

ORDINANCE NO. 2009-07

GENERAL PROVISIONS

Section 01 Definitions

Words and phrases shall be taken in their plain, or ordinary and usual sense, except where used in a technical sense or where context or the intent of the County Board of Health indicates or requires a different meaning.

01a Adoption by Reference- In addition to those provisions set forth herein, this Ordinance hereby adopts by reference the current edition and subsequent revisions of the following:

- a. Title 77: Public Health Chapter I: Department of Public Health Subchapter m: Food, Drugs and Cosmetics Part 797 Body Art Code.
- 1.1 **AFTERCARE** shall mean written instructions given to the client, specific to the body art procedure(s) rendered, on caring for the body art and surrounding area. These instructions will include information when to seek medical treatment, if necessary.
- 1.2 **ANTISEPTIC** shall mean an agent that destroys disease-causing microorganisms on human skin or mucosa.
- 1.3 **BODY ART** shall mean the practice of physical body adornment by permitted establishments and operators utilizing, but not limited to, the following techniques: 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, and shall not be performed in a body art establishment. Nor does this definition include, for the purposes of this Code, piercing of the outer perimeter or lobe of the ear using pre-sterilized single use stud and clasp ear piercing systems.
- 1.4 **BODY ART ESTABLISHMENT** shall mean any place or premise, whether public or private, permanent in nature and location, where the practices of body art, whether or not for profit, are performed.
- 1.5 **BODY PIERCING** shall mean puncturing or penetration of the skin of a person using pre-sterilized single use needles and the insertion of pre-sterilized single use needles and the insertion of pre-sterilized jewelry or other adornment thereto in the opening. Puncturing the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system shall not be included in this definition.

- 1.6 **CONTAMINATED WASTE** shall mean any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release 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; sharps and any wastes containing blood and other potentially infectious materials, as defined in 29 Code of Federal Regulations Part 1910.1030 (latest edition), known as “Occupational Exposure to Bloodborne Pathogens.”
- 1.7 **COSMETIC TATTOOING** see **TATTOOING**
- 1.8 **DEPARTMENT** shall mean the Madison County Health Department.
- 1.9 **DISINFECTION** shall mean the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.
- 1.10 **EAR PIERCING** shall mean the puncturing of the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system following manufactures instructions.
- 1.11 **EQUIPMENT** shall mean all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks and all other apparatus and appurtenances used in connection with the operation of a body art establishment.
- 1.12 **HANDSINK** shall mean a lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms, or other portions of the body.
- 1.13 **HEALTH OFFICER** shall mean the Administrator of the Madison County Health Department or his authorized representative.
- 1.14 **INSTRUMENTS USED FOR BODY ART** shall mean hand pieces, needles, needle bars and other instruments that may come in contact with a client’s body or possible exposure to bodily fluids during body art procedures.
- 1.15 **JEWELRY** shall mean any personal ornament inserted into a newly pierced area, which must be made of surgical implant grade stainless steel, solid 14k or 18k white or yellow gold, niobium, titanium or platinum, a dense, low-porosity plastic and or which is free of nicks, scratches or irregular surfaces and which has been properly sterilized prior to use.
- 1.16 **LIQUID CHEMICAL GERMICIDE** shall mean a disinfectant or sanitizer registered with the Environmental Protection Agency or an approximate 1:100 dilution of household chlorine bleach made fresh daily and dispensed from a spray bottle (500ppm, ¼ cup/gal. or 2 tablespoons/quart of tap water).
- 1.17 **OPERATOR/TECHNICIAN** shall mean any person who controls, operates, manages, conducts, or practices body art activities at a body art establishment and who is responsible for compliance with these regulations, whether actually performing body art

activities or not. The term includes technicians who work under the operator and perform body art activities.

