include permanent cosmetics, dermography, micro pigmentation, permanent color technology and micro pigment implantation.

**DEPARTMENT.** The St. Charles County, Missouri, Department of Community Health and Environment including its agents and employees.

**DIRECTOR.** The Director of the Department and his or her designees.

**DISINFECTION.** The killing of microorganisms, but not necessarily their spores, on inanimate objects.

**EQUIPMENT.** All machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and

storage areas, sinks and all other apparatuses and appurtenances used in connection with the operation of a Tattooing and Body Piercing Establishment.

**HANDSINK.** A lavatory equipped with hot and cold running water under pressure and with a drain, used solely for washing hands, arms or other portions of the body.

**HOT WATER.** Water at a temperature of at least 100 degrees Fahrenheit.

**INSTRUMENTS USED FOR TATTOOING AND BODY PIERCING.** Hand pieces, needles, needle bars and other instruments, including piercing studs, that may come in contact with any person's body during Tattooing and Body Piercing.

**INVASIVE.** Entry into the body either by incision or insertion of an instrument into or through the skin or mucosa, or by any other means intended to compromise the skin or mucosa.

**LICENSE.** Written approval by the Department to operate a Tattooing and Body Piercing Establishment, or to perform tattooing and body piercing. Approval is given in accordance with this Ordinance and is separate from any other licensing requirements that may exist.

**JEWELRY.** Any personal ornament inserted into a pierced area. Jewelry inserted into a newly pierced area must be made of 316 series surgical implant grade stainless steel, solid 14k or 18k white or yellow gold, niobium, titanium, platinum, low porosity plastic such as monofilament nylon, acrylic or Lucite, tempered glass or high density low porosity non toxic hard woods. Furthermore, such Jewelry must be free of nicks, scratches or irregular surfaces and have been properly sterilized prior to use. Hardwood Jewelry is single use only. Piercing studs are not considered Jewelry under this Ordinance.

**OPERATOR.** Any person who controls, operates, manages, conducts, or practices Tattooing and Body Piercing activities

at a Tattooing and Body Piercing Establishment and who is responsible for compliance with these regulations whether or not that person actually performs Tattooing and Body Piercing activities.

**PERSON.** A natural person, any form of business or social organization and any other nongovernmental legal entity including but not limited to a corporation, partnership, limited liability company, association, trust or unincorporated organization.

**PROCEDURE ROOM.** A room in the Tattooing and Body Piercing Establishment where Tattooing and Body Piercing is performed.

**PROCEDURE SURFACE.** Any surface that contacts the Client's unclothed body during a Tattooing and Body Piercing procedure or any associated work area which may require sanitizing.

**SANITIZE or SANITIZATION.** A procedure that reduces the level of microbial contamination so that the item or surface is considered safe.

**SHARPS.** Any object that is used for the purpose of penetrating the skin or mucosa including, but not limited to, needles, scalpel blades and razor blades.

**SHARPS CONTAINER.** A puncture-resistant, leak-proof container that can be closed for handling, storage, transportation and disposal and is labeled with the international "biohazard" symbol.

**SINGLE USE.** Products or items that are intended for one-time, one person use and are disposed of after use on each Client including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups and protective gloves.

**STERILIZATION.** Destruction of all forms of microbiotic life, including spores.

TATTOOING. Any method of placing ink or other pigment into or under the skin or mucosa by the use of needles or any other instruments used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This includes all forms of Cosmetic Tattooing.

TATTOOING AND BODY PIERCING. The practice of physical body adornment by any method including but not limited to the following: Body piercing, tattooing, cosmetic tattooing, branding and scarification. This definition does not include practices that are considered medical procedures by a state medical board, such as implants under the skin. This definition also does not include ear piercing as fully defined in Section 8 (B) below.

TATTOOING AND BODY PIERCING ESTABLISHMENT. Any place of business which performs Tattooing and Body Piercing.

