

Allegheny County Local Legislation

Bill No. 4-07 Ordinance Regulating General Nuisances

Bill No. 8-91 Ordinance Regulating Tattooing

Review 3/17/2014

CODE HOME RULE LEGISLATION

_____ SESSION

COUNTY COMMISSIONERS OF
ALLEGANY COUNTY, MARYLAND

Bill No. 4-07

Entitled

ORDINANCE REGULATING GENERAL NUISANCES

This ordinance is enacted for the purpose of defining and regulating conditions which constitute a public nuisance, providing for progressive enforcement of the provisions of this ordinance, and designating penalties for maintaining or creating a nuisance condition in the unincorporated areas of Allegany County, Maryland.

A. Definitions:

- (a) Abate – to repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such a manner and to such an extent as the Local Enforcement Officer determines is necessary in the interest of the public peace, safety, health and welfare of the community.
- (b) Agricultural operation – any operation devoted to the bona fide production of crops, animals, or fowl; including but not limited to the production of fruits and vegetables of all kinds; meat, dairy, poultry and fish products; nuts, tobacco, nursery and floral products, and the production and harvest of products from silviculture activity.
- (c) Building materials – include lumber, plumbing materials, wall board, sheet metal, plaster, brick, cement, asphalt, concrete block, roofing materials, cans of paint and similar materials.
- (d) Considerable number of persons – three or more persons from different households.
- (e) Local Enforcement Official – The Allegany County Health Officer or designee who has the authority and responsibility to enforce the provisions of this ordinance.
- (f) Nuisance – In this ordinance, “nuisance” includes:
 - (1) Any condition that may adversely affect the public safety, health, and welfare, such as an unsanitary animal enclosure, an improperly functioning sewage system, an unlicensed salvage yard or scrap metal processing facility, an excessive accumulation of trash or garbage, dead animals, a contaminated water supply, an inadequately protected water supply, and an accumulation of any materials constituting a mosquito or vermin harborage.

(2) Any condition that may endanger health through the spreading of the condition by any means, including by streams, surface drainage, air currents, winged life, domestic animals, or human beings.

(3) The existence of any of the following conditions, in addition to subsection (f) (1-2):

- a. Accumulation of manure, garbage or rubbish, except a compost pile properly maintained so as not to affect the health or safety of adjoining property;
- b. Burning of refuse, sawdust, wood, leaves, stumps or other materials in such a manner as to cause or permit ashes, sawdust, soot or cinders to be cast upon adjoining property, or to cause or permit dense smoke, noxious fumes, ashes, soot or gases arising from such burning to become injurious to the health, comfort or repose of any person or neighborhood; except for normal emissions created during start-up of a properly installed, maintained and operated wood-burning or other incineration device;
- c. Practices or operations which engender fugitive dust, particulate matter, gases, or noxious fumes to become injurious to the health, comfort or repose of any person or neighborhood;
- d. Ponds or pools of stagnant water;
- e. Improper handling, storage, or disposal of any substance poisonous or harmful to persons or animals;
- f. The keeping, using or maintaining of any pen, stable, lot, place or premises in which animals or birds may be confined or kept, in such a manner as to be noxious to any considerable number of persons, except for bona fide agricultural or silvicultural uses;
- g. Any pit, basin, hole, or other excavation which is unguarded and unsafe, or has been abandoned, or is no longer used for the purpose for which it was constructed, or is maintained contrary to law;
- h. Any noxious, foul, or putrid liquids or substances, or any liquid or substance likely to become offensive, to be discharged, placed or thrown upon or to flow from or out of any premises into, or upon, any adjacent premises, stream or waterway, or any ditch or public right-of-way;
- i. Any other conditions which are determined by the Local Enforcement Official to be in violation of the standards and requirements of the Ordinance and detrimental to the public safety, health and welfare.

(g) Repeat Violation – a violation of the same regulation by the same person within the immediately succeeding twelve-month consecutive period.

(h) Responsible Party – Any agent, property owner, tenant, or any other person occupying or having charge or lawful control of any real property where a nuisance condition is determined to exist.

