

Subject Matter: **Body Piercing Ordinance**  
Date First Presented at Public Meeting: **June 13, 2011**  
Date of Public Hearing: **July 11, 2011**  
Date of Second Reading and Date of  
Adoption: **July 11, 2011**

**TOWN OF SHARPSBURG  
COUNTY OF COWETA  
STATE OF GEORGIA**

**ORDINANCE NUMBER 11-060  
TOWN OF SHARPSBURG, GEORGIA**

**PREAMBLE AND FINDINGS**

**WHEREAS**, the Town of Sharpsburg (the "Town") has determined that the unregulated practice of Body Piercing constitutes a serious public health hazard if proper health or medical precautions are not exercised, causing infection and the spread of blood borne contagious diseases; and,

**WHEREAS**, the Mayor and Town Council have received and reviewed the *Up to Date*, clinical information service entitled *Tattooing and Body Piercing*; author, R. Michelle Schmidt, MD, MPH and Myrna Armstrong, RN, EDD, FAAN Ed; Section Editor Amy B. Middleman, MD, MPH, MS; Depute Editor Mary M. Torchia, MD. ("Study") which shows the dangers and primary negative effects of Body Piercing; and

**WHEREAS**, the Study further shows Body Piercing is an invasive practice which may greatly increase the risk of contracting Hepatitis "B", Hepatitis "C" and Auto Immune Deficiency Syndrome (AIDS), which are all serious and potentially fatal illnesses; and

**WHEREAS**, the Study is on file at the office of the Town Clerk for public review upon request;

**WHEREAS**, the Study shows the practice of Body Piercing is a danger to the public health and safety and welfare of the Town of Sharpsburg; and

**WHEREAS**, the Town desires to regulate the practice of Body Piercing in order to protect file the public health, safety and general welfare;

**NOW THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF SHARPSBURG AS FOLLOWS:**

## ARTICLE ONE

The Town Council ordains and enacts the following language, which shall be the Town's Body Art Ordinance and which shall be codified in Chapter \_\_\_\_\_ of the Town's Code of Ordinance and shall be entitled "Body Art", to wit:

### Sec. 101. Definitions

As used in this Chapter:

- (a) *Antibacterial* means a substance which inhibits and reduces the growth of bacteria.
- (b) *Body Piercing* means the piercing of any part of the body by someone other than a physician licensed under O.C.G.A. § 34-23-20 *et seq.*, who utilizes a needle or other instrument for the purpose of inserting an object into the body for non-medical purposes; Body Piercing includes ear piercing except when the ear piercing procedure is performed on the ear with an ear piercing gun.
- (c) *Body Piercing Establishment* means any place whether temporary or permanent, stationary or mobile, wherever situated, where Body Piercing is performed including any area under the control of the operator.
- (d) *Business* means any entity that provides Body Piercing services for compensation.
- (e) *Disinfection* means a process that kills or destroys nearly all disease-producing microorganisms, with the exception of bacterial spores.
- (f) *Ear Piercing Gun* means a mechanical device that pierces the ear by forcing a disposable, single-use stud or solid needle through the ear.
- (g) *Infectious Waste* means waste that may be blood, bodily fluids or other potentially infectious materials.
- (h) *Operator* means any person, firm, company, corporation or association that owns, controls, operates, conducts or manages a Body Piercing establishment.
- (i) *Patron* means a person requesting and receiving Body Piercing or tattooing services or ear piercing services by an ear piercing gun.
- (j) *Premises* means the physical location of a Body Piercing establishment.
- (k) *Sterilize* means a process by which all forms of microbial life, including bacteria, viruses, spores, and fungi, are destroyed.

### Sec. 102. License; purpose and intent.

It is the purpose of this ordinance to regulate body piercing businesses to promote the health, safety, morals and general welfare of the citizens of the town, and to establish reasonable and uniform

regulations to prevent deleterious effects of body piercing businesses within the town. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to body piercing which may be protected by the First Amendment, or to deny access by the operators and owners of body piercing business to their intended market.

**Sec. 103. Body piercing business license required.**

(a) It shall be unlawful for a person to operate a body piercing business without a valid license issued pursuant to this ordinance.

(b) It shall be unlawful for a person to operate a body piercing business under any name or designation, or under any premises name or designation, or at any premises address not specified in a valid license issued pursuant to this ordinance. Each additional premises sought to be operated as a body piercing business shall require a separate license.

(c) It shall be unlawful for any person to own, operate, or conduct any business located within the town unless the license is posted at or near the principal public entrance to the body piercing business in such a manner that it will be conspicuous to patrons who enter the premises.

(d) In any prosecution under this section, it shall be presumed that there was no license at the time of the alleged offense, unless a license was then posted as provided in this Chapter.

