

**An Ordinance of the City of Plano, Texas, amending certain sections of Ordinance Nos. 2001-4-4, and 2010-3-15 codified as Article VIII of Chapter 14, Additional Regulations for Tattoo and Certain Body Piercing Studios, and various sections of Ordinance Nos. 2006-9-26 and 2008-11-15 codified as Article X, Division 2 of Chapter 6, Public Swimming Pools and Spas, to reflect updated names, references, and fees; and providing a penalty clause, a savings clause, a severability clause, a repealer clause, a publication clause and an effective date.**

**WHEREAS**, on April 2, 2001, the City Council of the City of Plano duly passed Ordinance No. 2001-4-4, Additional Regulations for Tattoo and Certain Body Piercing Studios; and

**WHEREAS**, on March 22, 2010, the City Council of the City of Plano duly passed Ordinance No. 2010-3-15, to reflect the name change of the Department of State Health Services and to update standards for Inspections and Permitting Regulations; and

**WHEREAS**, on September 25, 2006, the City Council of the City of Plano duly passed Ordinance 2006-9-26 codified as Chapter 6, Article X, Division 2, Public Swimming Pools and Spas; and

**WHEREAS**, on November 10, 2008, the City Council of the City of Plano passed Ordinance No. 2008-11-15 codified as of Chapter 6, Article X, Division 2, Section 6-454, Public Swimming Pools and Spas, to make certain amendments; and

**WHEREAS**, it is necessary to amend these ordinances to reflect current names, references, and fees; and

**WHEREAS**, the City Council of the City of Plano, after consideration of the recommendations of staff and all matters attendant and related thereto, is of the opinion that it is in the best interest of the City of Plano, Texas to adopt these amendments as presented.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS THAT:**

**Section I.** Certain section of Ordinance No. 2001-4-4, codified as Section 14-113 of Chapter 14, Article VIII, Additional Regulations for Tattoo and Certain Body Piercing Studios, is hereby amended to read as follows:

**“Section 14-113. Definitions.**

*Artist.* A person who performs tattooing, intradermal cosmetics, and/or certain body piercing, and who is responsible for complying with the provisions of these sections.

*Body piercing.* The creation of an opening in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration.

*Body piercing studio.* A permanent, non-dwelling building or portion of a building, designated by a license holder and located in accordance with applicable local zoning codes where body piercing is performed, completely separated from living quarters, hereafter referred to as studio.

*Building official.* The Chief Building Official for the City of Plano, or his designee.

*Permit holder.* A person who owns, operates, or maintains a tattoo studio, tattoo and body piercing studio, body piercing studio in compliance with these sections.

*Regulatory authority.* The Director of Environmental Health & Sustainability of the City of Plano, or his/her designated representative having responsibility to enforce and administer this article.

*Tattoo/tattooing.* The practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related devices and including intradermal cosmetics.

*Tattoo studio.* A permanent, non-dwelling building or portion of a building, designated by a permit holder and located in accordance with applicable local zoning codes where tattooing or intradermal cosmetic application is performed, completely separated from living quarters; hereafter referred to as studio.

*Training.* The required course(s) to be attended by permit holder, owner or operator in charge as identified and mandated by the City of Plano Environmental Health & Sustainability Department.”

**Section II.** Certain section of Ordinance No. 2010-3-15, codified as Section 14-116(c) of Chapter 14, Article VIII, Additional Regulations for Tattoo and Certain Body Piercing Studios, is hereby amended to read as follows:

**“Section 14-116(c).**

(c) The permit issued by the City of Plano Regulatory Authority shall be valid for one (1) year or unless otherwise revoked for cause as hereinafter prescribed. Permit fees shall be reviewed, set, and adopted by resolution of the City Council on a regular basis.”

**Section III.** Certain sections of Ordinance Nos. 2006-9-26 and 2008-11-15, codified as Chapter 6, Article X, Division 2, Public Swimming Pools & Spas, are hereby amended to read as follows:

**“Section 6-453(a).**

(a) All Public Swimming Pools and Spas shall comply with the Texas Department of State Health Services Standards set forth in Texas Administrative Code, Title 25-Health Services,

**Section 6-454. Issuance of an operating health permit.**

(a) No person shall operate a swimming pool without first obtaining a valid health permit from the City of Plano Environmental Health & Sustainability Department. Each separate pool requires a separate permit. The permit shall be valid for one (1) year unless otherwise revoked as described in this Article. Permit fees shall be reviewed, set, and adopted by resolution of the City Council on a regular basis. A re-inspection fee will be charged to reopen pools closed for non-compliance.

(b) Applications for permit to operate a swimming pool or spa shall be made to the City of Plano Environmental Health & Sustainability Department on application forms prescribed and provided by the City of Plano. The applicant (person), corporation, or the person in charge of the subject premises (the manager) to whom the permit was issued shall be responsible for the sanitation, safety, and proper maintenance of the pool, and all physical and mechanical equipment and records.

(c) The City of Plano Environmental Health & Sustainability Department shall require the applicant or their designee for an operators permit provide proof of knowledge of these standards by taking and satisfactorily passing a written examination or by attendance at a training course on swimming pool operation, which is approved by the City of Plano Environmental Health & Sustainability Department.

**Section 6-455(a).**

(a) The City of Plano Environmental Health & Sustainability Department may deny, revoke, or suspend any operating permit for the failure of the applicant to comply with the provisions of these Standards, or in cases where the operating permit has been obtained through non-disclosure, misrepresentation, or misstatement of a material fact.

**Section 6-455(d).**

(d) If the City of Plano Environmental Health & Sustainability Department determines that the operation or maintenance of any swimming pool is such as to constitute an imminent hazard to the health and safety of the public, the operating permit shall be suspended immediately and the swimming pool shall be closed for use and shall remain closed until the necessary remedial action has been completed.

## **Section 6-456. Appeals.**

Any appeal from a final order or notice issued in connection with the requirements of this ordinance must be in writing and received by the Director of Environmental Health & Sustainability within fifteen (15) days after receipt of said order or notice. Final appeal shall be to the City Manager through the Executive Director's Office.

## **Section 6-458(a).**

(a) It shall be unlawful for any person to violate any of the provisions of the City of Plano Division II Public Swimming Pools and Spas Regulations. Both the Building Inspections Department and the Environmental Health & Sustainability Department shall enforce provisions set forth in Division II. Both the Building Official and the Director of Environmental Health & Sustainability and their designees have the authority to issue citations to persons violating the provisions of Division II. A violation shall exist should anyone interfere with a Building Inspection or Environmental Health & Sustainability Representative in the performance of his or her duties as prescribed by these Regulations."

**Section IV.** Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

**Section V.** The repeal of any ordinance or part of ordinances affectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinances at the time of passage of this ordinance.

**Section VI.** It is the intention of the City council that this Ordinance, and every provision hereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.

**Section VII.** All provisions of the ordinances of the City of Plano, codified or uncoded, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the ordinances of the city of Plano, codified or uncoded, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**Section VIII.** This ordinance shall become effective immediately upon its passage and publication as required by law.

**DULY PASSED AND APPROVED** this the 10th day of September, 2018.

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Harry LaRosiliere, MAYOR

ATTEST:

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Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

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Paige Mims, CITY ATTORNEY