



Community Development – Licensing
14600 Minnetonka Blvd.
Minnetonka, MN 55345
Phone: (952) 939-8274
Fax: (952) 939-8244
Email: fgolden@minnetonkamn.gov

TO: APPLICANT FOR BODY ART LICENSE

FROM: Fiona Golden, Community Development Coordinator

Attached are the application forms for a Body Art License. The licensing year is August 1 to July 31, with an annual fee of \$350 in addition to the police background check of \$300. The fee is not prorated. After all application forms are received, your license will be processed. However, the license will not be released until the Environmental Health Division gives final approval of the site.

CONSTRUCTION REQUIREMENTS

In addition to licensing information, new and remodeled businesses also need to submit construction plans. The enclosed ***Construction Requirements for Body Art Business*** specifies the building/room requirements. The ***Application for Body Art Establishment Plan Review*** form needs to be submitted with your construction (new or remodel) plans. The plan review fee must be paid when you submit the plan reviews: new construction is 100% of a full-year license fee (\$350), and remodeling is 50% of a full-year license fee (\$175.00).

Please contact PublicHealth@minnetonkamn.gov, or call the health inspectors at (952) 939-8280 if you have any questions regarding the construction requirements or the plan review process.

BUSINESS LICENSE

Please complete the following forms and return to the above address:

1. Minnetonka Application/License form including the following documents, if applicable:
 - a copy of the trade name certificate if the business/establishment is to be conducted under a name that is not the applicant/owner (the individual, partnership, or corporation)
 - if the owner is a Partnership, a copy of the Partnership Agreement
 - if the owner is a Corporation, attach a copy of the Certificate of Incorporation, Articles of Incorporation, By-Laws, Amendments, etc. (if such exists).
 - If the owner corporation is a Foreign Corporation, attach a Certificate of Authority
2. Consent for Release of Information form authorizing the police background check, including a copy of your drivers license
3. Minnesota Business Tax Identification form
4. Minnesota Workers' Compensation Insurance form
5. Certificate of General Liability (request this from your insurance company) indicating proof of insurance: Bodily Injury \$500,000 each claim and each occurrence; Property Damage \$100,000.
6. License fee – The license fee is \$650 plus the applicable plan review fee. Make checks payable to the City of Minnetonka.

Body Art (tattoo) Business License Application Part 1 – General Information

This application form requests information which may be classified as private or confidential under the Minnesota Data Practices Act. This information is required by state law or city ordinance. The information will be used to determine your eligibility for issuance of a license, permit, or identification card. Failure to provide the information will result in a denial of the license, permit, or identification card.

This form must be signed by an officer of the company.

The following items must be submitted for a Body Art (tattoo) License to be considered complete and cannot begin until all items listed below are received.

Application Fees	\$350.00 Annual \$300.00 Police Department Background Investigation per applicant \$350.00 Plan Review for New Construction \$175.00 Plan Review for Remodeling
Property Info	Copy of lease, mortgage or property title
Narrative	Description of proposed business
Corporate Documents, if applicable	Trade Name Certificate Certificate of Incorporation Articles of Incorporation By-Laws Foreign Corporation Certificate of Authority If private corporation, disclosure of all persons holding greater than 10% ownership If public corporation, Security and Exchange Commission forms 10K & 10Q Franchise Agreement
Liability Insurance Certificate	A body art (tattoo) business license will only be granted to an establishment with a Certificate of General Liability indicating proof of insurance: Bodily Injury \$500,000 each claim and each occurrence; Property Damage \$100,000
Consent for Release of Information	Included in application packet
Minnesota Workers' Compensation Insurance Law	Included in application packet
Part II – Personal Information Forms	To be filled out by the sole owner, each officer, each general and managing partner, or any person who single or together with their spouse or a parent, brother, sister of child own or control in excess of 10%. If 100% of ownership/interest is a corporation where the stock is publicly traded, a letter or chart must be included that indicates that entire ownership trail and percentages. Each individual must also include a short autobiography.

If you have any questions, please call Fiona Golden, Licensing Coordinator, at 952-939-8274 or fgolden@minnetonkamn.gov



Body Art License Application

Part 1 — General Information

TYPE of LICENSE			
Applicant			
Type of Applicant	<input type="checkbox"/> Individually Owned	<input type="checkbox"/> Partnership	<input type="checkbox"/> Corporation <input type="checkbox"/> Other
Establishment Name (Trade Name/DBA)			
Establishment Address			
Establishment Phone Number		Contact Name & Phone Number for Application	
Section 1 — Type of Applicant			
<i>Complete only Individual, Partnership, or Corporation in this section.</i>			
Individual			
<i>If applicable, complete this question and a Part II Personal History Form</i>			
Full Name			
Residence Address & Phone No.			
Business Address & Phone No.			
Partnership			
<i>If applicable, complete this question for general and limited partners. A Part II Personal History Form is required from each partner. Attach a copy of partnership agreement.</i>			
Full Name			
Residence Address & Phone No.			
Business Address & Phone No.			
Full Name			
Residence Address & Phone No.			
Business Address & Phone No.			
Corporation/Other Organization			
Name		State of Incorporation/association	
Corporate Address & Phone No.			
Officers of Corporation			
<i>A Part II Personal History Form is required from each officer.</i>			
President Name, Address & Phone Number			
Vice President Name, Address & Phone Number			

Body Art Application – Part I General Information

Secretary Name, Address & Phone Number	
Treasurer Name, Address & Phone Number	

List all persons who own or control an interest in said corporation/other organization in excess of five percent. A Part II Personal History Form is required from each officer.		
Name, Address & Phone Number		_____% Owner
Name, Address & Phone Number		_____% Owner
Name, Address & Phone Number		_____% Owner
Is the applicant licensed in any other community, and if so, where?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, where?
Has the applicant previously been denied a body art license by any other licensing authority?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, give the name/location of the licensing authority, approximate time period of denial and the reason for the denial		

Any falsification of answers to this application will result in denial of the application.