B. Right to Farm

In order to limit the circumstances under which agricultural operations may be deemed to be a nuisance, especially when nonagricultural land uses are initiated near existing agricultural operations, no agricultural operation or any of its appurtenances shall be or become a nuisance, private or public, if such operations are conducted in accordance with existing best management practices and comply with existing laws and regulations of the State of Maryland and local ordinances. The exemptions

specified in this section shall not apply whenever a nuisance results from the negligent or improper operation of any agricultural operation or its appurtenances.

C. Permitting – Maintaining

It is unlawful for any person, by himself or by his agents or employees, or as the agent or employee of another person, firm, or corporation, to do, or permit to be done, upon any premises over which he has control; or to maintain, carry on, suffer, or allow, at any place or places, any of the acts or things declared to be nuisances in this ordinance; or to do or cause or permit, or suffer to be done, or to maintain, any act or thing which is detrimental or injurious to public safety, health, and welfare.

D. Voluntary Correction

If a violation of this ordinance has been determined, the Local Enforcement Officer shall write a letter to the responsible party stating the following:

1. The name and address of the party responsible for the violation; and
2. The street address or other description sufficient for identification of the building, structure, premises, or land upon or within which the nuisance has occurred or is occurring; and
3. A description of the nuisance and a reference to the ordinance which has been violated; and
4. The necessary corrective action to be taken, and a date or time by which correction must be completed.

A responsible party may voluntarily abate a nuisance condition upon consultation with the Local Enforcement Officer. An extension of the time limit for correction or a modification of the required corrective action by the Local Enforcement Officer may be granted if the responsible party has shown due diligence and/or substantial progress in correcting the violation, but unforeseen circumstances delay correction under the original conditions.

E. Order to Abate and Right to an Administrative Hearing

If a violation of this ordinance persists despite efforts to obtain voluntary compliance, the Health Officer shall issue an order to abate the nuisance which constitutes a violation of this ordinance. The order to abate shall contain the same information as the letter describing the violation, a statement that administrative penalties will be assessed if the violation is not corrected within a certain time, and notice of the right to appeal.

Any party who has received an order to abate from the Health Officer shall have the right to contest the determination that the violation of the ordinance exists by submitting an appeal, in writing, to the local Health Officer or Deputy Health Officer within five (5) days of the date of the order to abate the nuisance to hold an administrative hearing to render a fair and impartial decision on the existence of the nuisance condition. The appeal shall be heard by the local Health Officer or Deputy Health Officer within ten (10) days of the date of appeal. A decision by the local Health Officer or Deputy Health Officer shall be rendered within five (5) days of the date of the hearing. The decision shall be in writing and delivered to all parties to the proceeding.

Any party who has received an order to abate from the Health Officer may also request an administrative hearing to modify the terms of the abatement and enter into a formal voluntary consent agreement to correct the violation. The voluntary consent agreement is a written contract between the Local Enforcement Officer and the responsible party under which such party agrees to abate the violation within a specified time and according to specified conditions.

If the terms of the voluntary consent agreement are not met, or the Health Officer's order to abate a nuisance is disregarded, the Health Officer shall assess administrative penalties against the responsible party.

F. Administrative Penalties

In order to facilitate correction of violations of this ordinance, the Allegany County Commissioners grant the Local Enforcement Officer the right to assess and collect the following administrative penalties:

1. The monetary penalty for each violation per day or portion thereof shall be \$250.00 for a first offense
2. \$500.00 for a second offense, and
3. \$1,000.00 for a third offense.

Payment of a monetary penalty pursuant to this section does not relieve the party to whom the order to abate was issued of the duty to correct the violation.

The monetary penalty constitutes a personal obligation of the responsible party to whom the notice of assessment is directed. Any administrative penalties assessed must be paid to the Local Enforcement Officer within twenty (20) calendar days from the date of the issuance of the assessment or a notice from the county that penalties are due. The county attorney is authorized to take appropriate action to collect the monetary penalty.

G. Any party not conforming to an Order to Abate a nuisance from the Health Officer shall be subject to a Municipal Citation

According to provisions of the Annotated Code of Maryland, Article 25B section 13c, when the Local Enforcement Officer determines that a violation of this ordinance has occurred or is occurring, and is unable to secure correction of conditions which constitute a violation of this ordinance through progressive enforcement measures, the Local Enforcement Officer may issue a notice of civil violation to the responsible party. The notice of civil violation shall follow the procedures set forth in the guidelines for Uniform Infraction/Civil Citation, Municipal Infractions issued by the District Court of Maryland, and be issued on forms approved by the District Court of Maryland.

