

DATE: December 27, 2017
TO: Mayor & City Council
FROM: Planning Director *KA*
SUBJECT: Municipal Code Amendment
Tattoo and Body Piercing Establishments



SUGGESTED ACTION

Update municipal code to incorporate local licensing procedures as discussed.

DISCUSSION

- Our existing license requirements follow the body art ordinance adopted and enforced by Gwinnett County Health Department (GCHD).
- Sugar Hill does not provide for local licensing of body art establishments deferring administration and enforcement to GCHD.
- Policies adopted by the cities of Suwanee and Duluth appear to be identical to our existing ordinance.
- City of Lawrenceville references the CHD rules and regulations but has adopted local licensing requirements in addition to the CHD requirements for tattoo establishments only.
- In addition to updating the zoning ordinance restrictions for tattoo and body piercing establishments, planning staff recommends considering an update to the city code with an approach similar to the City of Lawrenceville.

Chapter 18

Article IX.

Tattoo and Body Piercing Establishments

Sec. 18-600. - Scope.

This division shall apply to any person, corporation or other organization which, for a fee, applies any tattoo or other needle-driven processes involving the manipulation of the superficial tissues of the human body, including, but not limited to, tattoos, body paint and similar treatment of the human body within the city limits. The rules and regulations promulgated by the Gwinnett County Board of Health titled "Rules of Gwinnett County Board of Health Body Art Studios and Artists" are hereby adopted by the City of Sugar Hill, Georgia and incorporated by reference into the law of this city.

Sec. 18-601. - Definitions.

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

Body Piercing means puncturing or penetrating the skin or mucosa of a person with any sharp instrument and/or the insertion jewelry or other adornment thereto in the opening.

Tattoo means to mark or color the skin, by pricking in coloring matter so as to form indelible marks or figures, or by the production of scars; provided, however, that the term "tattoo" does not mean a mark placed upon the skin by a physician for medical identification purposes.

Tattoo artist or practitioner means any person who actually performs the work of tattooing.

Tattoo establishment means the room, place or building where tattooing is practiced or where any part of the business of tattooing is conducted.

Tattoo operator means any person, firm, or entity which controls, operates, conducts or manages any tattoo establishment, whether actually performing the work of tattooing or not.

Sec. 18-602. - License, application; information to be given.

Any person desiring to engage in the business, trade or profession of a tattoo artist or body piercing or practitioner or similar trade or business shall, before engaging in that business trade or profession, file an application for a license addressed to the City Council. The application shall be in writing and shall set forth the following:

- (1) Applicant shall first obtain a body art studio permit and/or a body artist permit from the Gwinnett County Board of Health pursuant to the "Rules of Gwinnett County Board of Health Body Art Studios and Artists" incorporated by reference into this division in section 12-517. A copy of the required permits shall be attached to this application;
- (2) Operator and employees must be fingerprinted by the Police Department and a character reference supplied for all persons to operate as a tattoo artist or practitioner and all employees;
- (3) Name and address of operator;
- (4) Name and address of any person having previously employed the operator for a space of two years or longer;

- (5) If the operator is a corporation, the address of the corporation as well as the names and addresses of the agents and employees of the corporation for a period of two years immediately prior to the filing of the application;
- (6) Qualifications must be plainly stated together with required exhibits annexed to the application;
- (7) A certificate certifying as to the good moral character of the operator, signed by three currently qualified and registered voters of good moral character of the city. These letters shall not be required for annual renewals of licenses issued under this division. For the purpose of this division, the term "good moral character" means that the person to whom the phrase refers shall not have been convicted of a felony or crime involving moral turpitude;
- (8) Fingerprints must be submitted to the city at least 60 days prior to issuance of license to allow for investigation of operator and employees and processing of fingerprints by GCIC;
- (9) Should the operator be a corporation, it shall also submit with the application a certificate, executed as described in subsection (7) of this section, certifying as to the good moral character of each employee and agent of the corporation who is actually engaged in the business of the corporation.

Sec. 18-603. - License requirements; restrictions; issuance; fee.