APPLICANT'S STATEMENT

I hereby authorize the City of Minnetonka to have access to all sources of information which may be consulted to verify the information I have provided above. This includes authorization to check criminal history records if any have been asked to provide that information.

Signature of an Officer of the Applicant **Date**

Printed Name and Title

Subscribed and sworn to before me a Notary Public
on this ____ day of _____

Commission expires on: _____

(Notary Public)



Body Art License Application

Part II — Personal History

Section 1: Applicant								
Applicant Name & Address								
Phone Number								
Legal, Maiden, or any other name other than the above name provided								
Social Security Number								
Date of Birth				Place of Birth				
Driver's License Number and State Issued								
Height		Weight		Color of Hair			Color of Eyes	
Are you a US Citizen?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Are you a registered voter?		<input type="checkbox"/> Yes <input type="checkbox"/> No				
Have you been in the military?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, was discharge honorable?		<input type="checkbox"/> Yes <input type="checkbox"/> No				
Marital Status	<input type="checkbox"/> Married	<input type="checkbox"/> Single	<input type="checkbox"/> Divorced	<input type="checkbox"/> Widowed				
Address(es) at which you have lived for the preceding 5 years								
Name, Address & type of business/occupation you have engaged in during the preceding 5 years								
Section 2 — Applicant's Spouse								
Name & Address								
Legal, Maiden, or any other name other than the above name provided								

Body Art License Application – Part II Personal History

Phone Number		Date of Birth		Place of Birth	
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Are you a registered voter? Yes No

Address(es) at which spouse has lived during preceding 5 years, if different from above address

Name, address & type of business/occupation you have engaged in during the preceding 5 years

Section 3 — History

Have you ever held a Body Art license in another community?

Yes No If yes, where.

Have you ever been denied a Body Art license in another community?

Yes No If yes, where.

Have you ever been convicted of any crime other than a traffic offense during the past year?

Yes No

If yes, explain the nature of the convictions.

Have you had training and experience in performing body art service?

Yes No If yes, explain your training and experience.

Body Art License Application – Part II Personal History

Any falsification of answers to this application will result in denial of the application.

APPLICANT'S STATEMENT

I hereby authorize the City of Minnetonka to have access to all sources of information which may be consulted to verify the information I have provided above. This includes authorization to check criminal history records if any have been asked to provide that information.

Signature of Applicant

Date

Printed Name and Title

Subscribed and sworn to before me a Notary Public
on this ____ day of _____

Commission expires on: _____

(Notary Public)

CITY OF MINNETONKA
14600 MINNETONKA BOULEVARD
MINNETONKA, MN 55345
952.939.8200

CONSENT FOR RELEASE OF INFORMATION

The following named individual applied to the city of Minnetonka for a _____ license.

Last Name of Applicant (please print): _____

First Name (please print): _____

Middle (full) (please print): _____

Maiden, Alias or Former (please print): _____

Date of Birth: _____ **Sex (M or F):** _____
Month/Day/Year

Social Security Number (optional): _____

I authorize the city of Minnetonka to obtain all criminal history record information about myself, and authorize all holders of such information, including the Minnesota Bureau of Criminal Apprehension to release such information to the city of Minnetonka, for the purpose of evaluating my eligibility and suitability for the license.

This authorization will be in effect for one year from the date of my signature.

Signature of Applicant

Date

Identity verified by:

- Witness: X _____
- Identification: Driver's License, State ID, Passport, other: _____
- Comparison with signature on file
- Other: _____

City representative: _____

MINNESOTA BUSINESS TAX IDENTIFICATION LAW

Pursuant to Minnesota Statute 270C.72 (Tax Clearance; Issuance of Licenses), Subd.4, the licensing authority is required to provide, upon request of the Minnesota Commissioner of Revenue, either the applicant's Minnesota business tax identification number with the business name and address – or the social security number of the primary officer, along with their complete name, home address, and home phone number.

Under the Minnesota Government Data Practices Act and the Federal Privacy Act of 1974, we are required to advise you of the following regarding the use of this information:

1. This information may be used to deny the issuance or renewal of your license in the event you owe Minnesota sales, employer's withholding, or motor vehicle excise taxes.
2. Upon receiving this information, the licensing authority will supply it only to the Minnesota Department of Revenue. However, under the Federal Exchange of Information Agreement, the Department of Revenue may supply this information to the Internal Revenue Service.
3. Failure to supply this information may jeopardize or delay the processing of your license issuance or renewal application.