The Local Enforcement Officer may issue a civil citation without having attempted to secure voluntary correction as provided in section D under the following circumstances:

1. When an immediate and injurious threat to public health exists; or
2. When a repeat violation occurs; or

3. When the responsible party cannot be contacted or refuses to communicate or cooperate with the county in abating the nuisance.

The Local Enforcement Officer shall serve the citation upon the responsible party either personally or by mailing a copy of the notice of citation by certified or registered mail, return receipt requested, to such party at their last known address. If the person responsible for the violation cannot be personally served within Allegany County and if an address for mailed service cannot be ascertained, notice shall be served by posting a copy of the citation conspicuously on the affected property or structure.

G. Decision of the Court

The Local Enforcement Officer and the responsible party to whom the notice of civil violation was directed may participate as parties in the hearing and each party may call witnesses.

An appeal of a decision of the circuit court may be made to a higher court pursuant to then-current procedures.

Monetary penalties collected by the county for violations of this ordinance through the court system shall be disbursed to the Local Enforcement Officer to be used for public outreach and education efforts and any other purposes relating to the enforcement of the provisions of this ordinance. The payment of monetary penalties to the court does not relieve the responsible party of an obligation to abate a nuisance if the responsible party has been judged to be in violation of this ordinance.

H. Interference

Any person who knowingly obstructs, impedes, or interferes with the Local Enforcement Officer or his agents, or with the responsible party in the performance of duties imposed by this ordinance, shall be guilty of a misdemeanor and be subject to up to ten (10) days in the Allegany County Jail and a fine of five hundred dollars (\$500).

I. Abatement by Local Enforcement Officer

In all cases where the Local Enforcement Officer has determined to proceed with abatement, 10 days after giving notice the county shall acquire jurisdiction to abate the condition at the responsible party's expense as herein provided. Upon the abatement of the condition or any portion thereof by the county, all the expenses thereof shall constitute a civil debt owing to the county by such persons who have been given notice as herein provided. The debt shall be collectible in the same manner as any other civil debt owing to the county. The county shall also have the right to file a lien against the real property for all charges and expenses incurred in abating the nuisance. A notice of the county's lien specifying the expenses incurred in abating the nuisance and giving the legal description of the premises sought to be charged shall be filed within 90 days from the date of the abatement.

If and when an owner of other responsible person undertakes to abate any condition described in this ordinance, whether by order of the Local Enforcement Officer or otherwise, all needful and legal conditions pertinent to the abatement may be imposed by the Local Enforcement Officer. It is

unlawful for the owner or other responsible person to fail to comply with such conditions. Nothing in this ordinance shall relieve any owner or other responsible person of the obligation of obtaining any required permit to do any work incidental to abatement.

Whenever any condition on or use of property causes or constitutes or reasonably appears to cause or constitute an imminent or immediate danger to the health or safety of the public or a significant portion thereof, the Local Enforcement Officer shall have the authority to summarily and without notice abate the same. The expenses of such abatement shall be collected as provided in this ordinance.

K. Lien Authorized

Allegany County shall have a lien for any monetary penalty imposed and all other related costs including administrative penalties, attorney and expert witness fees, against the real property on which the monetary penalty was imposed. The lien shall be subordinate to all previously existing special assessment liens imposed on the same property and shall be superior to all other liens, except for state and county taxes, with which it shall be on a parity.

1. The County Attorney shall cause a claim for lien to be filed for record within ninety days from the later of the date that the monetary penalty is due or the date the nuisance is abated.
2. The claim of the lien shall contain sufficient information regarding the notice of civil violation, a description of the property to be charged with the lien and the owner of record, and the total amount of the lien.
3. Any such claim of lien shall be verified by the Local Enforcement Officer, and may be amended from time to time to reflect changed conditions.
4. No such liens shall bind the affected property for a period longer than five years without foreclosure or extension agreed to by the property owner.

L. Additional Enforcement Procedures

The provisions of this ordinance are not exclusive, and may be used in addition to other enforcement provisions authorized by applicable Allegany County Code Home Rule Ordinances, the Annotated Code of Maryland, and/or Code of Maryland Regulations (COMAR).

Severability: Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any party or circumstances, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other parties or circumstances.