- 1.18 **PERMIT** shall mean written approval by the Department to operate a body art establishment.
- 1.19 **PERSON** shall mean an individual, any form of business or social organization or any other non-governmental legal entity including but not limited to a corporation, partnership, firm, limited liability company, association, trust or unincorporated organization.
- 1.20 **PHYSICIAN** shall mean a person licensed by the State of Illinois to practice medicine in all its branches and may include other areas such as dentistry, osteopathy or acupuncture.
- 1.21 **PIERCE** means to make a hole in the body or oral cavity in order to insert or allow the insertion of any ring, hoop, stud, or other object for the purpose of ornamentation of the body. Piercing does not include tongue splitting.
- 1.22 **PROCEDURE SURFACE** shall mean any surface of an inanimate object that contacts the client's unclothed body during a body art procedure, skin preparation of the area adjacent to and including the body art procedure or any associated work area, which may require sanitizing.
- 1.23 **SANITIZE/SANITIZATION PROCEDURE** shall mean a process of reducing the numbers of microorganisms on cleaned surfaces and equipment to a safe level as judged by public health standards and which the Department has approved.
- 1.24 **SHARPS** shall mean any object (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa including, but not limited to, pre-sterilized, single use needles, scalpel blades and razor blades.
- 1.25 **SHARPS CONTAINER** shall mean a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation and disposal and is labeled with the International Biohazard Symbol.
- 1.26 **SINGLE USE** shall mean products or items that are intended for one-time, one-person 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.
- 1.27 **STERILIZATION** shall mean a very powerful process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.
- 1.28 **TATTOOING** shall mean any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This includes all forms of cosmetic tattooing.

- 1.29 **TONGUE SPLITTING** means the cutting of a human tongue into 2 or more parts.
- 1.30 **UNIVERSAL PRECAUTIONS** shall mean a set of guidelines and controls, published by the Center for Disease Control (CDC) as ‘guidelines for prevention of transmission of human immunodeficiency virus and hepatitis B virus to health-care and public-safety workers’ in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol. 38, No S-6, and as ‘ recommendations for preventing transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure-prone invasive procedures’, in MMWR, July 12, 1991, Vol.40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV and other blood pathogens. Precautions include hand washing, gloving, personal protective equipment, injury prevention, proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.

PERMITS

Section 02 Establishment and Operator/Technician Permit Requirements:

Establishment Permit

- 2.1 It shall be unlawful for any person to operate a body art establishment within the County of Madison, State of Illinois, who does not possess a valid permit issued by the department. Only a person who complies with the requirements of this ordinance shall be entitled to receive and retain such a permit.
- 2.2 Permits shall not be transferable from one person to another person nor shall said permit be transferable to any location, building, or place other than that which it was originally issued.
- 2.3 Any person desiring to operate a body art establishment shall make written application for a permit on forms provided by the department.
- 2.4 The permit for a body art establishment shall be for a period of 12 months from the date of issuance. Annual renewal of permits shall be required for continued operation of the body art establishment.
- 2.5 A valid permit shall be posted in every body art establishment so as to be clearly visible to all clients. A valid permit is one that is not suspended, revoked or expired.
- 2.6 The holder of the body art establishment permit must only hire operators who have complied with the operator permit requirements of this ordinance.

Operator Permit

- 2.7 No person shall practice body art procedures in Madison County without first obtaining an operator permit from the department. Only a person who complies with the requirements of this ordinance shall be entitled to receive and retain such a permit.
- 2.8 The operator permit shall be valid from the date of issuance and shall automatically expire twelve (12) months from date of issuance.
- 2.9 Any person desiring to obtain an operator permit shall make written application on forms provided by the department. Application for operator permits shall include:
- A. Name;
 - B. Date of birth;
 - C. Sex;
 - D. Residence address;
 - E. Mailing address;
 - F. Phone number;
 - G. Place(s) of employment as an operator;
 - H. Training and/or experience;
 - I. Proof of attendance at a Bloodborne pathogen-training program approved by the department;
 - J. Copy of a State issued photo identification card or driver's license with photo
- 2.10 Examples of courses approved by the department would include such courses as Preventing Disease Transmission (American Red Cross) and Bloodborne Pathogen Training (US OSHA). Training/courses provided by professional body art organizations/associations or by equipment manufacturers may also be submitted to the department for approval.
- 2.11 Applicants shall demonstrate knowledge of the following subjects:
- i) Anatomy;
 - ii) Skin diseases, disorders, and conditions (including diabetes);
 - iii) Infectious disease control including waste disposal, handwashing, techniques sterilization equipment operation and methods, and sanitization/disinfection/sterilization methods and techniques;
 - iv) Facility safety and sanitation knowledge of the above subjects may also be demonstrated through submission of documentation of attendance/completion of courses or successful completion of an examination approved or given by the department with a passing grade of 70 percent, attained prior to issuance of the operators permit.
- 2.12 No operator permit shall be issued unless, following reasonable investigation by the Department, the body art operator has demonstrated compliance with the provisions of this section and all other provisions of this ordinance.