NAME UNDER WHICH THE MN TAX ID IS FILED (<u>licensee</u> name)			Type of license applying for:	
			Body Art (tattoo) License	
Licensee: Address	L City	L State	L Zip	L Phone
Establishment: Name			Minnetonka License Number (completed by Minnetonka)	
Establishment: Address	E City	E State	E Zip	E Phone
Minnesota Tax Identification Number		Federal Tax Identification Number		

Signature: _____ Date: _____

INSTRUCTIONS FOR BOXES BELOW:

1. ***If all boxes above are completed***, including both the Minnesota and Federal Tax numbers, no additional information is required by the MN Department of Revenue below.
2. ***However, if all boxes above are not completed***, Minnesota law requires personal information about the primary owner or primary officer. In this case you must complete all boxes below, including the owner or primary officer's social security number, home address, and home phone. (NOTE: If the business and home address are the same, please check the box indicating this.)

Applicant's (person's) name (LAST, first, middle initial)		Social Security Number
Home address	Home City, State, Zip code	Home Phone number
<input type="checkbox"/> Check if address is for both home & business		

Signature: _____ Date: _____

Certificate of Compliance Minnesota Workers' Compensation Law

PRINT IN INK or TYPE.

Minnesota Statutes, Section 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business or engage in any activity in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of Minnesota Statutes, Chapter 176. The required workers' compensation insurance information is the name of the insurance company, the policy number, and the dates of coverage, or the permit to self-insure. If the required information is not provided or is falsely stated, it shall result in a \$2,000 penalty assessed against the applicant by the commissioner of the Department of Labor and Industry.

A valid workers' compensation policy must be kept in effect at all times by employers as required by law.

BUSINESS NAME (Individual name only if no company name used)	LICENSE OR PERMIT NO (if applicable)
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DBA (doing business as name – local establishment name – only if different than above)

DBA/LOCAL BUSINESS ADDRESS (PO Box must include street address)	CITY	STATE	ZIP CODE
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**YOUR LICENSE OR CERTIFICATE WILL NOT BE ISSUED WITHOUT THE FOLLOWING INFORMATION.
You must complete number 1, 2 or 3 below.**

NUMBER 1 COMPLETE THIS PORTION IF YOU ARE INSURED:

INSURANCE COMPANY NAME (not the insurance agent)

WORKERS' COMPENSATION INSURANCE POLICY NO.	EFFECTIVE DATE	EXPIRATION DATE
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NUMBER 2 COMPLETE THIS PORTION IF YOU ARE SELF-INSURED:

I have attached a copy of the permit to self-insure.

NUMBER 3 COMPLETE THIS PORTION IF YOU ARE EXEMPT:

I am not required to have workers' compensation insurance coverage because:

- I have no employees.
- I have employees but they are not covered by the workers' compensation law. (See Minn. Stat. § 176.041 for a list of excluded employees.) Explain why your employees are not covered: _____.
- Other: _____

ALL APPLICANTS COMPLETE THIS PORTION:

I certify that the information provided on this form is accurate and complete. If I am signing on behalf of a business, I certify that I am authorized to sign on behalf of the business.

APPLICANT SIGNATURE (mandatory)	TITLE	DATE
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NOTE: If your Workers' Compensation policy is cancelled within the license or permit period, you must notify the agency who issued the license or permit by resubmitting this form.

This material can be made available in different forms, such as large print, Braille or on a tape. To request, call 1-800-342-5354 (DIAL-DLI) Voice or TDD (651) 297-4198.

**APPLICATION FOR MASSAGE / BODY ART
ESTABLISHMENT PLAN REVIEW**

RETURN TO: City of Minnetonka, Environmental Health Division, 14600 Minnetonka Blvd., Minnetonka, MN 55345 Phone: (952) 939-8280
Email: PublicHealth@minnetonkamn.gov

NAME OF ESTABLISHMENT: _____
(Corporate and DBA Name Where Appropriate)

ADDRESS OF ESTABLISHMENT: _____

NAME OF OWNER: _____

ADDRESS: _____

TELEPHONE: _____ EMAIL: _____

RESPONSIBLE AGENT IF OTHER THAN OWNER (*plan review correspondence will be sent to this person*):

NAME/TITLE: _____

CHECK MOST APPROPRIATE: Operator Contractor Designer/Architect
Supplier Other (Specify)

MAILING ADDRESS: _____

TELEPHONE: _____ EMAIL: _____

BASIC ESTABLISHMENT INFORMATION: New Remodeled

PLAN REVIEW FEE: _____ (New 100% of license fee; Remodel 50% of license fee)

SERVICE TYPE: Provide description of the basic type of service and nature of operation:

(Continued on Back – or next page)

EMPLOYEE INVOLVEMENT: Provide information on the number and the category of workers anticipated, both total and per shift;

CONSTRUCTION: Anticipated Start Date: _____

Anticipated Completion Date: _____

SIGNATURE OF APPLICANT: _____ **DATE:** _____

NOTE: FINAL APPROVAL OF THE PLAN REVIEW WILL NOT BE ISSUED UNTIL APPROVAL IS OBTAINED FROM THE FOLLOWING DEPARTMENTS:

Planning & Zoning
Building
Electrical

Plumbing
Fire
Mechanical/HVAC

Allow at least 10 working days from the time the complete plans and information are submitted for the plan review process. Structural work should not be initiated before the plans are approved.

CONSTRUCTION REQUIREMENTS FOR BODY ART (TATTOO) BUSINESS

A plan to-scale indicating the complete layout of the facility, including floors, walls, ceiling surfaces, and equipment specifications must be provided to the Environmental Health Division and approved before a license can be issued. ***Allow at least 10 working days from the time the plans and necessary information is submitted for the plan review process. Structural work should not be initiated before the plans are approved.*** Call the Minnetonka Environmental Health Division at 939-8280 if you have any questions regarding requirements and for an inspection before opening.