CODE HOME RULE LEGISLATION

SEPTEMBER 1991 SESSION

COUNTY COMMISSIONERS OF
ALLEGANY COUNTY, MARYLAND

BILL NO. 8-91

ENTITLED

ORDINANCE REGULATING TATTOOING

RECEIVED

FEB 1 1992

ENVIRONMENTAL
HEALTH DIVISION

A. Definitions

- (1) **Apprentice:** A person, 18 years of age or older, who is learning the art and practice of tattooing under the supervision of an established tattoo artist.
- (2) **County Health Officer:** The Allegany County Health Officer as appointed by the Secretary of the Maryland State Department of Health and Mental Hygiene.
- (3) **Customer:** Any person who is present on the premises of a tattoo establishment for the purpose of being tattooed.
- (4) **Health Department:** Allegany County Health Department.
- (5) **License:** A certificate issued by the County Health Officer permitting the operation of a tattoo establishment.
- (6) **Operating Room:** That portion of a tattooing establishment that is used for tattooing.
- (7) **Operator:** Any person, whether the proprietor or another person, administering a tattoo to any customer of a tattooing establishment.
- (8) **Proprietor:** The person having general control and management over the conduct of business at a tattooing establishment, whether or not such person is the legal owner of the premises or the business.

- (9) **Tattoo, Tattooed, Tattooing:** Means any method of placing an indelible mark or figure fixed upon a body by insertion of pigment under the skin or by production of scars.
- (10) **Tattoo Artist: Operator**
- (11) **Tattooing Establishment:** Premises used for the business of marking or coloring the skin with tattoos, and all furnishings, equipment, instruments, dyes and inks, and other facilities maintained therein incidental to such use.

B. Requirements for Operating a Tattooing Establishment

- (1) **License required.** No person or persons or corporation shall operate a tattooing establishment or engage in the practice or business of tattooing as a tattoo operator or as a tattoo artist without having first obtained a license therefore from the County Health Officer, authorizing him, her, them, or it to do so. Each license is valid for a one (1) year period. The licensee will be required to update his or her application and meet the requirements of these regulations in order to be eligible for renewal. A license is not transferable.
- (2) **Prior to the issuance or renewal of a license, the County Health Officer or designee must inspect and approve the tattooing establishment.**
- (3) **The annual license fee for each tattooing establishment shall be fifty dollars (\$50.00); the annual license fee for each operator shall be twenty-five dollars (\$25.00).**

- (4) The names of all tattoo artists, operators, and apprentices shall be listed on the tattoo license. The Health Department shall be notified within ten (10) days of any changes of personnel.
- (5) It shall be unlawful to practice as a tattoo operator except in a licensed tattooing establishment.
- (6) The tattoo license shall be posted at all times in a conspicuous place in the tattooing establishment. A copy of the tattoo ordinance shall be kept on the premises and be made available upon request.
- (7) The license application shall include the following information:
 - (a) Trade name, address, and business phone number of the tattooing establishment.
 - (b) Name, home address, home phone number, of proprietor(s).
 - (c) If proprietor(s) is a tattoo operator, give date of birth.
 - (d) Name(s), home address(es), home phone number(s), date of birth of operator(s) and apprentice(s) working at the tattoo establishment.
 - (e) Qualifications: License history of other establishments operated by the applicant and prior experience.
- (8) Temporary Tattooing Establishment License for regulation of tattooing at fairs, carnivals, and other temporary events in Allegany County.

- (a) Only those tattoo operators who possess a current annual tattooing license in Allegany County may engage in tattooing at fairs, carnivals, and other temporary events in Allegany County.
 - (b) Such tattoo operators wishing to provide tattooing at such events must apply to the County Health Officer for a Temporary Tattooing Establishment License at least thirty (30) days prior to the start of the event, on a form provided by the County Health Officer.
 - (c) Upon approval of the application by the County Health Officer and the payment of a fifty dollar (\$50.00) Temporary Tattooing Establishment License fee, tattooing may be conducted at the designated event for the time period and under the conditions set by the County Health Officer.
- (9) In the event a tattooing establishment is moved to another permanent location within Allegany County the tattoo operator must notify the Health Department 30 days prior to the move and apply for a new Tattooing Establishment License.
- (10) All persons applying for a permit or a license to operate a tattoo establishment must have served an apprenticeship in a tattoo establishment that has been open for at least three (3) years. An applicant must be at least twenty-one (21) years of age and must present proof of experience as defined in this ordinance.