UNDER DIRECT SUPERVISION OF A PHYSICIAN. Employed by and working in the office or clinic of a physician licensed in the State of Missouri, or at a site approved by the Department, with treatment ordered by the physician.

Section 4. License required for Tattooing and Body Piercing Establishments and Operators.

- A. No person shall perform Tattooing and Body Piercing unless the person is authorized to do so by a License issued by the Department. Nor shall any person perform Tattooing and Body Piercing except in a Tattooing and Body Piercing Establishment licensed by the Department.
- B. Tattooing and Body Piercing Establishment Licenses shall be valid for a term to expire with the last day of the calendar year in which the license is issued. Application for renewal of licenses for Tattooing and Body Piercing Establishments must be filed on or before the first day of each calendar year.

C. Tattooing and Body Piercing Operator Licenses shall be valid for a term to expire with the last day of the calendar year in which the license is issued. Application for renewal of licenses for Tattooing and Body Piercing Operators must be filed on or before the first day of each calendar year.

D. No license issued under this Ordinance shall be transferable or assignable except as herein provided:

i. In the event of the death of the Licensee, the widow or widower or the next of kin of such deceased licensee, who shall meet the other requirements of this Ordinance may make application and the Department of Community Health and the Environment may transfer such License to permit the operation of the business of the deceased for the remainder of the period for which a License fee has been paid by the deceased;

ii. Whenever one or more members of a partnership withdraws from the partnership, the Department of Community Health and the Environment, upon being requested, shall License the remaining partner, or partners, originally licensed, to continue to operate for the remainder of the period for which the license fee has been paid, without obtaining a new license.

E. The Department shall issue a license or renewal of a license within thirty days of receiving a properly completed application and the necessary supporting documents. A license or renewal thereof shall not be denied, suspended or revoked except pursuant to Section 5 or Section 17.

Section 5. Additional Requirements for Licenses and License Holders.

A. Tattooing and Body Piercing Establishment License

1. A current Tattooing and Body Piercing Establishment License shall be posted in a prominent and conspicuous area where it may be readily observed.

2. The holder of a Tattooing and Body Piercing Establishment License must only hire Operators who have complied with the Operator License requirements of this Ordinance.

3. Tattooing and Body Piercing Establishments which are engaged in the Tattooing and Body Piercing business before the effective date of this Ordinance shall have sixty (60) days to comply with the Licensing requirements.

#### B. Operator License

1. An application for an Operator License shall include: Name, Social Security number, date of birth, sex, residence, mailing address, phone number, place(s) of employment, and training and experience of the Operator.

2. Within ninety (90) days of the Operator's receipt of the Operator's first License, the Operator must provide proof of attendance at a Blood-borne Pathogen training program (or equivalent) approved by the Department. During the said ninety (90) days, the Operator shall become familiar with this Ordinance, undergo in-house training and familiarize themselves with information available from the Department concerning Hepatitis B. Subsequently, the Operator must attend a Blood-borne Pathogen training program (or equivalent) at least once every three (3) years.

3. No Operator License shall be issued unless, following reasonable investigation by the Department, it finds that the Operator is in compliance with the applicable provisions of this Ordinance.

4. All Operator Licenses shall be conditioned upon continued compliance with the applicable provisions of this Ordinance.

5. All Operator Licenses shall be posted in a prominent and conspicuous place inside a public area of the Tattooing and Body Piercing Establishment or Establishments in which the Operator works.

6. Operators must be at least eighteen (18) years of age.

Section 6. Tattooing and Body Piercing Establishment requirements and professional standards.

A. The following information shall be kept on file on the premises of a Tattooing and Body Piercing Establishment and available for inspection by the Department.

1. The following information pertaining to all Employees in the Tattooing and Body Piercing Establishment: Full name, date of birth, Social Security number, gender, home address, phone number (home and work), job description and exact duties.

