

TOWN OF CARMAN

BY-LAW 04/1867

A by-law of the Town of Carman to regulate the establishment and maintenance of tattoo studios.

SECTION 1 – SHORT TITLE

This by-law shall be referred to as the “Tattoo Studio By-Law”.

SECTION 2 – INTERPRETATION

In this by-law, unless the context otherwise requires:

1. “Autoclave” means a container for sterilizing by superheated steam under pressure.
2. “Communicable Disease” means an illness due to a specific infectious agent or its toxic products which arise through transmission of that agent or its products from a reservoir to a susceptible host either directly or indirectly.
3. “Designated Officer” means the person appointed by the Town of Carman to administer and enforce the provisions of this by-law.
4. “Medical Officer of Health” means a medical officer of health appointed under The Public Health Act, or any other person duly authorized to act in his stead.
5. “Operator” means any person occupying, in possession of, or in charge of any tattoo studio or carrying on the business in charge.
6. “Person” includes an individual, partnership, corporation, firm, association, operator, owner or person in charge.
7. “Person in Charge” means the operator or individual present in a tattoo studio who is the apparent supervisor or owner of the tattoo studio and if no individual who is the apparent supervisor or owner is present, then any employee present shall be conclusively deemed to be the person in charge.
8. “Premises” means any building or other structure, or portion thereof, used for the carrying on of the business of a tattoo studio.
9. “Public Health Inspector” means a public health inspector appointed under The Public Health Act or Department of Health Act.
10. “Reception Area” means the public space for receiving clients or other persons dealing with the tattoo studio which is separate from the workstation.
11. “Sterilization” means autoclaving:

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- a. at a temperature of 121 degrees Centigrade or 249.8 degrees Fahrenheit, at a pressure of 103.4 kilopascals, or 15 pounds per square inch for 15 minutes; or
 - b. at a temperature of 126 degrees Centigrade or 258.8 degrees Fahrenheit, at a pressure of 137.9 kilopascals, or 20 pounds per square inch for 10 minutes; or
 - c. at a temperature of 134 degrees Centigrade or 273.2 degrees Fahrenheit, at a pressure of 197.3 kilopascals, or 29 pounds per square inch for 3 minutes;
- or utilizing an ultrasonic sterilizer.
12. "Tattoo" means a permanent mark or design made upon the skin by puncturing it and inserting a pigment or pigments.
 13. "Tattooer" means anyone performing tattooing.
 14. "Tattoo Studio" means the premises in which tattooing is carried on and includes the reception area and workstation.
 15. "Ultrasonic sterilizer" means a device that uses ultrasonic energy in a sterilization process.
 16. "Work Station" means the area of the Tattoo Studio used for tattooing customers.

SECTION 3 – APPLICATION AND RESPONSIBILITY

No person shall operate a Tattoo Studio in contravention of any provision in this by-law, and the operator or person in charge of a Tattoo Studio shall be responsible for ensuring compliance with the terms of this by-law and shall be liable for any violation thereof.

SECTION 4 – PERMIT

1. No person shall commence the operation of a Tattoo Studio without obtaining a permit from the Designated Officer and without complying with the provisions of the Town of Carman License By-Law as amended from time to time.
2. Prior to issuance of a permit the Designated Officer may, in consultation with the Medical Officer of Health or the Public Health Inspector, inspect the Tattoo Studios and determine compliance with this by-law.
3. No person shall transfer or assign a permit to another person without the approval in writing of the Designated Officer and/or the Public health Inspector.

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4. Every permit shall be renewed annually and may be suspended or withheld by the Designated Officer where any provision of this by-law is found to have been violated.

SECTION 5 - PREMISES

1. Every Tattoo Studio shall
 - a. Be entirely separate from any area used for living, dining, or sleeping purposes.
 - b. Be entirely separate from any business, eating or drinking place.
 - c. Have a reception area which is separate from the workstation.
 - d. Have a workstation in which all tattooing shall be performed and which shall be separate from the reception area.
 - e. Have at all times an adequate supply of hot and cold water and all plumbing, drainage and sewerage constructed and maintained in accordance with the Manitoba Building Code as amended from time to time.
 - f. Have adequate toilet facilities in accordance with the Manitoba Building Code as amended from time to time.
 - g. Have adequate lighting and ventilation.
2. The reception area shall be provided with furnishings for customer use which shall be kept clean and in a good state of repair at all times.
3. Each Work Station shall:
 - a. Have a hand basin with hot and cold running water and a supply of towels and antibacterial soap.
 - b. Have floors, walls and ceiling surfaces made of easily cleanable materials and be kept clean and in a good state of repair at all times. Carpeting is prohibited in each workstation.
 - c. Have a minimum floor area of 9.29 square meters (100 square feet) for the first workstation and 4.64 square meters (50 square feet) for each additional workstation.
 - d. All cabinets, tables and other furniture shall be constructed of easily cleanable material, shall have smooth, non-absorbent surfaces and at all time be kept clean and sanitary.

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- e. Sufficient cabinets with doors shall be provided for the storage of supplies and materials.
- f. Be equipped with sufficient covered receptacles.
- g. Be separate from any other workstation by a partition wall of substantial construction.