The following items are general health and safety requirements for operating a tattoo operation. Please call the Environmental Health Division if you have specific questions.

TATTOO ROOMS

1. Floors must be of smooth, nonabsorbent, and easily cleanable materials with a coved base. Approved materials include ceramic tile, quarry tile, or commercial grade vinyl tile. Carpeting is not an approved surface.
2. Walls must be smooth, nonabsorbent and easily cleanable such as ceramic tile, fiberglass panels, or washable paint.
3. The ceilings must be capable of being cleaned.
4. Lighting must be adequate.

HANDSINKS

1. A separate handwash sink must be available in the tattoo room.
2. Mounted soap and paper towel dispensers must be installed.
3. The walls behind and immediately adjacent to the handsink must be smooth, easily cleanable, and durable, such as ceramic tile or fiberglass reinforced panels.
4. Floors beneath handsinks must be capable of being kept clean.

CLEANING AND SANITIZING EQUIPMENT

1. Approved, separate washing facilities are required for cleaning and sanitizing surfaces and equipment.
2. Approved sanitizing equipment (such as an autoclave) is required for cleaning and sanitizing tattoo instruments.
3. Equipment used for sanitizing or similar operations must be constructed of smooth, stainless steel and designed to be easily cleanable.

JANITORS FACILITIES

1. A janitor sink must be available at all times for cleaning and include a faucet with a built-in vacuum breaker.
2. Floors must be of approved materials such as ceramic tile or quarry tile with a coved base.
3. Walls must be of approved materials such as ceramic tile or reinforced fiberglass panels to a minimum height of 5 feet.
4. Mechanical ventilation must be installed in janitors' room.
5. Mop holders and chemical storage racks must be provided.

TOILET ROOMS, SHOWER ROOMS & LAUNDRY ROOMS

1. Floors must be approved materials such as ceramic tile, quarry tile, or terrazzo with a coved base.
2. Walls must be approved materials from the floor to a height of five (5) feet, such as ceramic tile, fiberglass reinforced panels, or similar.
3. Ceilings must be cleanable, such as washable paint or cleanable tiles.
4. Mechanical ventilation must be provided.
5. Toilet rooms must have self-closure devices.

Note: Linens and other cloths may be washed in a commercial laundromat instead of on-site laundering.

STORAGE & LOCKERS FACILITIES

1. Adequate shelving must be available to store linens, cloths, and other supplies at least six (6) inches off the floor.
2. Shelving must be cleanable and nonabsorbent such as stainless steel, plastic, laminated wood on all sides, or similar.
3. Chemicals must be stored separate and below other supplies.
4. Lockers or other secured facilities to store personal and customer belongings must be available.

FURNITURE

1. Tattoo furniture must be smooth, nonabsorbent and easily cleanable, such as vinyl or plastic coated items.

Note: Tattoo licenses must be approved by the Community Development Director.

SECTION 820. BODY ART.

820.005. Definitions.

Unless the context clearly indicates otherwise, certain words are defined for the purpose of this section as follows.

1. "Aftercare" means written instructions given to a client, specific to the procedure rendered, on caring for the body art and surrounding area. These instructions must include information on when to seek medical treatment.
2. "Antiseptic" means an agent that destroys disease-causing microorganisms on human skin or mucosa.
3. "Body art" or "body art procedures" means physical body adornment using, but not limited to, tattooing and body piercing. Body art does not include practices and procedures that are performed by a licensed medical or dental professional if the procedure is within the professional's scope of practice.
4. "Body art establishment" or "establishment" means any structure or venue, whether permanent, temporary, or mobile, where body art is performed. Mobile establishments include vehicle-mounted units, either motorized or trailered, and readily moveable without disassembling and where body art procedures are regularly performed in more than one geographic location.
5. "Body piercing" means the penetration or puncturing of the skin by any method for the purpose of inserting jewelry or other objects in or through the body. Body piercing also includes branding, scarification, suspension, subdermal implantation, microdermal, and tongue bifurcation. Body piercing does not include the piercing of the outer perimeter or the lobe of the ear using a presterilized single-use stud-and-clasp ear-piercing system.
6. "Branding" means an indelible mark burned into the skin using instruments of thermal cautery, radio frequency, and strike branding.
7. "Contaminated waste" means any liquid or semiliquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semiliquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; and sharps and any wastes containing blood and other potentially infectious materials, as defined in Code of Federal Regulations, title 29, section 1910.1030, known as "Occupational Exposure to Bloodborne Pathogens."
8. "Director" means the community development director.
9. "Equipment" means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in the operation of a body art establishment.
10. "Guest artist" means an individual who performs body art procedures according to the requirements under state law.
11. "Hand sink" means a sink equipped with potable hot and cold water held under pressure, used for washing hands, wrists, arms, or other portions of the body.
12. "Hot water" means water at a temperature of at least 110 degrees Fahrenheit.
13. "Jewelry" means any ornament inserted into a pierced area.
14. "Liquid chemical germicide" means a tuberculocidal disinfectant or sanitizer registered with the Environmental Protection Agency.
15. "Microdermal" means a single-point perforation of any body part other than an earlobe for the purpose of inserting an anchor with a step either protruding from or flush with the skin.
16. "Micropigmentation or cosmetic tattooing" means the use of tattoos for permanent makeup or to hide or neutralize skin discolorations.
17. "Operator" means any person who controls, operates, or manages body art activities at a body art establishment and who is responsible for the establishment's compliance with these regulations, whether or not the person actually performs body art activities.
18. "Procedure area" means the physical space or room used for conducting body art procedures.
19. "Procedure surface" means the surface area of furniture or accessories that may come into contact with the client's clothed or unclothed body during a body art procedure and the area of the client's skin where the body art procedure is to be performed and the surrounding area, or any other associated work area requiring sanitizing.
20. "Scarification" means an indelible mark fixed on the body by the production of scars.
21. "Sharps" means any object, sterile or contaminated, that may purposefully or accidentally cut or penetrate the skin or mucosa including, but not limited to, presterilized single-use needles, scalpel blades, and razor blades.
22. "Sharps container" means a closed, puncture-resistant, leak-proof container, labeled with the international biohazard symbol, that is used for handling, storage, transportation, and disposal.
23. "Single use" means products or items intended for onetime use which are disposed of after use on a client. This definition includes, but is not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, disposable razors, piercing needles, tattoo needles, scalpel blades, stencils, ink cups, and protective gloves.
24. "Sterilization" means a process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.

