



City of Grand Island

Tuesday, February 22, 2005

Council Session

Item F8

#8960 - Consideration of Amendments to Chapter 17, 25, and 29 of the City Code Relative to Department of Health References

This item relates to the aforementioned Ordinance Item F-2.

Staff Contact: Doug Walker

ORDINANCE NO. 8960

An ordinance to amend Chapters 17, 20, 25 and 29 of the Grand Island City Code; to amend Sections 17-2, 20-13.1, 25-12, 25-13, 25-14, 25-16, 25-19, 25-20, 25-23, 29-1, 29-4, 29-7, 29-10, 29-11, and 29-17 to change the name from the Grand Island-Hall County Health Department to the Central District Health Department; to amend Sections 25-12, 29-8, 29-11, 29-12, and 29-13 pertaining to the Grand Island Fee Schedule; to repeal Sections 17-2, 20-13.1, 25-12, 25-13, 25-14, 25-16, 25-19, 25-20, 25-23, 29-1, 29-4, 29-7, 29-8, 29-10, 29-11, 29-12, 29-13 and 29-17 as now existing, and any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. Section 17-2 of the Grand Island City Code is hereby amended to read as follows:

§17-2. Duty of Department of Health

The ~~Central District Health Department~~ ~~Grand Island-Hall County Department of Health~~ or employees of the City of Grand Island are hereby charged with the duty of enforcing the provisions of this chapter pertaining to the collecting, transporting, and disposing, by approved methods, of all garbage, litter, refuse, yard waste, and waste materials within the City. Approved methods of disposal for garbage, litter, refuse and waste materials are as follows:

- (A) By delivery to a licensed garbage or refuse collector;
- (B) By hauling to the City-operated sanitary or landfill transfer station and dispensing there as directed by the person in charge; provided, that the transportation conforms to the requirements of §17-26;
- (C) By disposal of garbage in a home garbage disposal unit.

Approved methods of disposal for yard waste are as follows:

- (A) By utilizing such yard waste in an approved backyard composting site;
- (B) By delivery to a licensed garbage collector in a separate yard waste collection service;
- (C) By hauling to the City-operated composting site, which is adjacent to the City's transfer station, and dispensing there as directed by the person in charge.

SECTION 2. Section 20-13.1 of the Grand Island City Code is hereby amended to read as follows:

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§20-13.1. Nuisances; Specifically Defined

The maintaining, using, placing, depositing, leaving or permitting of any of the following specific acts, omissions, places, conditions, and things are hereby declared to be nuisances:

(A) Any odorous, putrid, unsound or unwholesome grain, meat, feathers, vegetable matter, or the whole or any part of any dead animal, fish, or fowl.

(B) Privies, vaults, cesspools, dumps, pits or like places which are not securely protected from flies or rats, or which are foul or malodorous.

(C) Filthy, littered or trash-covered cellars, houseyards, barnyards, stable-yards, factory-yards, mill yards, vacant areas in rear of stores, granaries, vacant lots, houses, buildings, or premises.

(D) Stockpiling animal manure in a manner that causes an abundance of flies, malodorous conditions or creates other health concerns, or which is kept or handled in violation of any ordinance of the City.

(E) Liquid household waste, human excreta, garbage, butcher's trimmings and offal, parts of fish or any waste vegetable or animal matter in any quantity; provided, nothing herein contained shall prevent the temporary retention of waste in receptacles in a manner approved by the health officer of the Central District Health Department ~~City~~, nor the dumping of non-putrefying waste in a place and manner approved by the health officer.

(F) Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, and all trash or abandoned material, unless the same be kept in covered bins or galvanized iron receptacles.

(G) Trash, litter, rags, accumulations of barrels, boxes, crates, packing crates, mattresses, bedding, used furniture, used appliances, excelsior, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, old automobiles or parts thereof, or any other waste materials when any of said articles or materials create a condition in which flies or rats may breed or multiply, or which may be a fire danger or which are so unsightly as to depreciate property values in the vicinity thereof.