**Sec. 104. Application for license.**

(a) A person who wishes to operate a body piercing business shall make application for a license in person at the office of the town clerk or their designee. The application shall be on a form prescribed by the town clerk or their designee and obtainable from the town clerk or their designee. The application shall be signed under oath by each individual listed as an applicant and notarized. An application shall be deemed filed with the town when the town clerk or their designee has received the required fee in full, a completed application with all information required in subsection (c), and the photograph and fingerprints of each applicant. The application shall be in duplicate, including all addendum or attachments thereto, with one copy being kept on file with the town clerk's office and one copy being transmitted to the Coweta County Sheriff's Department.

(b) If a person who wishes to operate a body piercing business is an individual, that individual must be listed in the application for the license as the applicant and also as the designated license holder. If a person who wishes to operate a body piercing business is a legal entity other than an individual, each officer, manager, or general partner of the entity, and any other individual who will participate directly in decisions relating to management of the body piercing business, must be listed in the application as an applicant, with the individual appearing in person to make application being further designated as the primary applicant with general authority to act on behalf of the entity in connection with the application, and the entity listed as the designated license holder. Each applicant shall provide his or her photograph and fingerprints as above.

(c) In addition to such other information as may be requested on the face of the application form, the application shall include the following information:

- (1) The name, premises address, business mailing address if different for the premises address, and phone number of the proposed body piercing business;
- (2) The name, address and phone number of the designated license holder;
- (3) Where the person seeking to operate the body piercing business is other than an individual, the entity's state of origination and date of formation;
- (4) The name under which the body piercing business is to be operated and a general description of the services to be provided;
- (5) The telephone number of the body piercing business;
- (6) The address, plat and/or legal description of the tract of land on which the body piercing business is to be located;
- (7) If the body piercing business is in operation, the date on which the owner(s) acquired the body piercing business for which the license is sought, and the date on which the body piercing business began operations as a body piercing business at the location for which the license is sought;
- (8) If the body piercing business is not in operation, the expected start-up date (which shall be expressed in number of days from the date of issuance of the license). If the expected start-up date is to be more than ten days following the date of issuance of the license, then a detailed explanation of the construction, repair or remodeling work or other cause of the expected delay and a statement of the owner's time schedule and plan for accomplishing the same;
- (9) Each applicant's full true name and any other names, aliases or stage names used in the preceding five years;
- (10) Each applicant's current residential mailing address and telephone number. This information shall be supplemented in writing to the town clerk or their designee by letter postmarked not later than ten days after any change in this information;
- (11) Written proof of each applicant's age, in the form of either a current drivers license with picture or other picture identification issued by an appropriate governmental agency;
- (12) The issuing jurisdiction and the effective date of any license or license relating to the operation of a body piercing business or relating to the provision of any body piercing services which is held or has been held at any time by any applicant or by the designated license holder, whether any such license has been revoked or suspended, and the reason or reasons therefor;
- (13) Any "specified criminal" act(s) committed by the applicant or the intended license holder for which:
  - (a) Less than two years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of a misdemeanor offense for the "specified

criminal" acts which are assault, battery, practice of medicine without license, sexual crimes against children, sexual abuse, rape or statutory rape, prostitution, bestiality, sodomy, sexual assault, kidnapping, or crimes connected with another body piercing business including, but not limited to, distribution of obscenity or material harmful to minors, prostitution, pandering, or any conviction in another jurisdiction for conduct which, if carried out in the town or the State of Georgia, would constitute a specified criminal act under this section;

(b) Less than five years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of a felony offense for the "specified criminal" acts which are sexual crimes against children, sexual abuse, rape or statutory rape, prostitution, bestiality, sodomy, sexual assault, kidnapping, or crimes connected with another body piercing business including, but not limited to, distribution of obscenity or material harmful to minors, prostitution, pandering, or any conviction in another jurisdiction for conduct which, if carried out in the town or the State of Georgia, would constitute a specified criminal act under this section;

(c) Less than five years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the convictions are of two or more misdemeanor offenses occurring within any 24-month period for the "specified criminal" acts which are sexual crimes against children, sexual abuse, rape or statutory rape, prostitution, bestiality, sodomy, sexual assault, kidnapping, or crimes connected with another body piercing business including, but not limited to, prostitution, pandering, or any conviction in another jurisdiction for conduct which, if carried out in the town or the State of Georgia, would constitute a specified criminal act under this section;

(14) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant;

(15) The name and address of the statutory agent or other agent authorized to receive service of process;

(16) The name(s) of the body piercing business manager(s) who will have actual supervisory authority over the operation of the business. This information shall be supplemented in writing to the town clerk or their designee by letter postmarked not later than ten days after any change in this information; and

(17) An accurate, to-scale, but not necessarily professionally drawn, floor plan or diagram of the business premises clearly showing the configuration of the premises, including a statement of total floor space occupied by the business, the place at which the license will be conspicuously posted, if granted, the location of all manager's stations and overhead lighting fixtures, and clearly designating all portions of the premises in which patrons will not be permitted. Each diagram should be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The town clerk may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