2. Identification photographs of all Operators.

3. The Tattooing and Body Piercing Establishment name and hours of operation.

4. The name, address and Social Security number of the Tattooing and Body Piercing Establishment owner or owners.

5. A complete description of all Tattooing and Body Piercing performed.
6. A list of all instruments, body Jewelry, Sharps, and inks used for any and all Tattooing and Body Piercing procedures, including names of manufacturers and serial or lot numbers or invoices or other documentation sufficient to identify and locate the manufacturer.
7. A copy of this Ordinance.

Section 7. General Provisions.

- A. Smoking, eating, or drinking by anyone is prohibited in the area where Tattooing and Body Piercing preparation, procedure and clean up is being performed.
- B. Operators shall refuse service to any person who, in the opinion of a reasonable objective observer, is under the influence of alcohol or drugs.
- C. The Operator shall maintain a high degree of personal cleanliness, conform to hygienic practices and wear clean clothes when performing Tattooing and Body Piercing. Before performing Tattooing and Body Piercing, the Operator must thoroughly wash his or her hands in hot running water with liquid antimicrobial soap, then rinse his or her hands and dry with an approved sanitary method. This shall be done as often as necessary to remove contaminants.
- D. In performing Tattooing and Body Piercing, the Operator shall wear disposable medical gloves. The gloves shall be discarded at a minimum, after the completion of each procedure on an individual Client.
- E. If, while performing Tattooing and Body Piercing, the Operator's glove is pierced, torn or otherwise contaminated, the contaminated gloves shall be

immediately discarded and the procedure in paragraphs D and E above shall be repeated immediately. Any item or other Instrument Used For Tattooing and Body Piercing which is contaminated during the procedure shall be immediately discarded and replaced before the procedure resumes.

- F. Contaminated waste, as defined in this Ordinance, which may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled must be placed in an approved “red” bag which is marked with the international “biohazard” symbol. It must then be disposed of by, or delivered to, an approved medical waste facility pursuant to federal, state and county regulations. Sharps ready for disposal shall be disposed of in approved Sharps containers. Contaminated waste which does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal, approved disposal methods. Storage of contaminated waste on-site shall not exceed the period specified by the Department.
- G. Any skin or mucosa surface to receive a Tattooing and Body Piercing procedure shall be free of rash, infection or any other visible active pathological condition.
- H. The skin of the Operator who actually performs Tattooing and Body Piercing activities shall be free of rash, infection or any other visible pathological condition. No person or Operator affected with boils, infected wounds, open sores, abrasions, exudative lesions, acute respiratory infection, nausea, vomiting or diarrhea shall work in any area of a Tattooing and Body Piercing Establishment in any capacity in which there is a likelihood of contaminating Tattooing and Body Piercing Equipment, supplies or working surfaces with pathogenic organisms.

- I. Proof shall be provided upon request of the Department that all Operators have either completed or were offered and declined, in writing, the Hepatitis B vaccination series; that antibody testing has revealed that the Operator 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 Operator and stating that the vaccine cannot be given. This documentation is to be kept on the premises of the Tattooing and Body Piercing Establishment. For those who decline the Hepatitis B vaccination series, an information brochure developed by the Department will be provided which explains the risks of Hepatitis B and treatment options following an exposure incident.

Section 8. Exemptions.

- A. Physicians licensed by the State of Missouri who utilize Tattooing and Body Piercing procedures as part of patient treatment are exempt from these regulations.
- B. Individuals who pierce only the outer perimeter and lobe of the ear using a pre-sterilized encapsulated single-use-stud ear-piercing system are exempt from these regulations. However, the Department is authorized to investigate consumers' complaints alleging misuse of or improper procedures in the use of the aforementioned system, and to pursue all remedies under the law.

Section 9. Public Notification Requirements.

