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TATTOO & BODY PIERCING LICENSING MANUAL

Department of Planning & Permitting
City of Sturgis
1040 Harley-Davidson Way, Suite 103
Sturgis, SD 57785
(605) 347-4422, ext 2 or 3
www.sturgis-sd.gov

This manual is subject to change by South Dakota Legislative Sessions and City of Sturgis ordinance updates. Please check back after April 1, 2016 for the most up-to-date information.

WELCOME LETTER

On behalf of the City of Sturgis, we would like to thank you for choosing to do business in the City of Sturgis. Whatever the reasons for the relocation of your establishment to Sturgis, we hope that this manual will assist you with setting up your business and ensuring your compliance with all City, County, and State regulations governing tattoo and body piercing establishments.

No matter how long you will do business in Sturgis, the process to register and license as a Tattoo and/or Body Piercing Artist within the City limits does not change. Once you have a location and the appropriate sales tax license, you need to apply for a Tattoo and Body Piercing License. City staff will then inspect your location for compliance with health and sanitation regulations. Once your inspection is successfully completed, you may begin to serve customers. A health and sanitation inspection is required annually (or upon change of location).

However, the requirements for registering with the State's Department of Revenue do vary if you are here only during the duration of the annual Sturgis® Motorcycle Rally™. (The Sturgis® Motorcycle Rally™ will be celebrating its 76th Anniversary from August 8 – 14, 2016.)

As you go through the process of licensing as a tattoo artist, please do not hesitate to contact us if you have any questions or concerns.

Best Regards,

Dave Smith
Code Compliance Officer
(605) 347-4422, x 3

Scott Rovere
City Building Inspector
(605) 347-4422, x 2

GENERAL CHECKLIST

- Acquire a fixed, permanent location to tattoo and/or body pierce.
- Obtain a South Dakota sales tax license.
- Apply for the City Tattoo and Body Piercing License. Pay associated fees. The application form can be submitted electronically or in person.
 - To download:
<http://www.sturgis-sd.gov/DocumentCenter/View/6442>
 - To apply online:
<http://www.sturgis-sd.gov/FormCenter/Administrative-Forms-3/Tattoo--Body-Piercing-License-Applicatio-48>
- Completely set up your establishment in accordance with SD Administrative Rules 44:12:01 and 44:12:02. (These can be found online at <http://www.sturgis-sd.gov/index.aspx?NID=766>)
- Schedule your health and sanitation inspection.
- Open your establishment to customers. Ensure ongoing sales tax compliance.

REQUIREMENTS FOR THE SPACE TO BE USED BY THE TATTOO ARTIST

The tattoo artist must acquire a location with a fixed address.

The tattoo space cannot be in a tent.

However, you can operate your establishment out of a trailer, RV or motorhome, so long as the facility meets the requirements for an establishment, as set out in SD AR 44:12:01 and SD AR 44:12:02. But, note, pursuant to City Ordinance 2, you can only operate a business (including a tattoo establishment) out of a temporary structure such as these for a maximum of 30 days at that fixed address.

If you will be operating as an artist only during the annual Sturgis® Motorcycle Rally™, you can find temporary lease space (i.e. vendor property) listed at www.sturgismotorcyclerrally.com.

The artist cannot move locations (even within the same building) without requiring additional inspections.

At a minimum, the tattoo space must be 60 square feet. It must be enclosed and physically separated by solid partitions at least seven feet high (or walls extending from floor to ceiling) from facilities used for practices other than tattooing and body piercing.

From the tattoo floor, any retail sales area (i.e. clothing) must be separated by this same type barrier listed above.

All tables, chairs, and other general-use equipment must be constructed of plastic, metal with enamel/porcelain coating, or stainless steel.

Floors and walls of the tattooing area shall be smooth, easily cleanable, nonabsorbent and in good repair.

The tattoo floor must have safe, bright lighting.

Handwashing facilities and bathrooms must be easily accessible. Hand washing stations must have warm, potable, running water as well as liquid soap and single-use paper towels (or commercial dryer).

Animals (except service animals) are prohibited in the tattoo establishment.

The tattoo establishment must be maintained in clean, sanitary, vermin-free condition and must be in good repair.

NECESSARY SUPPLIES AND MATERIALS FOR TATTOO ARTISTS

The State of South Dakota establishes the minimum sanitation standards for tattooing. The City of Sturgis inspects each tattoo artist operating in the City limits to ensure these minimum standards are met and maintained. To help you prepare for the inspection, it is required that you have the following supplies at your tattoo station.