(11) Records: Permanent records for each patron or each customer shall be maintained by the licensee or operator of the establishment. Before the tattooing operation begins, the patron or customer shall be required personally to enter, on a bound ledger book with pre-numbered pages, the date, his or her name, address, age, serial number (if a member of the armed services) and his or her signature. And the operator shall require the patron to produce identification, preferably a motor vehicle license, and note in the ledger book the identification produced and identifying number of the license. Such records shall be maintained in the tattoo establishment and shall be available for examination by the County Health Officer. Records shall be maintained by the operator or licensee for a period of not less than three (3) years. In the event of change of ownership or the closing of the business, all such records shall be made available to the County Health Officer.

(12) The County Health Officer may conduct periodic inspections of any tattooing establishment during normal business hours for the purpose of determining whether or not said establishment and persons performing the tattooing therein are in compliance with all applicable provisions contained within this ordinance. It shall be unlawful for any person or operator of a tattooing establishment willfully to prevent or to restrain the County Health Officer from

entering any establishment where tattooing is being after proper identification is presented to the operator.

- (13) The tattoo operator shall issue a receipt to each customer setting forth the name and address of establishment, name of customer, and date tattooing was performed.
- (14) It shall be unlawful to tattoo any person under the age of eighteen (18) years of age.
- (15) No animal is permitted in the operating room of a tattooing establishment.

C. Requirements of Apprenticeship

- (1) A tattoo apprentice is a person, 18 years of age or older, who is learning the art and practice of tattooing.
- (2) An apprenticeship period shall be for two years and shall include a minimum of 1000 hours training and practice.
- (3) Proof of completion of apprenticeship shall be by presenting a log book to the County Health Officer showing dates and hours of training signed by the tattoo instructor(s) (including their addresses and telephone numbers), or a letter(s) from the tattoo instructor(s) certifying that the apprentice requirements have been met.
- (4) An apprentice shall not operate a tattoo establishment or business.
- (5) An apprentice shall not perform tattooing except under the supervision of a licensed tattoo artist.
- (6) All apprentices shall be recorded with the Health Department, including the following information; name,

date of birth, home address, home phone, tattoo shop where employed or in training.

D. Physical Facilities

- (1) The license issued by the County Health Officer to operate a tattoo establishment or engage in the practice or business of tattooing as a tattoo operator or as a tattoo artist shall be conspicuously posted in the tattoo establishment and shall remain so posted at all times.
- (2) The entire premises and equipment shall be maintained in a clean, sanitary condition and in good repair. Floors, walls, and ceilings shall be easily cleanable.
- (3) Every tattoo establishment shall be provided with adequate light, adequate ventilation, and be of sufficient size to accommodate the required equipment and business done therein.
- (4) Every tattoo establishment shall have an operating room that is separate from the waiting room or such other room or rooms as may be used.
- (5) Every operating room in a tattoo establishment shall be provided with hot and cold running water and have at least one sink connected to a public sewer.
- (6) All tables that hold the equipment used for tattooing and used as operating tables shall be made of stainless steel, metal with white enamel, metal with porcelain finish, or other materials that are approved by the County Health Officer.

- (7) A toilet and hand washing basin shall be conveniently located in an adjacent room and be available to patrons and operators.
- (8) Mobile facilities (such as vans or trailers) shall not be permitted as a tattoo establishment.
- (9) All hand wash basins shall be supplied with soap and sanitary towels.
- (10) Sufficient cabinets or covered containers shall be provided for the storage of supplies and materials, and the same shall be maintained in a clean and sanitary condition.
- (11) No tattooing establishment shall be used as a sleeping room or dormitory.
- (12) Waste receptacles must be provided and maintained in a clean and sanitary condition. Waste must be disposed of in accordance with applicable State and Local laws, regulations, and ordinances.

E. Dyes, Inks, or Pigments, and Stencils

- (1) All pigments, dyes, inks, colors, etc. used in tattooing shall be sterile and free from bacteria, virus particles, and other noxious agents and substances. The pigments, dyes, inks, and colors used from stock solutions for each customer or patron shall be placed in a sanitary single-service receptacle and such receptacle and remaining solution shall be discarded after use on each customer or patron.