(H) Any unsightly building, billboard, or other structure, or any old, abandoned or partially destroyed building or structure or any building or structure commenced and left unfinished, which said buildings, billboards or other structures are either a fire hazard, a menace to the public health or safety, or are so unsightly as to depreciate the value of property in the vicinity thereof.

(I) All places used or maintained as junk yards, or dumping grounds, or for the wrecking and dissembling of automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn-out, wrecked or abandoned automobiles, trucks, tractors, or machinery of any kind, or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or buildings or by other persons, which said places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property by others, or which are so unsightly as to tend to depreciate property values in the vicinity thereof.

(J) Stagnant water permitted or maintained on any lot or piece of ground.

(K) Stockyards, granaries, mills, pig pens, cattle pens, chicken pens or any other place, building or enclosure, in which animals or fowls of any kind are confined or on which are stored tankage or any other animal or vegetable matter, or on which any animal or vegetable matter including grain is being processed, when said places in which said animals are confined, or said premises on which said vegetable or animal matter is located, are maintained and kept in such a manner that foul and noxious odors are permitted to emanate therefrom, to the annoyance of inhabitants of the City, or are maintained and kept in such a manner as to be injurious to the public health.

(L) All other things specifically designated as nuisances elsewhere in this Code.

SECTION 3. Section 25-12 of the Grand Island City Code is hereby amended to

read as follows:

§25-12. License Application; Types; When Issued

(A) All applications for a new or renewal license shall be filed with the Central District Health Department ~~Grand Island Hall County Health Department~~ accompanied by a fee established and adopted by the Board of Health in accordance with the City of Grand Island Fee Schedule. Upon payment of the license fee, receipt of the

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application, and receipt of the certificate of inspection, the Health Department Director shall issue a license to the applicant, which he/she shall keep displayed in his/her place of business at all times.

(B) Any change of ownership or change of location of the business licensed shall require a new application and license, with payment of fees therefor.

(C) Application for all licenses shall be made prior to the operation of any tattoo and/or body piercing work.

(D) Licenses shall be non-transferable.

(E) Type of Licenses:

(1) Annual License: An annual license may be issued for businesses, valid for one (1) year from the date of issuance. Renewals of such annual license shall be made by application prior to the expiration of the existing license.

(2) Temporary License: A temporary license may be issued for businesses, valid for no more than three (3) consecutive days, such dates to be specified on the license. Licenses issued on a temporary basis requires compliance with this article and with the Temporary Tattoo/Body Piercing Event Regulations promulgated and adopted by the Board of Health.

SECTION 4. Section 25-13 of the Grand Island City Code is hereby amended to

read as follows:

§25-13. Definitions

For the purposes of this Article, the following words and phrases shall have the meanings ascribed to them by this section:

Certificate of Inspection: The term "certificate of inspection" shall mean written approval from the Central District Health Department ~~Grand Island Hall County Department of Health~~ that said tattooing and/or body piercing establishment has been inspected and meets all of the terms of this Article relating to operation, maintenance, physical facilities, equipment and layout for operation of such business.

Body Piercing: The term "body piercing" shall mean the act of penetrating the skin, excluding the earlobes, to make generally permanent in nature, a hole, mark, or scar.

Health Department Director: The term "Health Department Director" shall mean the Director of the Central District Health Department ~~Grand Island Hall County Department of Health~~ or his/her authorized representative.

Operator: The term "operator" shall mean any individual, firm, company, corporation or association that owns or operates an establishment where tattooing and/or body piercing is performed and any individual who performs or practices the art of tattooing and/or body piercing on the person of another.

Tattoo: The term "tattoo" shall refer to any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instruments designed to touch or puncture the skin.

SECTION 5. Section 25-14 of the Grand Island City Code is hereby amended to

read as follows:

§25-14. Health and Sanitary Requirements

Each person who operates a tattooing and/or body piercing establishment shall comply with the following requirements:

(A) The room in which tattooing and/or body piercing is done shall have an area of not less than one hundred (100) square feet. The walls, floors and ceiling shall have an impervious, smooth and washable surface.