25. "Subdermal implantation" means the implantation of an object entirely below the dermis.
26. "Supervision" means the physical presence of a technician licensed under this chapter while a body art procedure is being performed.
27. "Suspension" means the suspension of the body from affixed hooks placed through temporary piercings.
28. "Tattooing" means any method of placing indelible ink or other pigments into or under the skin or mucosa with needles or any other instruments used to puncture the skin, resulting in permanent coloration of the skin or mucosa. Tattooing also includes micropigmentation and cosmetic tattooing.
29. "Technician" or "body art technician" means any individual who is licensed by the state of Minnesota as a tattoo technician or as a body piercing technician or as both.
30. "Tongue bifurcation" means the cutting of the tongue from the tip to the base, forking at the end.

(Amended by Ord. No. 2010-13, adopted September 13, 2010)

820.010. License Required.

1. A person must not maintain, own, or operate a body art establishment without being licensed under this chapter.
2. An individual performing body art procedures in a licensed establishment must be licensed as a body art technician or a guest artist by the state of Minnesota, unless excepted by state law.

(Amended by Ord. No. 2010-13, adopted September 13, 2010)

820.015. Licensing Procedure.

1. Applications for body art establishment licenses must be filed with the community development department. Applications must be accompanied by the license, investigation, and plan review fees specified in section 710, and one set of plans and specifications for the establishment. If an application is rejected, the city will refund the license fee paid. No other refunds will be made.
2. Applications must be signed by the owners of the proposed establishment and contain the names of the owners, if individuals, the names of partners, if a partnership, and if a corporation, the names of the principal officers of the corporation, together with the names of the operators, if different from the owners, and a brief description of the general nature of the business and the location where the business is to be conducted. The applicant must also submit verification of compliance with all applicable local and state codes.
3. An application for a body art establishment license will be referred to the police department for investigation of the facts set forth in the application. The police department must prepare a written recommendation regarding issuance of the license. The community development director may conduct additional investigation as he/she deems necessary.
4. The plans must be drawn to scale, accompanied by sufficient specifications to permit a comprehensive review of the plans, and must include:
 - a. the proposed layout, mechanical schematics, construction materials, and finish schedules;
 - b. the proposed products and equipment to be used; and
 - c. other information that may be required for the proper review of the proposed application.
5. Applicants must comply with the requirements of section 700 of this code, including the requirement for insurance, but are not required to post a bond.
6. Applications will be considered and acted upon by the community development director. Appeal of the director's decision may be made in accordance with section 700.025

(Amended by Ord. No. 2010-13, adopted September 13, 2010; Amended by Ord. No. 2006-18, adopted Sept. 25, 2006)

820.020. Expiration of Licenses.

Licenses issued under this section expire on July 31 of each year.

(Amended by Ord. No. 2006-18, adopted Sept. 25, 2006)

820.025. Grounds for Denial of an Establishment License or Emergency Closure.

1. If any of the following conditions exist, the community development director may order the owner or operator of a licensed body art establishment to discontinue all operations, may refuse to grant or renew a license, or may suspend or revoke a license:
 - a. evidence of a sewage backup in an area of the body art establishment where body art activities are conducted;
 - b. lack of potable, plumbed, or hot or cold water to the extent that handwashing or toilet facilities are not operational;
 - c. lack of electricity or gas service to the extent that handwashing, lighting, or toilet facilities are not operational;
 - d. significant damage to the body art establishment due to tornado, fire, flood, or another disaster;
 - e. evidence of an infestation of rodents or other vermin;

- f. evidence of any individual performing a body art procedure without a license as required under this chapter;
- g. evidence of existence of a public health nuisance;
- h. use of instruments or jewelry that are not sterile;
- i. failure to maintain required records;
- j. failure to use gloves as required;
- k. failure to properly dispose of sharps, blood or body fluids, or items contaminated by blood or body fluids;
- l. failure to properly report complaints of potential bloodborne pathogen transmission to the commissioner;
- m. evidence of a positive spore test on the sterilizer if there is no other working sterilizer with a negative spore test in the establishment; or
- n. evidence that the applicant or licensee is not of good moral character.