- (2) Tattoo operators shall, on request of the County Health Officer, submit in writing to the County Health Officer the source of all dyes, inks, pigments, colors, or tracing materials retained for use in tattooing operations, and may be requested to notify the County Health Officer in writing of any dyes, inks, pigments, colors, or tracing materials obtained for use in tattooing operations from any source other than those previously submitted.
- (3) Stencils: After each use the stencil shall be cleaned of all tracing materials and other substances, then disinfected, dried, and stored in a clean folder or envelope.
- (4) Single-service receptacles shall be kept in dust-free containers.

F. Care of Instruments and Equipment

- (1) All equipment shall be thoroughly cleaned before using. The operator shall clean needles, tubes, and needle bars thoroughly by brushing with soap or detergent and water before sterilizing. Interior of the tubes shall be thoroughly cleaned with a brush. After cleaning, equipment shall be thoroughly rinsed under running tap water. An ultrasonic cleaner may be used for additional cleaning of equipment following the soap and brush cleaning.
- (2) An autoclave shall be provided for sterilization of tubes, needle bars, and needles. Alternate sterilizing

procedures may only be used when specifically approved in writing by the County Health Officer. Sterilization shall follow manufacturer's instructions with special reference to killing of resistant viruses such as hepatitis B. At minimum, sterilization of equipment shall be accomplished by exposure to live steam for at least 20 minutes at a pressure of at least 15 pounds per square inch, temperature of 251 degrees Fahrenheit or 121 degrees Celsius.

- (3) Equipment to be sterilized shall be wrapped in autoclave paper or autoclave bags, sealed with autoclave tape, and the package marked with temperature recording tape or label. Package shall be dated with date of autoclaving and not opened until ready to use. Equipment shall not be used 30 days or more after autoclaving without being resterilized.
- (4) All gauze bandages, wiping cloths, spreading instruments and razors that come in contact with the tattooed area shall be sterilized (unless purchased in individual sterile packages that bear a label affixed by the manufacturer stating the contents thereof are sterilized.)
- (5) Only silver or tin solders shall be used to solder the needles. Lead solders shall not be used.
- (6) All sterilized ready-to-use needles and other equipment shall be kept in a closed glass or metal case or storage cabinet while not in use. Such cabinet shall be maintained in a sanitary manner at all times.

- (7) Needles that have a tendency to cut or mutilate the skin shall be discarded. Operators shall use an eye-loop magnifier to determine if needles are in good condition.
- (8) Tattoo operators shall maintain sufficient sterilized equipment available at the beginning of each work day to allow completion of such work day without requiring reesterilization of such equipment.

G. Tattooing Procedures

- (1) No Tattooing shall be done on any skin surface areas containing any rash, pimples, boils, infections, or which manifests any evidence of unhealthy conditions. No tattooing shall be done on anyone giving a history of jaundice or hepatitis within six months.
- (2) Operators shall be free of communicable diseases while tattooing, and shall keep any boil, sore, or skin infection on an exposed part of his or her body effectively covered by a suitable waterproof dressing which shall be renewed as often as necessary.
- (3) Tattooing shall be performed only in the operating room. Only the customer being tattooed, the tattoo operator, and the tattoo operator's assistant shall be permitted in the operating room during tattooing operations.
- (4) The tattoo operator while tattooing shall wear a clean, light colored, washable or disposable smock.
- (5) All tattoo operators shall wash their hands thoroughly

- with hot water and soap before beginning operations. The hands shall be dried with individual, single-use towels.
- (6) Disposable safety razors with a new single-service blade for each customer shall be used for skin preparation. Should a straight razor be used, the razor shall be thoroughly cleaned and sterilized following use on any customer.
 - (7) The area to be tattooed shall first be thoroughly washed with warm water to which has been added an antiseptic liquid soap. A sterile single-use sponge shall be used to scrub the area. After shaving and before tattooing is begun, a solution of 70% ethyl or isopropyl alcohol shall be applied to the area with a sprayer or single-use sponge.
 - (8) Any antibacterial ointment shall be applied with a single-use tongue depressor or equivalent as approved by the County Health Officer.
 - (9) Excess dye shall be removed from the skin with an individual sterile gauze, sterile cotton, or sterile napkin. The tattooed area shall be washed with a solution of tincture of green soap, or equivalent, rinsed, and patted dry with a single use clean towel. A non-stick sterile dressing shall be applied to the tattooed area, and fastened with an appropriate adhesive tape.
 - (10) Printed instructions on the care of the tattooed skin shall be given to each patron as a precaution against infection after tattooing. The printed instructions shall

also contain the name, address, and telephone number of the tattooing establishment.