You cannot share supplies in order to pass the health inspection.

All artists must have the following items:

- Covered waste container with single use plastic liners
- Covered container for sharps (highly encourage use of a sharps container)
- Notice conspicuously posted stating that it is illegal to tattoo any person under the age of 18 without a parent's or legal guardian's signed consent
- Unexpired ink in sealed containers
- 500 disposable pigment containers
- 300 disposable latex or vinyl gloves
- 1 gallon of germicidal soap
- 1 gallon of isopropyl alcohol
- 1 gallon of distilled water
- Single-use, disposable razor(s)
- Gauze and bandages in closed dustproof containers
- Petroleum jelly or antibacterial ointment
- Cotton swabs, gauze, or wooden tongue depressors (to apply petroleum jelly)
- Closed dustproof container for clean towels and linens
- Hamper or similar container for soiled towels and linens
- If styptics are used, must be in liquid or powder form
- Written care instructions
- If piercing, medical antibacterial prep soak

- Copy of the SD Minimum Standards for Tattooing (can be downloaded here:
<http://www.sturgis-sd.gov/DocumentCenter/View/6435>)
- If piercing, copy of the SD Minimum Standards for Body Piercing (can be downloaded here:
<http://www.sturgis-sd.gov/DocumentCenter/View/6438>)

Artists using disposable equipment:

- 250 sterile disposable setups
- If piercing, 250 disposable single-use needles of each size in sealed sterile envelopes
- If piercing, 250 disposable single-use forceps in sealed sterile envelopes
- If piercing, additional 200 cotton swabs in sealed containers

Artists using reusable equipment:

- Autoclave (producing 15 pounds of pressure per square inch for the time specified in the manufacturer’s user manual)
- Lab results indicating autoclave has passed bacteriological testing in the past 30 days
- Serial number on the lab results must match autoclave on premise.
- 25 liner tubers in sealed, unexpired, sterile envelopes
- 25 shader tubes in sealed, unexpired, sterile envelopes
- 50 needle bar setups in sealed, unexpired, sterile envelopes
- If piercing, 25 disposable single-use needles of each size in sealed sterile envelopes
- If piercing, 25 forceps in sealed sterile envelopes
- If piercing, additional 200 cotton swabs in sealed containers

In addition to complying with the South Dakota minimum standards, all artists must also comply with any FDA recalls (voluntary or mandatory) in effect.

All single-use products uses shall be discarded after they are used.

SALES TAX COMPLIANCE

Prior to applying for a Tattoo and Body Piercing License, the artist must obtain a South Dakota sales tax license. This process is handled through the State Department of Revenue, located at 1520 Haines Ave Suite 3, Rapid City, SD 57701. (605) 394-2332.

Artists must show documentation that they are operating jointly under a unified sales tax license in order to apply for the City's Tattoo and Body Piercing License.

If you will be operating as an independent tattoo artist only during the annual Sturgis[®] Motorcycle Rally[™], you must apply for a temporary SD Sales Tax license. Temporary licenses can be requested after April 1st. Advance requests must be made by July 1st or you will have to pick up your packet from the Department of Revenue, either at their Rapid City Office prior to August 2nd or from August 2nd through August 14th, the Department of Revenue relocates to their temporary office at Sturgis City Hall.

If you must apply for a temporary SD Sales Tax license, please refer to State Department of Revenue's Frequently Asked Questions located here:

<http://sd.gov/Rally>

For new artists (or those artists who have a poor reporting history), the State requires a \$500 bond. They do accept checks for the bond payment.

If you hold a sales tax license at another permanent tattoo establishment location but move your location during the Rally[™] period, you will be required to get a temporary sales tax license for the temporary location.

You cannot perform any tattooing or body piercing services until you (the tattoo artist) have (i) a South Dakota sales tax license and (ii) you have been received a Tattoo and Body Piercing License issued by the City of Sturgis.

All artists are required to keep sales receipts in the form of cash register tape, written or printed credit card receipts, and/or hand written sales receipts that identify the item/service sold, the sale price, the tax charged and the time & date of the transaction. This is required for ALL transactions. City officials may request to view this information at any time.

Artists reporting under a unified sales tax license may combine their sales records.

Inventory sheets must be available at all times.

TATTOO AND BODY PIERCING LICENSE

All artists must apply for the City Tattoo and Body Piercing License. This license is good for the entire calendar year. Each artist must submit an application form.