(B) A toilet shall be located in the establishment and shall be accessible at all times that the tattooing and/or body piercing establishment is open for business. A separate lavatory will be accessible to the operator to wash

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his/her hands prior to applying a tattoo or body piercing to a patron. The lavatory shall be supplied with hot and cold running water, soap and sanitary towels, and shall be cleaned and sanitized at least daily.

(C) All tables and other equipment shall be constructed of easily cleanable material, shall be painted or finished in a light color, with a smooth washable finish, and shall be separated from waiting customers or observers by a panel at least four (4) feet high or by a door.

(D) The entire premises and all equipment shall be maintained in a clean, sanitary condition and in good repair.

(E) The operator shall wash his/her hands thoroughly with soap and water before starting to tattoo and/or body pierce; the hands shall be dried with individual, single-use towels. After washing his/her hands, the operator shall rinse his/her hands in seventy percent (70%) alcohol (Rubbing Alcohol) or in an antiseptic solution approved by the ~~Central District Health Department~~Grand Island Hall County Department of Health. The operator will then don new disposable surgical gloves, and shall wear them while in contact with the customer. Upon completion of his/her work on each customer, the operator shall dispose of the gloves by incineration or autoclave. The operator shall not perform service on more than one (1) person at a time; that is, he/she shall commence and complete or terminate services with a customer, prior to commencing work on another individual.

(F) No tattooing and/or body piercing shall be done on any skin surface that has rash, pimples, boils, infections or manifests any evidence of unhealthy conditions.

(G) In the event a tattoo, blemish, birthmark or scar is changed, removed, camouflaged, or altered, a record must be made and kept in the client's record.

(H) Only disposable razors with a new, single-service blade shall be used on each customer or patron and then shall be sterilized and disposed of as soon as possible by incineration.

(I) The area to be tattooed and/or pierced shall first be thoroughly washed for a period of two (2) minutes 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 and/or piercing is begun, a solution of seventy percent (70%) alcohol shall be applied to the area with a single-use sponge used and applied with a sterile instrument. Sponges shall be disposed of by sterilization and incineration.

(J) Only sterile petroleum jelly in single-service disposable containers, if available, or collapsible metal or plastic tubes, or its equivalent as approved by the ~~Central District Health Department~~Grand Island Hall County Department of Health, shall be used on the area to be tattooed and/or pierced and it shall be applied with sterile gauze which shall then be discarded and disposed of by incineration or autoclave. Petroleum jelly or an approved alternate substance shall not be applied directly with the fingers.

(K) The use of styptic pencils, alum blocks or other solid styptics to check the flow of blood is prohibited.

(L) Inquiry shall be made of each customer, and anyone giving a history of jaundice, hepatitis, lymphadenopathy or lymphadenitis (swelling of lymph nodes) Aids (HIV+) positive, or a history of blood donation exclusion (for other than hypertension and immediate illness) may not be tattooed and/or body pierced. Inquiry shall be recorded on an appropriate form which shall be executed by the customer and operator, and retained by the licensee for a period of not less than three (3) years.

(M) Single-service individual containers of dye or ink shall be used for each patron, and the container therefor shall be discarded immediately after completing work on a patron and any dye in which the needles were dipped shall not be used on another person. Excess dye or ink shall be removed from the skin with an individual sterile sponge or a disposable paper tissue which shall be used only on one (1) person and then immediately discarded and disposed of with other hazardous medical waste. After completing work on any person, the tattooed and/or pierced area shall be washed with sterile gauze saturated with an antiseptic soap solution approved by the ~~Central District Health Department~~Grand Island Hall County Department of Health, or a seventy percent (70%) alcohol solution. The tattooed and/or pierced area shall be allowed to dry and sterile petroleum jelly from a single-service disposable container, if available, or from collapsible metal or plastic tubes, shall be applied, using sterile gauze. A sterile gauze dressing shall then be fastened to the tattooed area with adhesive and/or the pierced area as needed.

(N) All tattoo and/or body piercing work shall be performed with a single-service sterile needle, which shall be disposed of immediately after use on one (1) customer by sterilization and incineration. The operator shall not remove tattoos, nor shall they be done over the site of obviously recent hypodermic injections. A single-service tube should be used in conjunction with a new needle. After use the tube shall be sterilized.