(d) The application shall be accompanied by the following:

(1) Payment in full of the fee required in this ordinance;

(2) Current photograph and the fingerprints of each applicant. Fingerprints shall be taken by any law enforcement agency and shall be accompanied by a notarized verification by that agency;

(3) A certified copy of the tradename certificate filed in compliance with the tradename statute of the Official Code of Georgia Annotated, if the body piercing business is to be operated under an assumed name;

(4) If the body piercing business is a Georgia corporation, a certified copy of the chapters of incorporation, together with all amendments thereto;

(5) If the body piercing business is a foreign corporation, a certified copy of the certificate of authority to transact business in the State of Georgia, together with all amendments thereto;

(6) If the body piercing business is a limited partnership formed under the laws of the State of Georgia, a certified copy of the certificate of limited partnership, together with all amendments thereto, filed in the office of the Secretary of State of Georgia;

(7) If the body piercing business is a foreign limited partnership, a certified copy of the certificate of limited partnership and the qualification documents, together with all amendments thereto, filed in the office of the Secretary of State of Georgia;

(8) Proof of the current fee ownership of the tract of land on which the body piercing business is to be situated in the form of a copy of the recorded deed;

(9) If the persons identified as the fee owner(s) of the tract of land in item (7) are not also the owners of the body piercing business, then the lease, purchase contract, purchase option contract, lease option contract or other document(s) evidencing the legally enforceable right of the owners or proposed owners of the body piercing business to have or obtain the use and possession of the tract or portion thereof that is to be used for the body piercing business for the purpose of the operation of the body piercing business; and

(10) Any of items above, shall not be required for a renewal application if the applicant states that the documents previously furnished the town clerk or their designee with the original application or previous renewals thereof remain correct and current.

(e) The application shall contain a statement under oath that:

(1) The applicant has personal knowledge of the information contained in the application and that the information contained therein and furnished therewith is true and correct; and

(2) The applicant has read the provisions of this ordinance.

(f) A separate application and license shall be required for each body piercing business.

## **Sec. 105. Fees.**

Every application for issuance or renewal of a body piercing business license shall be accompanied by a nonprorated and nonrefundable application fee in the amount of \$ 100.00.

**Sec. 106. Issuance or denial.**

(a) Within 45 days after the application for a body piercing business license is filed with the town, the town or their designee shall mail to the designated license holder a license or a written notice of intent to deny.

(b) The town clerk shall issue a license to the applicant unless one or more of the following conditions exist:

(1) The applicant's body piercing business is not located in a section of the Town that is in the Traditional Highway Commercial zoning district with a special use permit from the Town Council;

(2) The applicant failed to supply all of the information requested on the application;

(3) The applicant gave materially false, fraudulent or untruthful information on the application. The applicant, or the intended license holder, has been convicted of a specified criminal act, as described in this Chapter;

(4) The applicant's body piercing business is not in compliance with this ordinance (the town clerk may allow any noncompliance with this ordinance to be cured during the town clerk's review period established in subsection (a), above, provided that it must be cured before the notice of decision on the license is issued);

(5) The application or the body piercing business does not meet any other requirement of this ordinance;

(6) The operator has had a license revoked for the same body piercing business within the 12-month period next preceding the date that the application was filed. The fact that a revocation is being appealed shall have no effect;

(7) The applicant has not demonstrated that the owner of the body piercing business owns or holds a lease for the property or the applicable portion thereof upon which the body piercing business will be situated or has a legally enforceable right to acquire the same;

(8) The applicant, the applicant's spouse, or the designated license holder is delinquent in payment to the town of taxes, fees, fines, or penalties assessed against or imposed upon the applicant, the applicant's spouse, or the designated license holder in relation to a body piercing business or arising out of any other business activity owned or operated by the applicant, the applicant's spouse, or the designated license holder and licensed by the town; or

(9) The applicant or the designated license holder has failed to comply with or is in violation of applicable provisions of the zoning ordinances, or the building codes, development standards or other land use ordinances and regulations of the town relating to the business or activity to be conducted under the license.

(10) Within the past two years, the applicant or the designated license holder has had a license similar to that authorized under this ordinance, but issued in another jurisdiction, revoked on the basis of conduct which would be a ground for revocation of a license issued under this ordinance if committed in the town. The fact that the revocation is being appealed at the time of the decision on this application shall have no effect.

(11) The granting of a license would violate a state or federal statute, county ordinance, or a court order.