- (a) *Qualifications* . Each operator and all employees under this division, prior to making application for a license must have the following qualifications:
 - (1) The operator and all employees must be of good moral character, and in case the operator is a corporation, it must be created in or domesticated by the laws of the State of Georgia.
 - (2) The operator must be at least 18 years of age and have received a high school diploma or graduate equivalency diploma.
 - (3) The operator and each employee must furnish a current health certificate from a medical doctor which shall accompany the application as an exhibit. Should the operator be a corporation, it shall furnish a certificate for all its agents and employees actually engaged and working under the license. The certificate shall recite that the operator or employee is in good health and is free from infectious or contagious disease.
 - (4) The operator, or the manager in the event the operator is a corporation, must furnish with the application their affidavit of previous employment, together with an affidavit of the persons under whom the apprenticeship or practical experience was obtained, specifying that the operator has satisfied the requirements of this section.
 - (5) The operator must submit proof of licensure, certification or permitting by the State pursuant to O.C.G.A. § 31-40-1 et seq.
- (b) *Issuance; fee* . If the application is submitted in proper form and is approved by the Council, then the business license department is authorized to issue a business license to the operator upon the payment of any business taxes and regulatory fees due.

Sec. 18-604. - Information concerning employees to be filed with the City Clerk.

It shall be the duty of all persons holding a license under this article to file with the City Clerk the names of all employees, their home addresses, home telephone numbers and places of employment. Changes in the list of employees with the names of new employees must be filed with the City Clerk within three days from the date of any such change.

Sec. 18-605. - Record of treatments to be kept.

It shall be the duty of any person granted a license under this article to maintain correct and accurate records of the names and addresses of the persons receiving treatment at an establishment, the type of treatment administered, and the name of the employee administering the treatment. The records shall be subject to inspection at any time by any city inspector or county police officer.

Sec. 18-606. - Grounds for suspension or revocation; notice; hearings; refund.

- (a) No license which has been issued or which may hereafter be issued by the city to any licensee hereunder shall be suspended or revoked except for due cause as defined in this division, except that the suspension or revocation of the State permit or license shall cause the city license to be suspended or revoked automatically.
- (b) Due cause for the suspension or revocation of the license shall consist of the violation of any laws or ordinances regulating the business, or violation of regulations made pursuant to authority granted for the purpose of regulating the business.
- (c) The City Clerk is delegated the authority to suspend any license issued under this division for due cause in any emergency situation, and said suspension may be made effective immediately and remain in force until the next session of the Municipal Court.
- (d) When a license is revoked under any of the provisions of this section, the city shall not be required to refund any portion of the business tax or regulatory fee.

Sec. 18-607. - Patronage of establishments by minors.

- (a) *Restricted* . It shall be unlawful for any person under the age of 18 to patronize any tattoo establishment unless that person carries with him or her, at the time of the patronage, a written order directing the treatment to be given signed by a licensed physician or unless that person carries the written permission of their parent or legal guardian. No body piercing procedure shall be performed on a person under the age of eighteen (18) without the written consent of a parent or guardian. The parent or guardian must be present when the piercing procedure is performed.
- (b) *Duty of operator*. It shall be the duty of the operator of the establishment to determine the age of the persons patronizing the establishment, and a violation of this section shall be grounds for revocation of the license of the establishment.

Sec. 18-608. - Treatment by unlicensed persons to be given only under supervision of license holder.

Tattoo treatments may be given by persons not holding a license as an tattoo artist or practitioner, provided that the treatments are given under the direct supervision of a person having such a license, and further provided that a person holding the license shall be in the same room where the treatment is being administered during the entire time of the giving of the treatment.

Sec. 18-609. - Hours of operation.

No tattoo or body piercing practitioner shall engage in the business or profession except within and between the hours of 8:30 a.m. and 10:00 p.m. nor shall any operator of a parlor, establishment or business operate the same except within and between the aforesaid hours.

Sec. 18-610. - Signed copy of ordinance to be filed with license application.

A signed copy of the ordinance from which this division is derived shall be filed with any license application.

Sec. 18-611. - Regulatory fee.

To perform the investigation required by this division, the operator shall pay the city a regulatory fee of \$300.00 at the time the application is filed.

Secs. 18-612—18-699. - Reserved.