- 2.13 All operator permits shall be conditioned upon continued compliance with the provisions of this section as well as all applicable provisions of this ordinance.
- 2.14 All operator permits shall be posted in a prominent and conspicuous area where clients may readily observe them.

Section 03 Exemptions

- 3.1 Physicians licensed by the State of Illinois who perform either independent of or in connection with body art procedures as part of patient treatment are exempt from these regulations.
- 3.2 Individuals who pierce only the outer perimeter and lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system are exempt from these regulations. Under no circumstances shall ear piercing studs and clasps be used anywhere on the body other than the outer perimeter and lobe of the ear. Individuals who use ear-piercing systems must conform to the manufacturer’s directions on use and applicable U.S. Food and Drug Administration requirements. The department retains authority to investigate consumer complaints relating to alleged misuse or improper disinfection of ear piercing systems.

Section 04 Permit Fees – Permit fees shall be assessed for each operator/technician and deposited into the Health Department fund.

- A. The fee schedule is as follows:
 - Establishment Permit.....\$0.00
 - Operator/Technician Permit..... \$50.00
- B. Permit fees shall be non-refundable once the department has issued a permit.
- C. All permit fees for the renewal of permits are due fifteen (15) days prior to the permit expiration date.
- D. Persons failing to submit the fee and renewal application by the due date shall be assessed a late payment penalty fee of \$50.00 in addition to the permit fee.

Section 05 Suspension or Revocations of Permits

- 5.1 Permit Suspension – Permits issued under the provisions of this ordinance may be suspended by the Health Officer upon notice to the permit holder of same. Reasons for suspending the permit include, but are not limited to, the following:
 - A. Failure to comply with the provisions of this Ordinance;
 - B. Failure to comply with the provisions of this Ordinance after notification by the Health Officer;
 - C. Failure to comply with the provisions of this Ordinance within the time established by the Health Officer;
 - D. Interference with the Health Officer in the performance of his duties, including, but not limited to, failure to allow the Health Officer access to the permit holder’s building or records;
 - E. Failure to update the original and renewal applications, as required by this Ordinance; or,

- F. Knowingly furnishing false information on the original or renewal applications.
- 5.2 Upon making a determination that a suspension is appropriate, the Health Officer shall advise the permit holder in writing of the intended suspension. The notice shall be delivered in person by the Health Officer or sent via certified mail. The permit holder may make a written request for a hearing with the Health Officer before imposition of the period of suspension.
- 5.3 Permits issued under the provisions of this ordinance may be suspended by the Health Officer without notice to the permit holder when, in the judgment of the Health Officer, a condition exists that will result in an imminent health hazard to the public.
- 5.4 Upon making a determination that a suspension without notice is appropriate, the Health Officer shall immediately, without warning or notice, advise the permit holder of said condition and all body art operations shall be immediately discontinued.
- 5.5 Permit Revocation - Permits issued under the provisions of this ordinance may be revoked by the Health Officer upon notice to the permit holder of same. Reasons for revoking the permit include, but are not limited to, the following:
 - a) Repeatedly failing to comply with the provisions of this ordinance;
 - b) Interference with the Health Officer in the performance of his duties, including, but not limited to, failure to allow the Health Officer access to the permit holder's building or records;
 - c) Failure to update the original and renewal applications, as required by this Ordinance;
 - d) Knowingly furnishing false information on the original or renewal applications;
 - e) Failure to apply for reinspection within 30 days of the end of a suspension period imposed for violations of the provisions of this Ordinance; and,
 - f) When the continuous operation of the business has lapsed for a period of more than 90 days.
- 5.6 Upon making a determination that a revocation is appropriate, the Health Officer shall advise the permit holder in writing of the intended revocation. The notice shall be delivered in person by the Health Officer or sent via certified mail. The permit holder may make a written request for a hearing with the Health Officer before imposition of the revocation.

STANDARDS OF OPERATION

Section 06 Prohibitions

- 6.1 No mobile, temporary, or transient body art establishment shall operate in Madison County, State of Illinois.
- 6.2 No person other than a physician shall perform any tattooing procedure upon a person under the age of eighteen (18) [720 ILCS 5/12-10]. A violation of this subsection is a Class A misdemeanor.

- 6.3 No person shall pierce the body or oral cavity of a person under the age of eighteen (18) without written consent of a parent or legal guardian [720 ILCS 5/12-10.1]. A violation of this subsection is a Class A misdemeanor.

The client's age is to be documented by a picture identification that includes the client's date of birth. Nothing in this section is intended to require an operator to perform any body piercing procedure on a person under 18 years of age with parental or guardian consent.