SECTION 6 – EQUIPMENT, SUPPLIES AND INSTRUMENTS

Every Tattoo Studio shall:

- 1. Be equipped with an autoclave or an ultrasonic sterilizer which shall be used to sterilize instruments prior to and after each use.
- 2. Have sterile containers for the storage of sterile needles and needle bars.
- 3. Have paper tissues, sanitary towels and single service cups.
- 4. Have for the dispensing of bulk Vaseline a sufficient supply of tongue depressors which shall be discarded after each use.
- 5. Have a sufficient supply of bandages and dressings.
- 6. Have syringes which are capable of being sterilized.

SECTION 7 – PROCEDURES

Every Tattooer shall adhere to, carry out and comply with the following:

- 1. All tattooing shall be performed in a workstation only.
- 2. No person suffering from a communicable disease shall engage in the practice of tattooing.
- 3. Every Tattooer shall be sanitary in his/her habits and wash his/her hands with soap and water prior to serving each customer.
- 4. Every Tattooer, when engaged in tattooing, shall wear a clean garment of washable or disposable light-colored material covering all clothing above the hips.
- 5. Tattooing shall be done only on normal healthy skin surfaces.
- 6. All needles used in tattooing shall either be of the disposable type which shall be used only once and then discarded, or stainless steel which shall be sterilized before and after each use.

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7. All needle holders and all other equipment that comes in contact with the needles shall be sterilized before each use.
8. Before shaving the area to be tattooed, it shall be cleansed with tincture of green soap or an equivalent approved by the Designated Officer or Public Health Inspector. After shaving the area to be tattooed 70% alcohol shall be applied to the skin.
9. Safety razors with disposable blades shall be used for each customer in preparation of the area to be tattooed. "The razor blade holder shall be sterilized before treatment of each customer.
10. Tattoo pigments shall be obtained from a commercial manufacturer or supplier. The pigment shall be chemically pure, non-toxic and non-sensitizing. Pigments shall be poured into individual disposable containers and any unused dye after treatment of a customer shall be discarded with the container and shall not be used on any other customer.
11. Every needle, blade or other instrument used for cutting or piercing shall, before disposal, be sterilized and securely wrapped or placed in a container to prevent penetration by and exposure of any needle, point, blade or cutting edge.
12. Prior to autoclaving, tubes, needle bars and needles shall be thoroughly cleansed in hot water so as to remove all external blood, tissues, fluids and residue.
13. Motors and frames of all equipment shall be treated daily with a chemical sanitizer containing a minimum of 50 parts per million available chlorine.
14. Sterile forceps or tweezers shall be used for handling sterile needles or bars.
15. The completed tattoo shall be washed with sterile gauze or cotton, saturated with tincture of green soap or equivalent and disinfected with 70% alcohol and a sterile dressing applied to the tattoo area.

SECTION 8 – RESPONSIBILITY

The operator or person in charge shall provide and maintain on the premises an up to date and accurate record of transactions with clients including names, addresses and dates of attendance. This information is to be made available at all times and on demand to the Designated Officer or Public Health Inspector.

SECTION 9 – ENFORCEMENT

This by-law shall be enforced by the Designated Officer.

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SECTION 10 – GENERAL REQUIREMENTS

Every Tattooer is responsible to ensure that:

1. No person who is under the influence of alcohol or drugs shall be tattooed.
2. No person who is under the age of 18 years shall be tattooed unless written approval is provided by a parent or guardian.
3. No person with a visible skin infection or disease shall be tattooed.
4. Every operator or person in charge shall provide written information to each client concerning after care of the tattoo including the following:
 - a. Keep the tattoo covered for three to six hours then remove the dressing and wash thoroughly.
 - b. Pat dry with clean towel.
 - c. Do not re-dress.
 - d. Wash tattoo daily until healed.
 - e. Do not apply creams or Vaseline.
 - f. Do not pick at scab.
 - g. Do not rub tattoo while wet.
 - h. Protect the tattoo from contamination.

SECTION 11 – CONFLICT WITH OTHER BY-LAWS

Where a provision of this by-law conflicts with the provisions of another by-law or regulation in force in the Town, the provision that establishes the higher standard to protect the health, safety and welfare of the general public prevails.

SECTION 12 - PENALTY

Any person who contravenes or disobeys or refuses or neglects to obey any provision of this by-law is guilty of an offence and liable, on summary conviction, to a fine not exceeding \$1,000.00 in the case of an individual, or \$500.00 in the case of a corporation, or, in the case of an individual, to imprisonment for a term not exceeding 30 days or to both such a fine and such imprisonment.

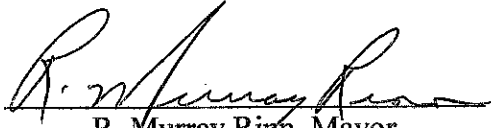
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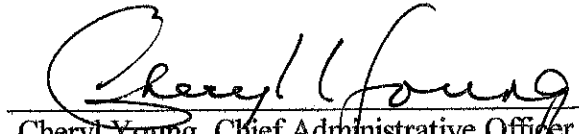
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SECTION 13 - SEVERABILITY

If any provision of this by-law is held to be invalid by any court of competent jurisdiction, the remaining provisions of this by-law shall not be invalidated.

DONE AND PASSED as a by-law of the Town of Carman in open council duly assembled in the Town of Carman in the Province of Manitoba this 13TH day of MAY, A.D. 2004.


R. Murray Rinn, Mayor


Cheryl Young, Chief Administrative Officer

Read a first time this 22nd day of April A.D. 2004.

Read a second time this 13th day of May, A.D. 2004.

Read a third time this 13TH day of MAY, A.D. 2004.