(O) Operator is responsible for issuing after-care instructions for each body piercing.

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(P) No animals may be kept or allowed in the place of business at any time.

(Q) Private residences or dwelling units are prohibited in the place of business unless the tattooing and/or body piercing operation is conducted in a separate and distinct location from the normal living quarters of a residential dwelling.

SECTION 6. Section 25-16 of the Grand Island City Code is hereby amended to

read as follows:

§25-16. Sterilizing of Instruments

A steam sterilizer (autoclave) shall be provided for sterilizing all needles and similar instruments before use on any customer, person or patron. (Alternate sterilizing procedures may only be used when specifically approve by the ~~Central District Health Department~~~~Grand Island Hall County Department of Health~~.) Sterilization of equipment will be accomplished by exposure to live steam for at least sixty (60) minutes at a minimum pressure of fifteen (15) pounds per square inch, temperature of two hundred fifty degrees Fahrenheit (250°) or one hundred twenty-one degrees Celsius (121°C).

Preparation of Instruments for Sterilization. After each tattoo job, the tattoo machine shall be placed in an ultrasonic type machine to remove the excess dye from the tubes and needle bars. When this process is completed the tubes and needle bars shall be removed from the tattoo machines. They shall then be placed into a covered container for sterilization by autoclaving.

Sterilizing of Instruments. Steam sterilizers, approved by the ~~Central District Health Department~~~~Grand Island Hall County Department of Health~~, shall be provided for each establishment. All needle bars, grips, tubes and instruments which pierce the skin, directly and in piercing the skin or come in contact with instruments which pierce the skin shall be sterilized before using on each customer by autoclaving under fifteen (15) pounds pressure for fifteen (15) minutes. The temperature maintained in autoclaving shall not be less than two hundred fifty degrees Fahrenheit (250°F) or one hundred twenty-one degrees Celsius (121°C).

Storing of Instruments. All tubes, grips and needle bars shall be left in the wrappers used during the autoclaving process. These wrapped articles shall be stored in a closed glass case or storage cabinet and shall be maintained in a sanitary manner at all times. The wrappers shall not be removed from the tubes, grips or needle bars until a tattoo and/or body piercing job is begun.

SECTION 7. Section 25-19 of the Grand Island City Code is hereby amended to

read as follows:

§25-19. Records

(A) Permanent records for each patron or customer shall be maintained by the licensee or operator of the establishment. Before the tattooing and/or body piercing operation begins, the patron or customer shall be required personally to enter, on a record form provided for such establishments, the date, his/her name, address, age, driver's license number or other acceptable photo identification, the responses to the inquiries set forth in §25-14(L), and his/her signature. A copy of the driver's license or photo identification shall be attached to and retained with the permanent record.

(B) Daily logs must be kept detailing sterilization of instruments.

(C) All such records required to be retained shall be kept by the operator or licensee for a period of not less than five (5) years. In the event of a change of ownership or closing the business, all such records shall be made available to the ~~Central District Health Department~~ ~~Grand Island Hall County Department of Health~~ or law enforcement officer of the City upon request.

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SECTION 8. Section 25-20 of the Grand Island City Code is hereby amended to

read as follows:

§25-20. Infections

No person, customer or patron having any skin infection or other disease of the skin or any communicable disease shall be tattooed and/or body pierced. All infections resulting from the practice of tattooing and/or body piercing which become known to the operator shall promptly be reported to the Central District Health Department ~~Grand Island Hall County Department of Health~~ by the person owning or operating the tattooing and/or body piercing establishment, and the infected client shall be referred to a physician.

SECTION 9. Section 25-23 of the Grand Island City Code is hereby amended to

read as follows:

§25-23. Certificate of Inspection

An applicant for a license to operate a tattooing and/or body piercing establishment shall first obtain a certificate of inspection from the Central District Health Department ~~Grand Island Hall County Department of Health~~, indicated the establishment has been inspected and is in compliance with the provisions of this Article.