- 6.4 Sections 6.2 and 6.3 are to be posted as to be clearly visible to all clients.
- 6.5 Before the oral cavity of a person under 18 years of age may be pierced, the written consent form signed by the parent or legal guardian must contain a provision in substantially the following form: "I understand that the oral piercing of the tongue, lips, cheeks, or any other area of the oral cavity carries serious risk of infection and damage to those areas, that could result but is not limited to nerve damage, numbness, and life threatening blood clots." [720 ILCS 5/12-10.1] A violation of this subsection is a Class A misdemeanor.
- 6.6 Operators/technicians shall refuse service to any person who, in the opinion of the operator/technician is under the influence of alcohol or drugs.
- 6.7 A person may not perform tongue splitting on another person unless the person performing the tongue splitting is licensed to practice medicine in all its branches under the Medical Practice Act of 1987 or licensed under the Illinois Dental Practice Act.
- 6.8 Any person who is an owner or employed by a business that performs tattooing or piercing, other than a person licensed to practice medicine in all its branches, may not permit a person under 18 years of age to enter or remain on the premises where tattooing or piercing is being performed unless the person under 18 years of age is accompanied by his or her parent or legal guardian. A violation of this subsection is a Class A misdemeanor.

Section 07 Client Records So that the operator/technician can properly evaluate the client's medical condition for receiving a body art procedure and not violate the client's rights or confidential medical information, the operator/technician shall ask for the information as follows:

- 7.1 In order for proper healing of your body art procedure, we ask that you disclose if you have or have had any of the following conditions:
- a. Diabetes;
 - b. History of hemophilia (bleeding);
 - c. History of skin diseases, skin lesions or skin sensitivities to soaps, disinfectants, etc.

- d. History of allergies or adverse reactions to pigments, dyes or other skin sensitivities;
 - e. History of epilepsy, seizures, fainting or narcolepsy;
 - f. Use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting.
- 7.2 The operator/technician should ask the client to sign a Release Form confirming that the above information was obtained or attempted to be obtained. The client should be asked to disclose any other information that would aid the operator/technician in the client's body art healing process evaluation.
- 7.3 Each operator shall keep records of all body art procedures administered; including date, time, identification and location of the body art procedure (s) performed, and operator's name. All client records shall be confidential and be retained for a minimum of three (3) years and made available to the Department upon notification.
- 7.4 Nothing in this section shall be construed to require the operator to perform a body art procedure upon a client.

Section 08 Records Retention

- 8.1 The following information shall be kept on file on the premise of the body art establishment and available for inspection by the department:
- A. Records of all persons who have had body art procedures performed. The record shall include the name, date of birth, and address of the client, the date of the procedure, name of the operator who performed the procedure(s), type and location of procedure performed, Aftercare Instruction document, with operator signature and signature of client and if the client is a minor, written consent of parent or legal guardian. All client records shall be confidential and be retained for a minimum of three (3) years.
 - B. Identification photos of all operators/technicians.
 - C. Proof that all operators have either completed or were offered and declined, in writing, the Hepatitis B vaccination series.
 - D. A complete description of all body art procedures performed.
 - E. Autoclave spore destruction test records shall be retained by the establishment for a period of three (3) years.
 - F. An inventory of all instruments and body jewelry, all sharps, and all inks used for any and all body art procedures, including names of manufacturers and serial or lot numbers, if applicable. Invoices or orders shall satisfy this requirement.
 - G. A copy of these regulations.

Section 09 Body Fluid Precautions

- 9.1 The operator/technician shall maintain a high degree of personal cleanliness, conform to hygienic practices and wear clean clothes when performing body art procedures. Before performing body art procedures, the operator must thoroughly wash their hands in hot

running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.

- 9.2 The operator shall wear disposable medical gloves while performing body art procedures. Gloves must be changed if they become contaminated by contact with any non-clean surfaces or objects or contact with a third person. The gloves shall be discarded at a minimum, after the completion of each procedure on an individual client and hands washed prior to donning the next set of gloves. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable medical gloves does not preclude or substitute for hand washing procedures as part of a good personnel hygiene program.
- 9.3 If, while performing a body art procedure the operator's glove is pierced, torn or otherwise contaminated, the contaminated gloves shall be immediately discarded and the hands washed thoroughly before a fresh pair of gloves are applied. Any item or instrument used for body art that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.
- 9.4 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.