**Sec. 107. Appeal from denial of license.**

(a) In the event that the town clerk or their designee determines that an applicant is not eligible for a license, the applicant shall be given notice in writing of the reasons for the denial within 20 days of the receipt of its application by the town clerk or their designee, provided that the applicant may request, in writing, that such period be extended for an additional period of not more than ten days at any time before the notice is issued in order to make modifications necessary to comply with this ordinance. An applicant may appeal the decision of the town clerk or their designee regarding such denial by filing a written request for a hearing with the town clerk or their designee within ten days after the applicant is given notice of such denial. The town clerk's or their designee decision on the application shall be final unless an appeal is timely filed. An appeal shall not stay the town clerk's or their designee decision on the issuance of a license. The applicant's written request for a hearing shall set out the grounds on which the denial is challenged. The hearing shall be conducted before the mayor and town council at a reasonable date and time established by the mayor and after reasonable notice to the applicant. At the hearing, the mayor and town council shall receive oral and written testimony regarding the application. Hearings shall be conducted under procedures established by the mayor, which shall be consistent with the nature of the proceedings and shall ensure that each party may present evidence, cross examine witnesses and be represented by legal counsel.

(b) The mayor and town council shall conduct the hearing within 30 days after receipt of the applicant's written request for a hearing unless the applicant requests an extension in writing. The mayor and town council shall render a written decision and issue notice thereof to the applicant within ten days after the conclusion of the hearing. The written decision of the mayor and town council shall be final.

**Sec. 108. Nontransferability of license.**

(a) Licenses issued under this ordinance are not transferable as to licensee or location. A licensee shall not conduct a different classification of a body piercing business than that designated in the license or conduct a body piercing business under the authority of a license at any place other than the address designated in the application. No body piercing business shall be conducted under any name or under any designation or classification not specified in the license for that business.

(b) It shall be unlawful for any person to counterfeit, forge, change, deface, or alter a license.

**Sec. 109. Term; renewal.**



Each license shall be valid until December 31st of the year of issue and shall expire on December 31st of the year of issue, unless sooner revoked, or surrendered.

**Sec. 110. Suspension of license.**

The town clerk or their designee shall suspend a license for a period of 30 days if a licensee is convicted of violating a provision of this ordinance.

**Sec. 111. Revocation of license.**

(a) The town clerk or their designee shall revoke a license issued pursuant to this ordinance if the licensee:

- (1) Knowingly performed or allowed body piercing on a person under 18 years of age without parental consent as required by this ordinance;
- (2) Is convicted of a violation of this ordinance in any 12-month period;
- (3) Is convicted of any crime or crimes on the basis of which a license may be denied under this ordinance;
- (4) Gave false or misleading information in the application;
- (5) The body piercing business has not been open for business for a period of 30 consecutive days, unless due to circumstances beyond the control of the owner, and the owner is proceeding with due diligence, given all attendant circumstances, to open or reopen the establishment;
- (6) That the license was erroneously issued in contravention of the criteria of this ordinance;
- (7) Has knowingly operated or worked in the body piercing business during a period of time when the license was suspended; or
- (8) Is delinquent in payment to the town of taxes or fees related to the body piercing business or arising out of any other business activity owned or operated by the licensee and licensed by the town.

(b) The fact that a conviction is being appealed shall have no effect on the revocation of the license.

**Sec. 112. License renewal.**

(a) A license may be renewed by filing an application for renewal on a form provided by the town clerk or their designee. The application for renewal shall be received by the town clerk or their designee not less than 45 days before the expiration of the license. When the application for renewal is received less than 45 days before the expiration date, the expiration of the license shall not be delayed, postponed or otherwise affected.

(b) The town clerk or their designee may deny an application for renewal for any reason for which an application may be denied or revoked under this ordinance.

(c) An application for issuance or renewal of a body piercing business license shall be accompanied by such fee as required under section 105 of this Ordinance.

**Sec. 113. Procedure for revocation, suspension and denial of renewal of existing licenses.**

(a) If the town clerk or their designee determines that grounds exist to suspend or revoke a license, or to deny an application for renewal of a license, the town clerk or their designee shall notify the designated license holder, license applicant, or licensee (respondent), as applicable, in writing of the intent to deny, suspend, or revoke, which notice shall include a summary of the grounds therefor. The notice shall be sent by registered or certified mail to the address of the designated license holder, license applicant, or licensee listed in the current year's license application or renewal application.

(b) Within ten days after the effective date of notice, the respondent may provide to the town clerk or their designee in writing a response which shall include a statement of reasons why the license, or renewal thereof, should not be denied, suspended, or revoked and which may include a request for a hearing. If a response is not received by the town clerk or their designee in the time stated, the denial of renewal, suspension or revocation shall be final, and notice thereof shall be sent to the applicable designated license holder, license applicant or licensee by registered or certified mail.

(c) Within ten days after receipt of a response, the town clerk or their designee shall either withdraw the intent to deny the renewal, suspend, or revoke, and so notify the respondent, or shall deny the renewal, impose a suspension or revoke the license. Following a decision to deny renewal, suspend or revoke a license, the town clerk or their designee shall send notice thereof to the respondent, which shall include a statement of the reason(s) for the denial, suspension or revocation. The effective date of notice shall be the date the notice is actually received or five days after the date the notice is mailed, whichever occurs first.