Verbal and written public educational information, approved by the Department, shall be required to be given to all Clients. Verbal and written instructions, approved by the Department for the care of the Tattooing and Body Piercing procedure site shall be provided to each Client by the Operator upon completion of the procedure. The written instructions ("instructions") shall advise the Client to consult the Operator or a physician licensed by the State of Missouri at the first

sign of infection and contain: the name, address and phone number of the Tattooing and Body Piercing Establishment. The instructions shall be signed and dated by both parties. The Operator shall give a copy of the instructions to the Client and retain the original with all other records required to be maintained under this Ordinance. In addition, all Tattooing and Body Piercing Establishments shall provide Clients with written information which advises Clients of the risks and possible consequences of Tattooing and Body Piercing.

Section 10. Records Retention.

The Tattooing and Body Piercing Establishment shall keep a record of all persons who have had Tattooing and Body Piercing procedures performed. The record shall include the name, date of birth, and address of the Client, the date of the procedure, the name of Operator who performed the procedure(s), the type of procedure performed and its location on the Client's body, the signature of the Client, and, if the Client is a minor, written proof of parental or guardian presence and consent as more particularly described in Section 15A. For Tattooing procedures, a record of the specific ink color(s) applied, and, when available, the manufacturer, catalogue identification number or supplier invoice of each color(s) used shall also be maintained. All records described in this Ordinance shall be retained for a minimum of three (3) years and provided to the Department upon request.

Section 11. Preparation and Care of the Tattooing and Body Piercing Area.

A. Before performing Tattooing and Body Piercing, the skin of and surrounding the area where the Tattooing and Body Piercing is to be placed shall be washed with antimicrobial soap and an antiseptic shall be applied to that area. If piercing or other procedures penetrating the subcutaneous layer are to be performed, the area must be cleaned with a fresh antiseptic solution. If shaving is necessary, safety razors with single service blades shall be used and

discarded after each use. Following shaving, the skin and surrounding area shall be washed with antimicrobial soap and the washing pad shall be discarded after a single use.

B. In the event of blood flow, all products used to check the flow of blood or to absorb blood shall be used only once and disposed of immediately after use.

Section 12.

Sanitation and Sterilization.

A. All non-disposable Instruments Used For Tattooing and Body Piercing shall be cleaned thoroughly after each use by scrubbing with an antimicrobial soap solution and Hot Water or an appropriate disinfectant to remove blood and tissue residue and placed in an ultrasonic unit which shall remain on the premises of the Tattooing and Body Piercing Establishment and which will be operated in accordance with the manufacturer's instructions.

B. After cleaning, all non-disposable Instruments Used For Tattooing and Body Piercing shall be packed individually in paper peel-packs and sterilized. All paper peel-packs shall contain either a sterilizer indicator or internal temperature indicator. Properly packaged, sterilized and stored equipment can be stored no more than one (1) year. Paper peel-packs must be dated with an expiration date not to exceed one (1) year. Sterile equipment may not be used after the expiration date without first repackaging and resterilizing.

C. All non-disposable Instruments Used For Tattooing and Body Piercing shall be sterilized in an autoclave at the Tattooing and Body Piercing Establishment. Off site sterilization is prohibited. The sterilizer shall be used, cleaned, and maintained according to manufacturer's instruction. A copy of the manufacturer's recommended procedures for the operation of the Sterilization unit must be available for inspection by the Department.

D. Each holder of a License for a Tattooing and Body Piercing Establishment shall confirm by monthly spore destruction tests that the sterilizer used in that Establishment is capable of attaining Sterilization. These tests shall be verified by an independent laboratory, and the test records shall be retained by the Establishment for a period of three (3) years and shall be provided to the Department upon request. Failure to provide the Department with documentation of the sterilizer's ability to destroy spores shall be deemed an immediate health hazard within the meaning of Section 17B.

E. After Sterilization, Instruments Used For Tattooing and Body Piercing shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such Instruments.

F. All Instruments Used For Tattooing and Body Piercing shall remain stored in sterile packages until just prior to performing a Tattooing and Body Piercing procedure. When assembling Instruments Used For Performing Tattooing and Body Piercing, the Operator shall wear disposable medical gloves and use techniques to ensure that the Instruments and gloves are not contaminated.

G. All inks, dyes, and pigments shall be specifically manufactured for performing Tattooing and Body Piercing procedures and shall not be adulterated. Immediately before applying a tattoo, the quantity of the dye to be used for the tattoo shall be transferred from the bottle and placed into sterile, single use paper cups or plastic caps. Upon completion of the tattoo, these single cups or caps and their contents shall be discarded.

Section 13. Requirements for Single Use Items.

A. All Sharps shall be sterilized prior to use and stored in paper peel-packs.

B. Single use items shall not be used on more than one Client for any reason. After use, all single use needles, razors and other Sharps shall be immediately disposed of in approved Sharps containers. Piercing needles are strictly single use.

C. All Tattooing and Body Piercing stencils shall be single use and disposable. Petroleum jellies, soaps and other products used in the application of stencils shall be dispensed and applied on the area to be tattooed with sterile gauze or in a manner which prevents contamination of the original container and its contents. The gauze shall be used only once and then discarded.

Section 14.

Requirements for Premises.

A. Tattooing and Body Piercing Establishments applying for a License shall submit a scale drawing and floor plan of the proposed Establishment for a plan review by the Department as part of the License application process.

B. All walls, floors, and ceilings of a Tattooing and Body Piercing Establishment shall be smooth, free of open holes or cracks, light-colored, washable and in good repair. Walls, floors and ceilings shall be maintained in a clean condition. All surfaces, including Client chairs and benches shall be of such construction as to be easily cleaned and Sanitized after each Client procedure. All Tattooing and Body Piercing Establishments shall be completely separated by solid partitions, or by walls extending from floor to ceiling, from any room used for human habitation, a food establishment or room where food is prepared, a hair salon, retail sales, or other such activity which may cause potential contamination of work surfaces.

C. Insects, vermin and rodents shall not be present in any part of the Tattooing and Body

Piercing Establishment, its appurtenances or appertaining premises.

D. There shall be a minimum of 35 square feet of floor space for each Procedure Room. Each Tattooing and Body Piercing Establishment shall have an area which may be screened from public view for Clients requesting privacy. Multiple Procedure Rooms shall be separated by wipeable dividers, curtains or partitions.

E. The Tattooing and Body Piercing Establishment shall be well-ventilated and provided with an artificial light source equivalent to at least twenty foot candles three feet off the floor, except that at least 100 foot candles shall be provided at the level where the Tattooing and Body Piercing procedure is being performed, and where instruments and Sharps are assembled.

F. No animals of any kind shall be allowed in a Procedure Room except service animals used by persons with limitations. Small animals confined to a cage or aquarium are allowed only outside a Procedure Room.

G. A separate, readily accessible Handsink with hot and cold running water, under pressure, preferably equipped with wrist or foot operated controls, and supplied with liquid antimicrobial soap and disposable paper towels shall be readily accessible within the Tattooing and Body Piercing Establishment. One Handsink shall serve no more than three (3) Operators. In addition, there shall be a minimum of one lavatory, excluding any service sinks, and one (1) toilet in a Tattooing and Body Piercing Establishment in a completely enclosed restroom vented to the outside.

H. At least one (1) covered waste receptacle shall be provided in each Operator area and each toilet room. Receptacles in the Operator area

shall be emptied daily and solid waste shall be removed from the premises at least weekly. Receptacles in the Operator area shall either have a foot operated lid or a lid that can and shall remain open during Tattooing and Body Piercing procedures to prevent hand contact with the receptacle during a procedure. All refuse containers shall be lidded, cleanable and kept clean. All refuse containers not in use shall be kept covered.