2. Prior to license approval or renewal or the reopening of the establishment, the establishment must submit to the director satisfactory proof that the problem condition causing the need for the license action or emergency closure has been corrected or removed by the operator of the establishment. A body art establishment may not reopen without the written approval of the director and a valid establishment license.

(Amended by Ord. No. 2010-13, adopted September 13, 2010)

820.030. License Restrictions.

1. A license is issued to a specific person and location and is not transferable. A licensee must not operate the body art establishment at a place other than that described in the license.
2. A place used for a body art establishment must not be used or occupied for living or sleeping quarters, or for a purpose other than body art procedures, and must not be located in premises zoned or used for a residential purpose.
3. The license must be prominently displayed in a public area of the establishment.
4. Only body art technicians and guest artists licensed by the state of Minnesota are allowed to perform body art procedures in the licensed establishment.
5. The following information must be kept on file for three years on the premises of the establishment and must be made available for inspection upon request by the city:
 - a. a description of all body art procedures performed by the establishment;
 - b. copies of the spore tests conducted on each sterilizer; and
 - c. the following information for each technician or guest artist employed or performing body art procedures in the establishment: (i) name; (ii) home address; (iii) home telephone number; (iv) date of birth; (v) copy of an identification photo; and (vi) license number or guest artist license number.
6. At least once a year, the director must conduct an inspection of each licensed body art establishment and a review of any records necessary to ensure that the standards required under this chapter are met. Refusal to permit an inspection during reasonable business hours constitutes valid grounds for license denial or revocation.

(Amended by Ord. No. 2010-13, adopted September 13, 2010)

820.035. Health and Safety Standards.

1. Establishment standards. The body art establishment must meet all of the following health and safety standards before a licensed technician may conduct body art procedures at the establishment:
 - a. The establishment must have at least 150 square feet of floor space and must be lighted and ventilated to comply with standards approved by the health authority. The health authority may approve a lesser square footage if the services being performed relate exclusively to micropigmentation or cosmetic make-up tattooing, according to the following procedure:
 - (1) The applicant must submit a written request to the health authority that includes, at a minimum, the following information:
 - a) Full name and address of the licensed premises;
 - b) Written narrative outlining the service to be performed and why the minimum square footage cannot be met;
 - c) The length of time for which a the minimum square footage will not be met, which cannot exceed one year; and
 - d) Any other information required by the city to reasonably evaluate the request.
 - (2) The health authority, in its sole discretion, will evaluate the request based on the complexity of the service being offered and the square footage generally needed to perform such service.
 - b. The health authority will notify an applicant, in writing, of its decision regarding the request for lesser square footage. If allowed, the notice will specify the period of time the approval remains in effect and will be included in the notice.
 - c. Every place where body art procedures are performed must be equipped with conveniently located and approved sewer and water-connected toilet and lavatory facilities. These facilities must be maintained in good working order at all times, must be kept free from flies, insects and offensive odors, and must be kept in a clean and sanitary condition.

(1) Toilet fixtures and seats must be of a sanitary open front design and readily cleanable. All toilet rooms must have self-closing doors. Easily cleanable, covered receptacles must be provided for waste materials.

(2) The lavatory must be supplied with hot and cold running water under pressure tempered by means of a mixing valve or combination faucet. All self-closing, slow-closing or metered fixtures must be designed to provide a flow of water for at least 15 seconds. Every lavatory facility must be provided with an adequate supply of hand cleansing compound and single service sanitary towels or hand-drying devices.

c. The procedure area must be separated from any other area that may cause potential contamination of work surfaces.

d. For clients requesting privacy, at a minimum, a divider, curtain, or partition must be provided to separate multiple procedure areas.

e. All procedure surfaces must be smooth, nonabsorbent, and easily cleanable.

f. The establishment must have an accessible hand sink that is not in a public restroom equipped with:

(1) liquid hand soap;

(2) single-use paper towels or a mechanical hand drier or blower; and

(3) a nonporous washable garbage receptacle with a foot-operated lid or with no lid and a removable liner.

g. All ceilings in the body art establishment must be in good condition.

h. All walls and floors must be free of open holes or cracks and be washable and no carpeting may be in areas used for body art procedures unless the carpeting is entirely covered with a rigid, nonporous, easily cleanable material.

i. All facilities within the establishment must be maintained in a clean and sanitary condition and in good working order.

j. No animals may be present during a body art procedure, unless the animal is a service animal.

2. Standards for equipment, instruments, and supplies. Equipment, instruments, and supplies must comply with the following health and safety standards before a licensed technician may conduct body art procedures:

a. A licensee must provide to its customers a sufficient number of individually pre-packaged, pre-sterilized and disposable single-use towels or wipes. These towels or wipes must be kept in a closed dustproof container. These towels must be dispensed in a manner that precludes contamination and disposed of in a nonporous washable garbage receptacle with a foot-operated lid or with no lid and a removal liner.

b. Tables, chairs, operating furniture, and other procedure surfaces that may be exposed to blood or body fluids during the body art procedure must be constructed of stainless steel and must be sanitized after each client with a liquid chemical germicide.

c. The equipment, including needles, stencils, razors and razor blades, must be stored clean and dry in a dustproof glass case when not in use.

d. Needles and operating instruments must be individually pre-packaged, pre-sterilized and disposable. Each piece of this equipment must be used on no more than one customer, and must be discarded in a safe and sanitary manner after its first use.