H. Miscellaneous

- (1) No tattoo operator or artist shall remove or attempt to remove any tattoo by cutting, abrasion or scarring, injection of caustic or acidic materials, or by any other means. Tattooing over an existing tattoo is permitted.
- (2) Licensed Practitioners: This ordinance is not applicable to any licensed medical doctor engaged in the performance of his or her profession.
- (3) Severability: If any provision of this ordinance or any rule or regulation promulgated hereunder or its application to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinances or of the rules and regulations promulgated thereunder. The County Health Officer hereby declares that in these regards the provisions of this ordinance are severable.
- (4) Purpose and Intent: The purpose and intent of this ordinance is to protect and promote the health and safety of the persons using the services of tattooing establishments in Allegany County. Therefore, deviations from this ordinance may be approved when, in the opinion of the County Health Officer, such deviations will not adversely affect the public's health and safety. If such deviations are permitted, they shall be made in strict

compliance with the restrictions, limitations, or conditions which the County Health Officer may demand.

- (5) Responsibilities of Person Being Tattooed: It shall be unlawful for any person in Allegany County to be tattooed by any person who is not a licensed tattoo operator, or to be tattooed at any location other than licensed tattoo establishment, or to provide false information in order to obtain a tattoo.

I. Penalties and Revocation of Licenses

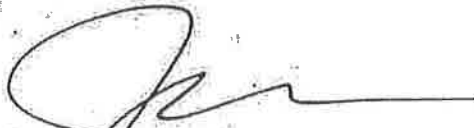
- (1) Persons who violate the provision(s) of this ordinance shall be served with a notice to correct violations within the time specified therein.
- (2) The County Health Officer may order person(s) who violate the provisions of this ordinance to cease tattooing pending correction of violations.
- (3) The County Health Officer may deny, suspend, or revoke the tattooing establishment license or the license of any tattoo artist or operator who has violated or is violating the provisions of this ordinance. In addition, the County Health Officer may deny, suspend, or revoke a tattooing license if he finds that an applicant or licensee:
- (a) Has falsified records submitted to the Health Department;
 - (b) Engages in a habitual pattern of alcohol and/or drug use;

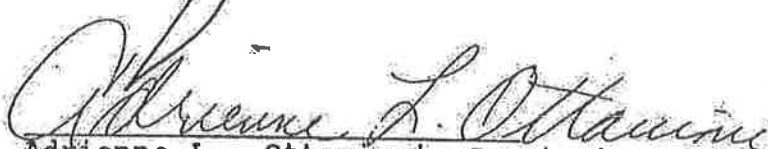
- (c) Demonstrates gross incompetence; or
 - (d) Fails to use proper sanitary methods in the practice of tattooing.
- (4) The County Health Officer may suspend or revoke a tattooing license only after a hearing. The County Health Officer shall notify the appropriate party or parties in writing at least ten (10) working days prior to the date set for the hearing. The written notice shall be served to the party(s) by certified mail.
- (5) Any person aggrieved by the decision or order of the County Health Officer shall be informed that he/she has a right to appeal the decision or order to an appropriate court pursuant to, and in accordance with, the Maryland Rules of Procedure.
- (6) A person who violates or fails to comply with any provision of this ordinance shall, upon conviction, be guilty of a misdemeanor and be subject to up to ten (10) days in the Allegany County Jail and a fine of Five Hundred Dollars (\$500.00). Each day in violation may constitute a separate offense.

J. ENACTED

And be it further enacted by the Board of County Commissioners of Allegany County, Maryland, that this act shall take effect on the 16th day of November 1991.


COUNTY COMMISSIONERS OF
ALLEGANY COUNTY, MARYLAND


John W. Stotler, President


Adrienne L. Ottaviani, Commissioner


Bernard L. Loar, Commissioner

Attest:


Carol A. Gaffney, Clerk

Date Adopted: October 2, 1991