Section 10 Diseases

- 10.1 Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.
- 10.2 The skin of the operator/technician shall be free of rash or infection. No person or operator affected with boils, infected wounds, open sores, abrasions, keloids, weeping dermatological lesions or acute respiratory infection shall work in any area of a body art establishment in any capacity in which there is likelihood that they could contaminate body art equipment, supplies or working surfaces with body substances or pathogenic organisms.
- 10.3 All infections, complications or diseases resulting from any body art procedure that becomes known to the operator shall be reported to the department by the operator within 24 hours.

Section 11 Preparation of Skin and Aftercare

- 11.1 There shall be no smoking, eating, or drinking by anyone in the area where body art is performed.
- 11.2 Instruments used for body art shall remain stored in sterile packages until just prior to performing a body art procedure. When assembling instruments used for performing body art procedures, the operator shall wear disposable medical gloves and use medically recognized techniques to ensure that the instruments and gloves are not contaminated.

- 11.3 All inks, dyes, pigments, needles and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions. The mixing of approved inks, dyes or pigments or their dilution with potable water is acceptable. Immediately before applying a tattoo, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single use paper cups or plastic cups. Upon completion of the tattoo, these single cups or caps and their contents shall be discarded.
- 11.4 Before performing a body art procedure, the immediate and surrounding area of the skin where the body art procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation, depending on the type of body art to be performed. If shaving is necessary, single use disposable razors or safety razors with single service blades shall be used and discarded after each use and the reusable holder shall be autoclaved after each use. Following shaving, the skin and surrounding area will be washed with soap and water. The washing pad shall be discarded after a single use.
- 11.5 All products used to check the flow of blood or to absorb blood shall be single use and disposed of immediately after use in appropriate containers.
- 11.6 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.
- 11.7 All products applied to the skin, including body art stencils shall be single use and disposable. Acetate stencils shall be allowed for re-use if sanitization procedures are performed between uses. 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 to prevent contamination of the original container and its contents. The gauze shall be used only once and then discarded.
- 11.8 Verbal and written public educational information, approved by the department, shall be required to be given to all clients wanting to receive body art procedure(s). Verbal and written instructions, approved by the department, for the aftercare of the body art procedure site shall be provided to each client by the operator upon completion of the procedure. The written instructions shall advise the client to consult a physician at the first sight of infection or swelling and shall contain the name, address and phone number of the body art establishment. These documents shall be signed and dated by both parties, with a copy given to the client and the operator retaining the original with all other required records.

Section 12 Equipment Sanitation and Sterilization

- 12.1 All body art establishments must have at least two (2) working autoclaves onsite. All other forms of sterilization are prohibited.

- 12.2 All non-single use, non-disposable instruments used for body art shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water or follow the manufacturer's instructions to remove blood and tissue residue, and placed in an ultrasonic unit which will also be operated in accordance with manufacturer's instructions.
- 12.3 After cleaning, all non-disposable instruments used for body art shall be packed individually in peel-packs and subsequently sterilized. All peel-packs shall contain either a sterilizer indicator or internal temperature indicator. Peel-packs must be dated with an expiration date not to exceed six (6) months.
- 12.4 All cleaned, non-disposable instruments used for body art shall be sterilized in a steam autoclave. The autoclave shall be used, cleaned, and maintained according to manufacturer's instruction. A copy of the manufacturer's recommended procedures for the operation of their sterilization unit must be available for inspection by the department. Sterile equipment may not be used if the package has been breached or after the expiration date without first repackaging and resterilizing. Autoclaves shall be located away from workstations or areas frequented by the public.
- 12.5 The body art establishment shall demonstrate that the autoclaves used are capable of attaining sterilization by monthly spore destruction tests. These tests shall be verified through an independent laboratory.
- 12.6 After sterilization, the instruments used for body art shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.
- 12.7 Kneeling pads, other pads, and contact surfaces such as, but not limited to machine head and clip cords, shall be cleaned and sanitized after each use. Such contact surfaces shall be sanitized by rinsing, spraying, or swabbing with a chemical sanitizing solution.
- 12.8 A chemical test kit that accurately measures the parts per million concentration of the sanitizing solution shall be available and used when mixing a sanitizing solution.

Section 13 Sanitary Facilities

- 13.1 Potable water supply shall be constructed and operated in accordance with the law.
- 13.2 All water-carried waste shall be disposed of by discharging into a sewerage system operated and maintained under permit the Illinois Environmental Protection Agency (IEPA), or a private sewage system constructed in accordance with the Illinois Private Sewage Licensing Act and Code.
- 13.3 All solid waste, except contaminated waste outlined in Section 9.4 of this ordinance, shall be kept in durable containers that do not leak or absorb liquids.