e. Sterilizing solutions may be used for the purpose of sterilizing instruments other than needles when the sterilizing solutions are approved by the health authority.

f. Bandages and surgical dressings used in connection with body art procedures must be individually pre-packaged, pre-sterilized and disposable and stored in a clean, closed nonporous container.

g. Jewelry used as part of a body art procedure must be made of surgical implant-grade stainless steel, solid 14-karat or 18-karat white or yellow gold, niobium, titanium, or platinum, or a dense low-porosity plastic. Use of jewelry that is constructed of wood, bone, or other porous material is prohibited.

h. Jewelry used as part of a body art procedure must be free of nicks, scratches, or irregular surfaces and must be properly sterilized before use.

i. Reusable instruments must be thoroughly washed to remove all organic matter, rinsed, and sterilized before and after use.

j. Needles must be single-use needles and sterilized before use.

k. Sterilization must be conducted using steam heat or chemical vapor.

l. All sterilization units must be operated according to the manufacturer's specifications.

m. At least once a month, but not to exceed 30 days between tests, a spore test must be conducted on each sterilizer used to ensure proper functioning. If a positive spore test result is received, the sterilizer at issue may not be used until a negative result is obtained.

n. All inks and other pigments used in a body art procedure must be specifically manufactured for tattoo procedures.

o. Immediately before applying a tattoo, the ink needed must be transferred from the ink bottle and placed into single-use paper or plastic cups. Upon completion of the tattoo, the single-use cups and their contents must be discarded.

p. All equipment and instruments must be maintained in good working order and in a clean and sanitary condition.

q. Single-use disposable barriers or a chemical germicide must be used on all equipment that cannot be sterilized as part of the procedure as required under this section including spray bottles, procedure light fixture handles, and tattoo machines.

3. Standards for body art procedures. All body art procedures must comply with the following health and safety standards:

a. The skin area subject to a body art procedure must be thoroughly cleaned with soap and water, rinsed thoroughly, and swabbed with an antiseptic solution. Only single-use towels or wipes may be used to clean the skin.

b. Whenever it is necessary to shave the skin, a new disposable razor or a stainless steel straight edge must be used. The disposable razor must be discarded after use. The stainless steel straight edge must be thoroughly washed to remove all organic matter and sterilized before use on another client.

c. No body art procedure may be performed on any area of the skin where there is an evident infection, irritation, disease, or open wound or on a person who has an apparent communicable disease.

d. Single-use nonabsorbent gloves of adequate size and quality to preserve dexterity must be used for touching clients, for handling sterile instruments, or for handling blood or body fluids. Nonlatex gloves must be used with clients or employees who request them or when petroleum products are used. Gloves must be changed if a glove becomes damaged or comes in contact with any nonclean surface or objects or with a third person. At a minimum, gloves must be discarded after the completion of a procedure on a client. Upon leaving the procedure area, hands and wrists must be washed before putting on a clean pair of gloves and after removing a pair of gloves.

4. Standards for technicians. Technicians must comply with the following health and safety standards:

a. A technician must wear clean, light-colored washable outer garments when performing body art procedures.

b. A technician must wash his or her hands thoroughly with soap and water and then dry them with a clean towel before and after each body art procedure. The customer's skin must also be thoroughly cleansed with soap and water and disinfected by an antiseptic solution approved by the health authority before the use or application of a body art instrument or equipment.

c. Pigments used in body art must be sterile and free from bacterial and noxious agents and substances. The pigments used from stock solutions for each customer must be placed in a single-service receptacle, and the receptacle and remaining solution must be discarded in a safe and sanitary manner after use on a customer.

d. Technicians must scrub their hands and wrists thoroughly before and after performing a body art procedure, after contact with the client receiving the procedure, and after contact with potentially contaminated materials.

e. A technician may not smoke, eat, or drink while performing body art procedures.

f. A technician may not perform a body art procedure if the technician has a communicable disease or has any open sores visible or in a location that may come in contact with the client.

5. Contamination standards. All body art establishments must comply with the following contamination standards:

a. Infectious waste and sharps must be managed according to Minn. Stat. sections 116.76 to 116.83 and must be disposed of by an approved infectious waste hauler at a site permitted to accept the waste, according to Minnesota rules, parts 7035.9100 to 7035.9150. Sharps ready for disposal must be disposed of in an approved sharps container.

b. Contaminated waste that may release liquid blood or body fluids when compressed or that may release dried blood or body fluids when handled must be placed in an approved red bag that is marked with the international biohazard symbol.

c. Contaminated waste that does not release liquid blood or body fluids when compressed or handled may be placed in a covered receptacle and disposed of through normal approved disposal methods.

d. Storage of contaminated waste onsite must not exceed the period specified by Code of Federal Regulations, title 29, section 1910.1030.