**Sec. 114. Appeal from suspension, revocation or denial of renewal.**

(a) An applicant may appeal the decision of the town clerk or their designee regarding a suspension, revocation or denial of renewal of a license by filing a written request for a hearing with the town clerk or their designee within ten days after he is given notice of such denial. The town clerk's decision on the application shall be final unless an appeal is timely filed. The applicant's written request for a hearing shall set out the grounds on which the town clerk's or their designee's decision is challenged. The hearing shall be conducted before the mayor and town council at a reasonable date and time established by the mayor and after reasonable notice to the applicant. At the hearing, the mayor and town council shall receive oral and written testimony regarding the application. Hearings shall be conducted under procedures established by the mayor, which shall be consistent with the nature of the proceedings and shall ensure that each party may present evidence, cross examine witnesses and be represented by legal counsel.

(b) The mayor and town council shall conduct the hearing within 30 days after receipt of the applicant's written request for a hearing unless the applicant requests an extension in writing. The mayor and town

council shall render a written decision and issue notice thereof to the applicant within ten days after the conclusion of the hearing. The written decision of the mayor and town council shall be final.

**Sec. 115. Permit required.**

(a) It shall be unlawful for any person who does not hold a permit to act as a body piercing provider or a body piercing business manager of or in a body piercing business.

(b) It shall be the duty of the operator and owners of each body piercing business to ensure that no person acts as a body piercing provider or manager of or in the body piercing business unless that person holds a permit.

**Sec. 116. Issuance of permits.**

(a) Any person who desires to obtain an original or renewal permit shall make application to the town clerk or their designee in person. The application shall be made under oath upon a form prescribed by the town clerk or their designee and shall include:

(1) The name, home street address and mailing address (if different) of the applicant;

(2) The applicant's age, date and place of birth;

(3) Proof of the date of birth of the applicant and the identity of the applicant, including at least one photographic identity card issued by a governmental agency;

(4) Height, weight, hair and eye color;

(5) A list of any specified criminal acts, and time of service in jail or prison, as specified in this ordinance; and

(a) An applicant for a permit shall present to the town clerk or their designee a medical certificate from a medical doctor certifying that the person is sound physically and mentally, has good eyesight and is not infected with a disease which can be communicated through openings in the human skin.

(b) Each application shall be accompanied by a nonrefundable processing fee of \$250. Each applicant shall be required to provide fingerprints to be used to verify the applicant's identity and criminal history information. Each applicant shall sign a waiver and authorization form authorizing the town clerk or their designee on behalf of the applicant criminal history reports from the Georgia Department of Public Safety or any other appropriate state or federal government entity.

(c) Town clerk or their designee shall issue the permit within ten days from the date of filing of the application unless he finds that the applicant has been convicted of or spent time in jail or prison for an offense specified in the applicable provisions of section 104 of this ordinance within the time specified therein. If the application is not granted, then the applicant shall be mailed notice of the grounds and of their right to provide evidence and request a hearing as provided below, within ten days from the date of filing of the application.

(d) Any applicant whose application is denied and who requests a hearing on the denial shall be granted a hearing within ten days following the receipt of the request by the town clerk or their designee. The hearing shall be conducted as provided in section 107 of this ordinance.

(e) A condition precedent to the issuance of a permit by the town clerk or their designee under this division shall be satisfactory proof that the body piercing establishment has secured from the appropriate health authorities of Coweta County Health Department a permit or license to operate the establishment.

(g) No permit application shall be accepted nor shall a permit be issued to any person who does not provide proof that applicant is at least 18 years old. Any permit issued by virtue of any misrepresentation or error to any person under age 18 shall be void.

**Sec. 117. Term, transfer, amendment.**

(a) A permit is valid for one year from the date of its issuance.

(b) A permit is personal to the named permit holder and is not valid for use by any other person.

(c) Each permit holder shall notify the town clerk or their designee of his or her new address within ten days following any change of his or her address.

**Sec. 118. Display.**

(a) Each manager or body piercing provider shall conspicuously display, in a manner readily available to the general public, their personal card at all times while acting as a body piercing provider or manager of or in a body piercing business.

(b) In any prosecution under this section 118, it shall be presumed that the actor did not have a permit unless the permit was in display as required under subsection (a) of this section.

**Sec. 119. Revocation.**

In the event that the town clerk or their designee has reasonable grounds to believe that any permit holder has been convicted of an offense as specified in the applicable provision of section 104 of this ordinance within the time specified therein or after, or has violated a requirement or prohibition of this ordinance, then the town clerk or their designee may revoke the permit following a notice of the grounds and a hearing as provided in this ordinance.

**Sec. 120. General Safety and Sanitation Standards.**

(a) A business offering Body Piercing services shall comply with the following provisions:

(1) The premises in which Body Piercing is conducted shall have an area of at least one hundred square feet. The floor space for each individual performing Body Piercing shall have an area of at least thirty six (36) square feet. These areas shall be separated from each

other and from waiting patrons or observers by a panel or by a door. Complete privacy should be available upon a Patron's request.

- (2) The entire procedure room and equipment shall be maintained in a clean, sanitary condition and in good repair.
- (3) The Business shall be equipped with artificial light sources equivalent to at least twenty foot-candles at a distance of thirty inches above the floor throughout the establishment. A minimum of forty (40) foot candles of light shall be provided at the level where the Body Piercing is being performed. Spotlighting may be used to achieve this required degree of illumination.
- (4) All floors directly under equipment used for Body Piercing activities shall be an impervious, smooth, washable surface; have a minimum dimension of six (6) feet by six (6) feet and shall be maintained in a sanitary manner at all times. All walls shall be maintained in a sanitary manner.
- (5) All tables and other equipment shall be constructed of easily cleanable material, with a smooth, washable finish.
- (6) Restroom facilities shall be made available to the employees and costumers of the business and must be located within the establishment. The restroom shall be equipped with a toilet, toilet paper installed in a holder, lavatory supplied with hot and cold running water, liquid or granulated soap and single-use towels. Equipment and supplies used in the course of Body Piercing services or disinfection and sterilization procedures shall not be stored or utilized within the restroom.
- (7) A lavatory or hand washing sink, with hot and cold water, liquid or granular soap, and single-use towels shall be located in close proximity of each individual performing Body Piercing procedures.
- (8) There shall be no overhead or otherwise exposed sewerage lines so as to create a potential hazard to the sanitary environment of the business.
- (9) Sufficient and appropriate receptacles shall be provided for the disposal of used gloves, dressings, and other trash. Each receptacle shall have a lid and be closed at all times while not in use.
- (10) The operator shall not allow live animals to enter area(s) used for Body Piercing procedures. This subsection shall not prohibit patrol dogs accompanying security or police officers, guide dogs or other support animals accompanying handicapped persons.
- (11) At no time shall food or drink be consumed, or smoking or other tobacco use in rooms used for Body Piercing.

- (12) All water supplies, waste water disposal systems, solid waste disposal, and infectious waste disposal shall meet the requirements of Occupational Health and Safety Administration.
- (b) Persons approved to operate a Body Piercing Establishment and persons providing ear piercing services with an Ear Piercing Gun shall comply with the following provisions:
  - (1) Persons performing the service shall not perform services if:
    - (A) They are under the influence of any drugs or alcohol; or
    - (B) They knowingly have, in a communicable stage, an infectious or contagious disease, parasitic infestation, exudative lesions or weeping dermatitis.
  - (2) In accordance with O.C.G.A. 16-5-71.1, no person shall perform a Body Piercing procedure, with the exception of ear piercing, without the prior written consent of a custodial parent or guardian.
  - (3) Prior to performing a Body Piercing procedure, the Operator who will be performing the procedure shall inquire of a Patron for conditions which could affect the healing process, including but not limited to, diabetes, vascular disease or any condition which may cause an immunosuppressed immune system such as HIV or cancer. The Operator shall not perform a Body Piercing procedure on Patrons indicating the presence of such a condition without documentation from a licensed physician indicating acceptance of the patient for appropriate care following the procedure.

**Sec. 121. Additional Requirements.**

Any person operating an approved business offering Body Piercing services shall comply with the following provisions pertaining to Body Piercing services.

- (a) Operators shall ensure that individuals performing Body Piercing services shall be certified in blood-borne pathogen response procedure training pertaining to unintentional needle sticks, and shall seek out appropriate medical care in the event of such an accident.
- (b) Immediately prior to beginning any Body Piercing operation, each individual performing the procedure shall wash their hands in hot water with liquid or granulated soap, or equivalent, if approved by the board of health. The operator's fingernails shall be kept clean and short.
- (c) The individual performing the procedure shall wear a clean new pair of disposable gloves, made of latex or similar material, for each new customer. Should the gloves develop a break or tear, or if the individual performing the procedure touches another surface during the course of the procedure, the gloves shall be immediately replaced.
- (d) Individuals shall perform Body Piercing services only on normal, healthy skin surface. No

procedures shall be done on scar tissue that is a result of surgery, including but not limited to, mole removal.