Each artist is individually licensed through the City of Sturgis to tattoo and body pierce. The cost for the license is \$660.00 per year and includes all initial inspection and licensing fees. Licensing fees are not prorated.

To apply, please contact the Planning & Permitting Department at Sturgis City Hall (1040 Harley-Davidson Way).

The application form can be submitted electronically or in person.

To download:

<http://www.sturgis-sd.gov/DocumentCenter/View/6442>

To apply online:

<http://www.sturgis-sd.gov/FormCenter/Administrative-Forms-3/Tattoo--Body-Piercing-License-Applicatio-48>

Between July 1st and August 31st, the City of Sturgis Tattoo and Body Piercing License application and inspection fees must be paid by cash, cashier's check, or money order. Business checks and credit cards will only be accepted before July 1st and after August 31st.

Applicant must provide the following information:

- Definition of services to be provided
- Location within the City of Sturgis that the applicant will use
- Dimension of the space the applicant will use
- Current mailing address of the applicant
- Current phone number and email address for the applicant
- Written affidavit that the applicant is over the age of 18 years

- Current picture of the applicant
- History of the applicant in the performance of tattoos, body piercing, and/or other permanent body art

Once the Tattoo and Body Piercing License application is approved, the City staff will schedule your health inspection within 3 business days. There is no additional fee to be inspected, unless you are relocating your establishment and/or your individual tattoo/piercing station(s). *(Relocation inspections are \$100.)*

HEALTH & SANITATION

City staff will conduct the health and sanitation inspection for all Tattoo and Body Piercing Licenses issued within the City of Sturgis.

Once the health inspection is complete, the artist may open the establishment to customers.

The City does perform unannounced re-inspections of health and sanitary conditions. All licenses must be posted in a visible location so it can be clearly seen by inspectors.

The City may revoke or suspend a Tattoo and Body Piercing License for the violation of any law relating to or regulating artists, including the health and sanitation requirement set forth by the State.

Do not dispose any used needles in the City's garbage totes.

DIRECTORY

Questions about application process, health inspections, etc.

Building Inspector

Scott Rovere

1040 Harley-Davidson Way, Suite 103

Sturgis, SD 57785

(605) 347-4422, ext 2

or

Code Compliance Officer

Dave Smith

1040 Harley-Davidson Way, Suite 103

Sturgis, SD 57785

(605) 347-4422, ext 3

Questions about South Dakota Sales Tax Licensing

South Dakota Department of Revenue

1520 Haines Avenue, Suite 3

Rapid City, SD 57701

(605) 394-2332

<http://sd.gov/rally>

Questions about South Dakota tattoo and body piercing regulations

South Dakota Department of Health - Office of Disease Prevention

909 East St. Patrick Street

Rapid City, SD 57701

(605) 394-2370

Questions about Sanitation/Garbage Services

Public Works Department

1057 Dudley Street

Sturgis, SD 57785

(605) 347-3916

ONLINE RESOURCES

City of Sturgis Tattoo & Body Piercing License Application Form

To download:

<http://www.sturgis-sd.gov/DocumentCenter/View/6442>

To apply online:

<http://www.sturgis-sd.gov/FormCenter/Administrative-Forms-3/Tattoo--Body-Piercing-License-Applicatio-48>

SD Minimum Standards for Tattooing (SD AR 44:12:01):

<http://www.sturgis-sd.gov/DocumentCenter/View/6435>

SD Minimum Standards for Body Piercing (SD AR 44:12:02):

<http://www.sturgis-sd.gov/DocumentCenter/View/6438>

SD Regulations for Sanitizing Solutions (SD AR 44:12 Appendix A):

<http://www.sturgis-sd.gov/DocumentCenter/View/6439>

SD Regulations for Environmental Cleaning Solutions (SD AR 44:12 Appendix B):

<http://www.sturgis-sd.gov/DocumentCenter/View/6440>

City Ordinance 11.06 Regulation of Tattoo Artists

<http://www.sturgis-sd.gov/DocumentCenter/View/6437>

City Ordinance 11.07 Regulation of Body Piercing Establishments

<http://www.sturgis-sd.gov/DocumentCenter/View/6436>

South Dakota Department of Revenue FAQ about Sales Tax Compliance

<http://sd.gov/rally>

Sturgis® Motorcycle Rally™

<http://sturgismotorcyclerrally.com>