(Amended by Ord. No. 2010-13, adopted September 13, 2010; Amended by Ord. No. 2021-07, adopted April 26, 2021)

820.040. Professional Standards.

1. Standard practice.

a. A technician must require proof of age before performing a body art procedure on a client. Proof of age must be established by one of the following methods: (1) a valid driver's license or identification card issued by the state of Minnesota or another state that includes a photograph and date of birth of the individual; (2) a valid military identification card issued by the United States Department of Defense; (3) a valid passport; (4) a resident alien card; or (5) a tribal identification card.

b. Before performing a body art procedure, the technician must provide the client with a disclosure and authorization form that indicates whether the client has: (1) diabetes; (2) a history of hemophilia; (3) a history of skin diseases, skin lesions, or skin sensitivities to soap or disinfectants; (4) a history of epilepsy, seizures, fainting, or narcolepsy; (5) any condition that requires the client to take medications such as anticoagulants that thin the blood or interfere with blood clotting; or (6) any other information that would aid the technician in the body art procedure process evaluation.

c. The form must include a statement informing the client that the technician will not perform a body art procedure if the client fails to complete or sign the disclosure and authorization form, and the technician may decline to perform a body art procedure if the client has any identified health conditions.

- d. The technician must ask the client to sign and date the disclosure and authorization form confirming that the information listed on the form is accurate.
 - e. Before performing a body art procedure, the technician must offer and make available to the client personal draping, as appropriate.
2. Informed consent. Before performing a body art procedure, the technician must obtain from the client a signed and dated informed consent form. The consent form must disclose: (a) that a tattoo is considered permanent and may only be removed with a surgical procedure and that any effective removal may leave scarring; or (b) that body piercing may leave scarring.
 3. Client record maintenance. For each client, the body art establishment operator must maintain proper records of each procedure. The records of the procedure must be kept for three years and must be available for inspection by the director upon request. The record must include the following: (1) the date of the procedure; (2) the information on the required picture identification showing the name, age, and current address of the client; (3) a copy of the authorization form signed and dated by the client required under subdivision 1, paragraph (b); (4) a description of the body art procedure performed; (5) the name and license number of the technician performing the procedure; (6) a copy of the consent form required under subdivision 2; and (7) if the client is under the age of 18 years, a copy of the consent form signed by the parent or legal guardian as required under section 820.045.
 4. Aftercare. A technician must provide each client with verbal and written instructions for the care of the tattooed or pierced site upon the completion of the procedure. The written instructions must advise the client to consult a health care professional at the first sign of infection.
 5. State, county, and municipal public health regulations. An operator and technician must comply with all applicable state, county, and municipal requirements regarding public health.
 6. Notification. The operator of the body art establishment must immediately notify the local health authority of any reports they receive of a potential bloodborne pathogen transmission.

(Added by Ord. No. 2010-13, adopted September 13, 2010)

820.045. Prohibitions.

1. A technician may perform body piercings on an individual under the age of 18 if the individual's parent or legal guardian is present and a consent form and the authorization form under section 820.040, subdivision 1(b) is signed by the parent or legal guardian in the presence of the technician, and the piercing is not prohibited under subdivision 3.
2. No technician may tattoo an individual under the age of 18 regardless of parental or guardian consent.
3. No nipple or genital piercing, branding, scarification, suspension, subdermal implantation, microdermal, or tongue bifurcation may be performed by a technician on an individual under the age of 18 regardless of parental or guardian consent.
4. No technician may perform body art procedures on an individual who appears to be under the influence of alcohol, controlled substances as defined in Minn. Stat. section 152.01, subdivision 4, or hazardous substances as defined in rules adopted under Minn. Stat. chapter 182.
5. No technician may perform body art procedures while under the influence of alcohol, controlled substances as defined under Minn. Stat. section 152.01, subdivision 4, or hazardous substances as defined in the rules adopted under Minn. Stat. chapter 182.
6. No technician may administer anesthetic injections or other medications.

(Added by Ord. No. 2010-13, adopted September 13, 2010)

820.050. Disciplinary Action.

1. A license issued pursuant to this section may be subject to disciplinary action in accordance with the procedure in section 700.035.
2. The city council may take disciplinary action against a license upon proof that an operator of an establishment, or a technician or guest artist operating at the establishment, has:
 - a. intentionally submitted false or misleading information to the city;
 - b. failed, within 30 days, to provide information in response to a written request by the city;
 - c. violated any provision of this section;
 - d. failed to perform services with reasonable judgment, skill, or safety due to the use of alcohol or drugs, or other physical or mental impairment;
 - e. aided or abetted another person in violating any provision of this section;
 - f. been or is being disciplined by another jurisdiction, if any of the grounds for the discipline are the same or substantially equivalent to those under this section;
 - g. advertised in a manner that is false or misleading;
 - h. engaged in conduct likely to deceive, defraud, or harm the public;
 - i. demonstrated a willful or careless disregard for the health, welfare, or safety of a client;
 - j. obtained money, property, or services from a client through the use of undue influence, harassment, duress, deception, or fraud;

- k. failed to refer a client to a health care professional for medical evaluation or care when appropriate; or
 - l. been convicted of a felony-level criminal sexual conduct offense. "Conviction" means a plea of guilty, a verdict of guilty by a jury, or a finding of guilty by a court.
3. If the city council finds that an operator of an establishment should be disciplined according to subdivision 2, the council may take any one or more of the following actions:
- a. refuse to grant or renew the license;
 - b. suspend the license for a period not exceeding one year;
 - c. revoke the license;
 - d. take any reasonable lesser action against an individual upon proof that the individual has violated this chapter; or
 - e. impose, for each violation, a civil penalty not exceeding \$2,000.
4. Upon the suspension or revocation of a license, the establishment must cease to (a) perform body art procedures and (b) represent to the public that the establishment is licensed by the city.

(Added by Ord. No. 2010-13, adopted September 13, 2010)