I. All instruments and supplies shall be stored in clean, dry covered containers.

J. If reusable cloth items, including but not limited to lap-cloths, are used, they shall be mechanically washed after each Client procedure. Reusable cloth items shall be mechanically washed with detergent and dried. The cloth items shall be stored in a clean dry environment. If a mechanical washer is used on site, a mechanical dryer must also be used and the dryer must be vented to the outside.

Section 15.

Prohibitions.

A. Performing Tattooing and Body Piercing is prohibited on any person under the age of eighteen (18) without the written consent of that person's parent or legal guardian. That consent shall be on a form provided by the Department, notarized, and given in person to the Operator by the parent or legal guardian before the Tattooing and Body Piercing procedure commences. In addition, the parent or legal guardian shall present photographic identification to the Operator and leave with the Operator photocopies of that photographic identification. For purposes of this Ordinance, photographic identification may include a state driver's license or state identification card.

B. Performing Tattooing and Body Piercing is prohibited on any person who appears to a reasonable person to be under the influence of alcohol or drugs.

C. Obtaining or attempting to obtain any Tattooing and Body Piercing Establishment or Operator License by means of fraud, misrepresentation or concealment is prohibited.

Section 16. Operating Without a License - Penalties.

Any Operator or any Tattooing and Body Piercing Establishment engaged in the business of Tattooing and Body Piercing without a License required by this Ordinance shall be subject to a fine. The fine for performing Tattooing and Body Piercing without a License shall be \$500.00 for each offense; each Tattooing and Body Piercing procedure performed without a License shall constitute a separate offense; so shall each day an Operator or Tattooing or Body Piercing Establishment offers to perform Tattooing and Body Piercing. The fine provided by this Section is in addition to any other remedy available to St. Charles County in the enforcement of this Ordinance, including injunctive relief to prevent that Operator or Establishment from performing Tattooing and Body Piercing.

Section 17. Violations by Licensees - Warning, Suspension, Revocation or Non-Renewal of Operator/Establishment License Authorized - Hearing Required.

- A. If the holder of any License issued pursuant to this Ordinance violates any provision of this Ordinance or that License, the Director shall issue a warning or shall suspend, revoke, or refuse to renew the License, as provided herein.
- B. No License shall be suspended or revoked, nor shall any application to renew a License be refused until the Licensee has been afforded an opportunity for a hearing before the Director after notice of at least five (5) working days, except if the Director determines that the operation constitutes an immediate hazard to public health or the Licensee interferes with the Department's performance of its duties. Such interference includes refusal to permit access to the

premises of a Licensee's Tattooing and Body Piercing Establishment.

- C. Warnings and notices of violation and hearing shall be served either personally or by certified mail, postage pre-paid, to the Licensee's address of record. Notices of violation and hearing shall state the date, time and place of hearing and set forth the charges against the Licensee.
- D. The Director shall have the authority to swear witnesses. A Licensee shall have the opportunity to present evidence and/or witnesses before the Director or by counsel. A record of the hearing shall be made. The Director shall issue a decision in writing, either suspending, revoking, or not renewing the License or finding in favor of the Licensee within five (5) working days of the conclusion of the hearing.
- E. Except as provided in Subsection F of this Section, the Director shall sanction violations by Licensees as provided in Section 18 and/or as follows.
  - i. Upon a first violation of this Ordinance, the Director shall send, by certified mail to the Licensee's address of record, a written warning advising the Licensee of the violation and requiring its correction within a reasonable time to be determined by the Director.
  - ii. Upon finding after a hearing a second violation of this Ordinance within two years by the same Operator or Establishment, the Director shall suspend that Operator's or Establishment's License for up to thirty (30) business days.
  - iii. Upon finding after a hearing a third violation within two years of this Ordinance by the same Operator or Establishment, the Director shall suspend that Operator's or Establishment's License for up to ninety (90) business days.

iv. Upon finding after a hearing a fourth violation within two years of this Ordinance by the same Operator or Establishment, the Director shall revoke that Operator's or Establishment's License, and shall not issue a new License to that Operator or Establishment for one year thereafter.