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

Section 14 Premises

- 14.1 All walls, floors, ceilings and all procedure surfaces of a body art establishment shall be smooth, non-absorbent, 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 procedure surfaces, including client chairs/benches shall be of such construction as to be easily cleaned and sanitized after each client. All body art 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.
- 14.2 Effective measures shall be taken by the operator to protect the entrance into the establishment and the breeding or presence on the premises of insects, vermin and rodents. Evidence of insects, vermin and rodents shall not be present in any part of the establishment.
- 14.3 Each establishment shall have an area that may be screened from public view for clients requesting privacy. Dividers, curtains or partitions shall separate multiple body art stations.
- 14.4 The establishment shall be well-ventilated and provided with an artificial light source equivalent to at least twenty (20) foot candles three (3) feet off the floor, except that at least 100 foot candles shall be provided at the level where the body art procedure is being performed, and where instruments and sharps are assembled.
- 14.5 A separate hand sink with hot and cold running water, under pressure, preferably equipped with wrist or foot operated controls and supplied with liquid soap, and disposable paper towels shall be readily accessible within the body art procedural area. One handsink shall serve no more than three operators. In addition, there shall be a minimum of one lavatory, excluding any service sinks, and one toilet in a body art establishment.
- 14.6 At least one covered waste receptacle shall be provided in each operator area and each toilet room. All refuse containers shall be easily cleanable.
- 14.7 All instruments and supplies shall be stored in clean, dry and covered containers.
- 14.8 No animals of any kind shall be allowed in a body art establishment except service animals used by persons with disabilities. Fish aquariums may be allowed in waiting rooms and non-procedural areas.

Section 15 Construction and Remodeling

- 15.1 When a body art establishment is constructed or remodeled, or whenever an existing structure is converted to use as a body art establishment, plans and specifications for such construction, remodeling, or conversion shall be submitted to the health officer for review and approval before construction, remodeling, or conversion may begin.

ADMINISTRATION AND ENFORCEMENT

Section 16 Inspections

- 16.1 The health officer shall conduct at least two (2) inspections annually of each body art establishment operating in Madison County, State of Illinois. As many additional inspections and reinspections as are necessary for the enforcement of this ordinance will be made.
- 16.2 The health officer, after proper identification, shall be permitted to inspect, at any reasonable time, any body art establishment or operator/technician, for the purpose of determining compliance with this ordinance.
- 16.3 Whenever an inspection of an establishment and/or operator(s) is made, the findings shall be recorded on a standardized inspection report form. One copy of the completed inspection report form will be furnished to the permit holder at the time of inspection. If violations of this ordinance exist, the inspection report shall serve as official notice to the permit holder that the establishment is in violation of the provisions of this ordinance. The completed inspection report form shall specify the violations found by the health officer, and shall establish a reasonable time period within which said violations must be corrected.
- 16.4 If the department has reasonable cause to suspect that a communicable disease is, or may be transmitted by an operator, use of unapproved or malfunctioning equipment, or unsanitary or unsafe conditions which may adversely impact the health of the public, upon written notice to the owner or operator, the department may do any or all of the following:
- a) Issue an order excluding any or all operators from the permitted body art establishment who are responsible, or reasonable appear responsible, for the transmission of a communicable disease until the Department determines there is no further risk to public health.
 - b) Issue an order to immediately suspend the permit of the licensed establishment until the Department determines there is no further risk to the public health. Such an order shall state the cause for the action.

Section 17 Penalties

17.1 Violation of this ordinance shall constitute an offense pursuant to 55 ILCS 5/5 – 1052, punishable by a fine not to exceed \$500.00. Each day the violation continues shall constitute a distinct and separate offense.

Section 18 Severability

If a Court of competent jurisdiction declares any provision of this Ordinance unconstitutional or invalid, that decision shall not affect the validity of the remainder of the Ordinance.

Passed this 17th day of May, 2006, by the County Board of the County of Madison, Illinois.

Signed by the County Board Chairman of the County of Madison, Illinois, this 17th day of May, 2006.

ALAN J. DUNSTAN, CHAIRMAN
MADISON COUNTY BOARD

ATTEST:

MARK VON NIDA
MADISON COUNTY CLERK
(SEAL)