- (e) The individual performing the procedure shall use povidone-iodine to thoroughly clean the area of skin to be pierced; or in the case of an iodine-sensitive patron, an FDA approved surgical scrub shall be used. The area shall then be rinsed with a solution such as benzalkonium chloride. While seventy percent isopropyl alcohol may be used to swab the area to be pierced prior to cleaning, it shall not be used as a cleaning agent. In the case of oral piercings, the operator shall provide a patron with antibacterial mouthwash in a single use cup and shall ensure that the patron utilizes the mouthwash provided. In the case of a lip, labret, or cheek piercing, procedures described in this paragraph for both skin and oral piercings shall be followed.
- (f) No operator performing Body Piercing services shall use styptic pencils, alum blocks, or other solid styptics to check the flow of blood.
- (g) Operators performing Body Piercing services shall utilize a single-use, sterile needle for each piercing performed and shall appropriately dispose of the needle after performing each piercing procedure in a medical sharps container.
- (h)
  - (1) Operators performing Body Piercing services shall install only sterilized jewelry that complies with the following standards:
    - Steel that is ASTM F-138 compliant or ISO 5832-1 compliant; or
    - Steel that is ISO 10993-6, 10993-10 and /or 10993-11 compliant (EEC Nickel Directive compliant); or
    - Titanium (Ti6Al4V ELI) that is ASTM F-136 compliant or ISO 5832-3 compliant; or
    - Titanium that is ASTM F-67 compliant; or
    - Solid 14 karat or higher nickel-free white or yellow gold; or
    - Solid nickel-free platinum alloy; or
    - Niobium (Nb); or
    - Fused quartz glass, lead-free borosilicate or lead-free soda-lime glass; or
    - Tygon® Medical Surgical Tubing S-50HL or S-54HL
    - Polytetrafluoroethylene (PTFE) that is ASTM F754-00 compliant; or
    - Plastic material that is ISO 10993-6, 10993-10 and /or 10993-11 compliant and/or meets the United States Pharmacopeia (USP) Class VI material classification.
  - (2) All threaded or press-fit jewelry must have internal tapping (no threads on posts). For body jewelry purposes, surfaces and ends must be smooth, free of nicks, scratches, burrs, polishing compounds and metals must have a consistent mirror finish.
- (i) Operators shall provide each patron with oral and written care instructions following the Body Piercing procedure.

- (j) The operator performing the Body Piercing service shall maintain a record of service, including the patron's name, address, the date of service, jewelry used including the size, material composition and manufacturer, and placement of piercing. The operator shall maintain such record for at least two years. In the event of the closing of the business, all Body Piercing records shall be made available to the Coweta County Health Department and the Georgia Department of Human Resources.
- (k) All obvious injuries or infections directly resulting from the practice of Body Piercing which are known or become known to the operator shall be reported to the Coweta County Health Department and the Georgia Department of Human Resources by the operator who shall immediately advise the patron to seek the services of a physician.
- (l) Operators shall comply with applicable standards of the Occupational Health and Safety Administration, as well as any applicable Georgia laws and regulations while disposing of waste items including, but not limited to needles and other supplies capable of causing lacerations or puncture wounds, generated through the provision of Body Piercing services.
- (m) Operators of an approved business performing Body Piercing services, other than those utilizing a piercing gun, shall not perform such services outside the business premises, unless otherwise authorized by Georgia law.

**Sec. 122. Body Piercing Services Prohibited.**

Due to the negative health risks and negative impact on the health safety morals and general welfare of the Town of Sharpsburg related to the piercing of the genitals, such negative effects being outlined in the Study which was reviewed and understood by the Mayor and Town Council before passage of this Chapter, it shall be unlawful for any person other than a licensed physician to pierce in whole or in part, the genitals or anus of the any person, including but not limited to, the labia majora, labia minora, clitoris or anus of a female or the scrotum, penis or anus of a male.

**Sec. 123. Ear Piercing Gun Standards**

Any person operating a business offering ear piercing services with a piercing gun shall comply with the following provisions pertaining to such services:

- (a) Individuals providing ear piercing services with an Ear Piercing Gun shall be adequately trained to properly use, clean, disinfect and store the Ear Piercing Gun, in accordance with the rules of this chapter.
- (b) The individual performing the procedure shall wear a clean, new pair of disposable gloves made of latex or similar material for each piercing performed.
- (c) The Ear Piercing Gun shall be cleaned and disinfected between uses on each patron, by utilizing the following methods:



- (1) The piercing gun shall be designed so that all parts of the gun that touch the patron's skin are disposable, such parts shall be removed from the gun and disposed of in an appropriate receptacle; and
  - (2) Following initial cleaning procedures appropriate for the Ear Piercing Gun, as described above, the Ear Piercing Gun shall be thoroughly wiped down with an appropriate disinfectant in accordance with directions for use from the manufacturer of the disinfectant; and
  - (3) In the case of a visible exposure of the gun to blood, the individual performing the service shall immediately:
    - i. Place the gun in a rigid, tightly closed container, before returning the Ear Piercing Gun to the manufacturer, in accordance with instructions provided by the manufacturer; or
    - ii. Sterilize the Ear Piercing Gun; or
    - iii. Discard the Ear Piercing Gun.
- (d) The Ear Piercing Gun shall be stored in a covered container, or cabinet, when not in use.
- (e) Prior to performing an ear piercing procedure with an Ear Piercing Gun, the individual offering the service shall inform all patrons requesting such services of the frequency and method utilized to disinfect and sterilize all equipment used in the ear piercing procedure and the extent to which the methods used destroy disease-producing microorganisms.

**Sec. 124. Sterilization and Disinfection Procedures for Body Piercing Services.**

- (a) The operator shall keep all tubes, needle bars and other sterilized pieces of equipment in the wrappers or sterilizer bags used during sterilization. The operator shall store these wrapped ordinances in a clean, closed case or storage cabinet while not in use. The operator shall maintain such case or cabinet in a sanitary manner at all times. The operator shall keep all instruments, tubes, needles, and other items used in tattooing or Body Piercing procedures free of all contamination and shall not remove the wrappers or sterilizer bags until immediately prior to use.
- (b) The individual performing the service shall use all tattoo needles or instruments intended to penetrate the skin only once and dispose of them in a medical sharps container. The individual performing the service shall use instruments not intended to penetrate the skin, but which may become contaminated, only once and such instruments shall be disposed of in appropriate receptacle.
- (c) The operator shall place all used, nondisposable instruments in an ultrasonic-type machine to remove excess dye or other matter from the instruments; or the operator shall immerse nondisposable instruments for at least twenty minutes in a disinfectant solution registered with

the united states environmental protection agency as a hospital disinfectant before the operator proceeds to scrub the instruments. When this process is completed, the operator shall place the instruments into either a covered container or into a wrapper designed or suitable for steam sterilization and sterilize. The operator shall daily sanitize the ultrasonic-type unit with a germicidal solution.

- (d) The operator shall provide a steam sterilizer (autoclave) for sterilizing all needles and similar instruments before use on any patron. Alternate sterilizing procedures may be used when specifically approved by the board of health. Sterilization of instruments will be accomplished in the autoclave by exposure to steam for at least fifteen minutes at a minimum pressure of fifteen pounds per square inch, temperature of two hundred fifty degrees Fahrenheit or one hundred twenty-one degrees Celsius.
- (e) The operator shall monitor and document the sterilizing function of all sterilizers as follows:
  - (1) The operator shall use autoclave sterilization bags, with a process indicator which changes color upon proper steam sterilization, during the autoclave sterilization process.
  - (2) The operator shall monitor each sterilizer load by the use of a sterilization indicator that ensures that minimum conditions exist to achieve sterilization through appropriate levels of:
    - i. Pressure of saturated steam;
    - ii. Temperature of exposure;
    - iii. Exposure time.
  - (3) The operator of the sterilizer shall follow the manufacturer's use instructions for the sterilizer and the sterilization indicator being used. Further, the operator shall maintain the sterilizer in serviceable condition and keep a record of any maintenance performed for at least two years.
  - (4) If the sterilization indicator demonstrates that sterilization has been achieved, the operator may place the contents of the packaged unit in inventory.
  - (5) If the sterilization indicator demonstrates that sterilization has not been achieved, the operator shall not use the sterilizer further. The operator shall have the sterilizer examined to determine the malfunction and shall have the sterilizer repaired or replaced.
  - (6) The operator shall use best practices, as recommended by the Association of Professional Piercers ("APP"), to ensure all instruments are free from all spore contamination.
- (f) The operator shall maintain a log, for a period of at least two years, of date, time, the name of the

person or independent testing entity performing the test and sterilization indicator results for all needles and instruments used. The operator may also keep this record in each client file for all needles and instruments used on that client.

**Sec. 125. Penalty.**

a) Violation of any requirement or prohibition stated in this ordinance is a misdemeanor, punishable upon conviction by a fine of not more than \$1,000.00. With respect to a violation that is continuous in nature, each day that the violation continues shall constitute a separate offense.

(b) The revocation or suspension of any license shall not prohibit the imposition of a criminal penalty and the imposition of a criminal penalty shall not prevent the revocation or suspension of a license. Imposition of a criminal penalty shall be a prerequisite to the revocation or suspension of a license.

**ARTICLE TWO**

This Ordinance shall become effective after its second reading and upon adoption by the Town Council.

**ARTICLE THREE**


The preamble of these Ordinances shall be construed to be, and is hereby incorporated by reference as is fully set out herein.

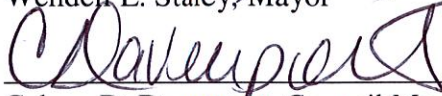
**ARTICLE FOUR**

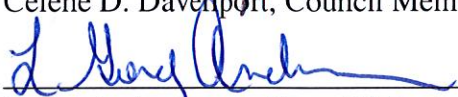
The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, sentence, paragraph, or section of this Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such an illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.


APPROVED BY THE MAYOR AND COUNCIL OF THE TOWN OF SHARPSBURG, at a regular meeting of the Mayor and Council on the 14<sup>th</sup> day of July, 2011, by the following voting for adoption:


APPROVED BY:

  
Wendell L. Staley, Mayor

  
Celene D. Davenport, Council Member

  
L. Gordy Anderson, Council Member

  
Connie F. Turner, Council Member

  
D. Keith Rhodes, Council Member

Attest:

  
Donna M. Camp, Town Clerk