F. In case of violations of Section 15, Subsection A or B of this Ordinance, the Director shall sanction violations by Licensees as provided in Section 18 and/or as follows.

i. Upon finding after a hearing a first violation of Subsection A or B by an Operator or Establishment, the Director shall suspend that Operator's or Establishment's License for six (6) months.

ii. Upon finding after a hearing a second violation of Subsection A or B within two years by the same Operator or Establishment, the Director shall suspend that Operator's or Establishment's License for one (1) year.

iii. Upon finding after a hearing a third violation of Subsection A or B within two years by the same Operator or Establishment, the Director shall revoke that Operator's or Establishment's License, and shall not issue a new License to that Operator or Establishment for three years thereafter.

iv. Upon finding after a hearing a violation of Subsection C by an Operator or Establishment, the Director shall declare that Operator's or Establishment's License null and void, and shall not issue a new License to that Operator or Establishment for three years thereafter.

- G. No more than one violation shall be attributed per day to an Establishment or Operator for purposes of Subsection E or Subsection F of this Section.
- H. The decision of the Director shall be final subject to appeal under Chapter 536, RSMo.

Section 18. Administrative Penalties.

Upon a finding by the Director that any Operator has violated this Ordinance, the Licensee shall be fined as follows:

- A. A fine of not less than \$250.00 for the first violation within a two-year period.
- B. A fine of not less than \$500.00 for the second violation within a two-year period.
- C. A fine of not less than \$750.00 for the third violation within a two-year period.
- D. A fine of not less than \$1,000.00 for any additional violation within a two-year period.

The License shall also be subject to suspension or revocation as provided in this Ordinance.

Section 19. Joint Responsibility.

If an Operator violates this Ordinance while performing Tattooing and Body Piercing, the Establishment shall also be deemed to be in violation and the Establishment License shall also be subject to warnings, administrative penalties, suspension or revocation in accordance with this Ordinance.

Section 20. Enforcement.

- A. The Department shall ensure compliance with this Ordinance through inspections made annually or more often if the Department deems it necessary.

- B. The Department is hereby authorized to promulgate the necessary training documents and rules to implement this Ordinance.
- C. The enforcement of the regulations established by this Ordinance shall be the responsibility of the County Counselor.

Section 21. Publication of Ordinance.

Following passage and approval, this Ordinance shall be published at least once in a legal publication or in a newspaper of general circulation in St. Charles County and posted in six public places within St. Charles County.

Section 22. Responsibility for Publication.

The County Clerk shall be responsible for publishing this Ordinance in accordance with Section 21 of this Ordinance. Payment to any publication or newspaper publishing this Ordinance shall be from line item 001-2610-441.54-00.

Section 23. Severability.

All of the Sections of this Ordinance shall be severable. In the event that any Section of this Ordinance is found by a court of competent jurisdiction to be unconstitutional or unlawful, the remaining Sections of this Ordinance are valid unless the court finds the valid Sections of this Ordinance are so essentially and inseparably connected with and so dependent upon the void Section that it cannot be presumed that the County Council could have enacted the valid Sections without the void ones; or unless the court finds that the valid Sections standing alone, are incompetent and incapable of being executed in accordance with legislative intent.

Section 24. Repeal of Section 210.170, OSCCMo

Section 210.170 of the Ordinances of St. Charles County, Missouri, is hereby repealed and replaced by this Ordinance.

Section 25. Effective Date.

This Ordinance shall be effective on the thirty-first day after publication of this Ordinance

\_\_\_\_\_  
DATE PASSED

\_\_\_\_\_  
DATE APPROVED BY COUNTY EXECUTIVE

\_\_\_\_\_  
CHAIR OF THE COUNCIL

\_\_\_\_\_  
COUNTY EXECUTIVE

ATTEST:

\_\_\_\_\_  
COUNTY CLERK