

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Environmental Services

AGENDA DATE: July 17, 2012 – Introduction
July 31, 2012 – Public Hearing

CONTACT PERSON NAME AND PHONE NUMBER: Ellen A. Smyth, P.E., Director (915) 621-6719

DISTRICT(S) AFFECTED: All

SUBJECT:

An ordinance amending Chapters 5.10 (Tattooing and Body Piercing Licenses) and 9.32 (Tattooing and Body Piercing) of the El Paso City Code, by repealing these chapters in their entirety and adopting a new Chapter 5.10 (Tattoo and Body Art Studio Registration and Artist License) in its place, the penalty as provided in Section 5.10.180 of the El Paso City Code.

BACKGROUND / DISCUSSION:

In an effort to more efficiently regulate the public health and safety concerns related to the application of tattoos and body art in the City, and to allow for the free movement of licensed artists to conduct these activities at registered studios, a public discussion was initiated by the tattoo and body art community in 2010.

The first of three public meetings was conducted on October 14, 2010, followed by a presentation to the LRC on May 19, 2011, and concluded with a meeting of tattoo artists and studio owners on June 27, 2011.

The following three major concepts were discussed and have received concurrence from the LRC, stakeholders and ESD staff: 1) registration of studios with the City to coincide with a state-issued studio license, 2) the allowance of an artist to secure a single license from the City and conduct tattooing or body art at any registered studio, and 3) the adoption of state and federal regulations for health and sanitation standards rather than a City-specific standard.

By adopting the ordinance as proposed, Chapter 9.32 of the City Code will be repealed, and the revised Chapter 5.10 will include standards both for studio registration and the artist license within a single ordinance.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

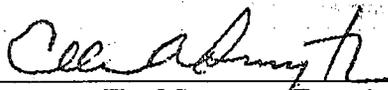
N/A

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

ORDINANCE NO. _____

AN ORDINANCE DELETING CHAPTER 9.32 (TATTOOING AND BODY PIERCING) OF THE EL PASO CITY CODE, AS THOSE REQUIREMENTS HAVE BEEN MOVED TO CHAPTER 5.10 OF THE EL PASO CITY CODE AND REPEALING ORDINANCES NOS. 015715 AND 017392 WHICH ESTABLISHED & AMENDED THE CHAPTER.

WHEREAS, Chapter 9.32 of the El Paso City Code was added to Title 9 (Health & Safety) by Ordinance No. 015715 on March 23, 2004, which was then amended to reflect certain City organizational changes by Ordinance No. 017392 on August 24, 2010, with both of these ordinances being codified; and

WHEREAS, the requirements of Chapter 9.32 are now being moved to Chapter 5.10 of the El Paso City Code; and

WHEREAS, the City Council of the City of El Paso agrees to delete Chapter 9.32 and to repeal Ordinances No. 015715 and 017932.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. That Chapter 9.32 (Tattooing and Body Piercing), is hereby deleted in its entirety and shall be removed from the El Paso City Code, and Ordinances Nos. 015715 and 017932 be repealed.

Section 2. This ordinance shall take effect on January 1, 2013.

Section 3. Except as herein amended, Title 9 (Health and Safety), shall remain in full force and effect.

ADOPTED this _____ day of July, 2012.

(signatures appear on the following page)

CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Josette Flores
Assistant City Attorney

APPROVED AS TO CONTENT:



Ellen A. Smyth, P.E., Director
Environmental Services Department



Tattoo Studio Registration and Artist License

Karl Rimkus,
Environmental Services Department



Requested Action

- Repeal Chapter 9.32 (Tattooing and Body Piercing)
- Repeal Chapter 5.10 (Tattooing and Body Piercing Licenses)
- Replace with new Chapter 5.10 (Tattoo and Body Art Studio Registration and Artist License)



Purpose

- Allow licensed artists to obtain a single license, valid for use at any registered studio
- Require studio to register with the City, to ensure compliance with zoning, building standards and artist licenses
- Maintain registry for registered studios and licensed artists, for the purpose of regular inspections by Code Compliance
- Streamline compliance and hygiene standards under a single ordinance



History

- October 14, 2010: Stakeholder Meeting
- April 2011: Ordinance revision by City staff
- May 19, 2011: LRC Presentation
- June 27, 2011: Stakeholder Meeting
- June 2012: Ordinance revision and legal review
- July 17, 2012: Request for Council Action



Regulations: Existing vs. Proposed

Existing:

- Federal (OSHA: Bloodborne Pathogens)
- State (Health and Safety Code: Food and Drug)
- State (DSHS: Tattoo and Body Piercing Studios)
- City (Chap. 9.32: Tattooing and Body Piercing)
- City (Chap. 5.10: Licensing)

Proposed:

- Adopt by reference state and federal regulations
- Consolidate all requirements for tattoo and body art in Chapter 5.10 (repeal Chap. 9.32)



Studios: Existing vs. Proposed

Existing:

- Studios are currently licensed only by the State (DSHS)
- Violations are noted against studio only, not artists working at the studio

Proposed:

- Require studios to register with City
- Registered studios will be inspected on a regular basis (and upon complaint) by Code Compliance



Artists: Existing vs. Proposed

Existing:

- A currently-licensed artist must obtain multiple licenses from the City in order to work at more than one studio

Proposed:

- Licensed artists would be free to work at any registered studio within the City upon obtaining a single artist license



Enforcement: Studios and Artists

Registered studios:

- Inspected once per year for compliance with studio requirements (artist list, hygiene, supplies used by artists)
- Notices of Violation (NOV) issued to studio for violations
- Registration suspended (60 days) after two NOVs
- Registration revoked (12 months) after two suspensions

Licensed Artists:

- Inspected on a regular basis; individually, or during annual inspection of studio
- Citations issued to artists for violations of ordinance
- License suspended (60 days) after two citations
- License revoked (12 months) after two suspensions



Questions and Comments?