SECTION 10. Section 29-1 of the Grand Island City Code is hereby amended to

read as follows:

§29-1. Nebraska Pure Food Act Enforcement

The Central District Health Department ~~Grand Island Hall County Department of Health~~ shall enforce the Nebraska Pure Food Act, together with any amendments thereto as may be made from time to time, in the inspection of food service establishments, the issuance, suspension and revocation of permits to operate food service establishments, the collection of fees for food service establishment permits, and the prohibiting of the sale of unsound or mislabeled food or drink. One copy of the Nebraska Pure Food Act, and all supplements or amendments thereto shall be filed in the office of the city clerk as provided by law.

SECTION 11. Section 29-4 of the Grand Island City Code is hereby amended to

read as follows:

§29-4. Permit; Required

It shall be unlawful for any person to operate a food establishment without first having obtained a permit from the Central District Health Department ~~Grand Island Hall County Health Department~~. More than one type of permit may be required in one establishment. Permits are issued based on the type of operations conducted within an establishment.

SECTION 12. Section 29-7 of the Grand Island City Code is hereby amended to

read as follows:

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§29-7. Inspections

All food establishments must be inspected by an authorized representative of the Central District Health Department~~Grand Island Hall County Health Department~~, or its designated representative, prior to obtaining a permit pursuant to this chapter. Inspections of food establishments thereafter shall be conducted periodically by the Central District Health Department~~Grand Island Hall County Health Department~~.

SECTION 13. Section 29-8 of the Grand Island City Code is hereby amended to read as follows:

§29-8. Fees

Except as otherwise provided by §29-9, any person applying for an annual permit under the provisions of this chapter shall annually pay a permit fee established and adopted by the Board of Health in accordance with the City of Grand Island Fee Schedule.

SECTION 14. Section 29-10 of the Grand Island City Code is hereby amended to read as follows:

§29-10. Fees; To Whom Paid

All permit fees paid pursuant to the provisions of this chapter shall be paid to the Central District Health Department~~Grand Island Hall County Health Department~~.

SECTION 15. Section 29-11 of the Grand Island City Code is hereby amended to read as follows:

§29-11. Delinquent Permit Fee

Renewal of the annual permits identified in this chapter shall be made prior to the expiration of the current permit. Permit fees for annual renewals shall be delinquent if the payment has not been received by the Central District Health Department~~Grand Island Hall County Health Department~~ by May 15 for the permits identified in Section 29-5(A), and by October 15 for those permits identified in Section 29-5(B). Establishments shall be assessed a delinquent food permit fee established and adopted by the Board of Health in accordance with the City of Grand Island Fee Schedule if the permits are not paid by these dates.

SECTION 16. Section 29-12 of the Grand Island City Code is hereby amended to read as follows:

§29-12. Penalty Fee

A fee established and adopted by the Board of Health in accordance with the City of Grand Island Fee Schedule will be assessed for operating a food service establishment without a permit, and each day of operation shall be considered a separate offense.

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SECTION 17. Section 29-13 of the Grand Island City Code is hereby amended to read as follows:

§29-13. Reinstatement Fee

Any person whose permit shall be temporarily suspended under any provision of this chapter shall pay a reinstatement fee established and adopted by the Board of Health in accordance with the City of Grand Island Fee Schedule before such permit is reinstated. Reinstatement shall not be effective until such reinstatement fee has been paid.

SECTION 18. Section 29-17 of the Grand Island City Code is hereby amended to read as follows:

§29-17. Building Plans

A copy of all building plans for new construction and/or remodeling projects for any food establishment covered by Chapter 29 of the Grand Island City Code shall be submitted to the Central District Health Department ~~Grand Island Hall County Health Department~~ prior to the commencement of such work.

SECTION 19. Sections 17-2, 20-13.1, 25-12, 25-13, 25-14, 25-16, 25-19, 25-20, 25-23, 29-1, 29-4, 29-7, 29-8, 29-10, 29-11, 29-12, 29-13 and 29-17 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 20. That this ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: February 22, 2005.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk