

SANITARY CODE
of the
ALLEGANY COUNTY HEALTH DISTRICT

Allegany County Department of Health

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of the
ALLEGANY COUNTY HEALTH DISTRICT

Effective January 1, 1975

Allegany County Department of Health
County Office Building
7 Court Street
Belmont, New York 14813

Ronald B. Truax, President Allegany County Board of Health

Loreen Ballengee, MS
Public Health Director



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SANITARY CODE OF ALLEGANY HEALTH DISTRICT

ARTICLE I

DEFINITIONS AND GENERAL PROVISIONS

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FILED
NEW YORK STATE DEPT. OF HEALTH
William C. McNamee
DATE: 9/30/98

SECTION 1. TITLE

- 1.1 The rules and regulations herein contained shall be known as the Sanitary Code of the Allegany County Health District.

SECTION 2. DEFINITIONS

- 2.1 Whenever used in the Sanitary Code of the Allegany County Health District, unless otherwise stated or unless the context or subject matter requires a different meaning, the following terms shall have the respective meanings hereinafter set forth or indicated:
 - 2.1.1 "**Health District**" shall mean the Allegany County Health District established pursuant to the provisions of Section 340 of the New York State Public Health Law.
 - 2.1.2 "**Department of Health**" shall mean the Allegany County Department of Health established by Local Law Number Two of the 1975 Local Laws of the County of Allegany.
 - 2.1.3 "**Board of Health**" shall mean the Board of Health of the Allegany County Health District.
 - 2.1.4 "**Public Health Director**" shall mean the Public Health Administrator (or designated representative thereof) of the Allegany County Department of Health who, with appropriate medical and other technical consultation, as approved by

the New York State Department of Health, serves as primary administrator of all health programs in the Allegany County Health District; provided, however, in the event that the County of Allegany establishes the position of County Health Commissioner, then, in such event, and upon the effective date of the creation of such position, the term "Public Health Director" shall mean the County Health Commissioner of Allegany County Department of Health.

2.1.5 "**Sanitary Code**" shall mean and comprise the Rules and Regulations now or hereafter formulated, promulgated, and adopted by the Board of Health of the Allegany County Health District pursuant to Section 347 of the New York State Public Health Law.

2.1.6 "**State Sanitary Code**" shall mean the sanitary code (NYSSC) established by the Public Health Council of the State of New York.

2.1.7 "**Person**" shall mean an individual, group of individuals, partnership, firm, corporation, association, county, city, town or village or improvement district.

SECTION 3. SANITARY CODE. WHERE IN FORCE

3.1 The Board of Health of Allegany County is hereby authorized and empowered to make and promulgate administrative rules and regulations necessary to enforce the New York State Public Health Law, the New York State Sanitary Code, and the Allegany County Sanitary Code. All applicable provisions of these Laws/Codes shall be in force throughout the Allegany County Health District.

3.2 The provisions of the New York State Sanitary Code and any additional regulations, which may be added to it from time to time, are hereby incorporated as part of this Sanitary Code of the Allegany County Health District.

SECTION 4. ENFORCEMENT BY LOCAL BOARDS OF HEALTH

4.1 It shall be the duty of the Board of Health as well as every other local board of health in the Allegany County Health District, existing pursuant to law, to enforce the provisions of the New York State Public Health Law, the New York State Sanitary Code, and the Allegany County Sanitary Code.

SECTION 5. ENFORCEMENT AUTHORITY OF THE BOARD OF HEALTH

5.1 The Board of Health is hereby authorized and empowered to make and promulgate all rules and regulations to enforce each and every regulation of the New York State Public Health Law, the New York State Sanitary Code, and the Allegany County Sanitary Code.

SECTION 6. SPECIAL PROVISIONS

- 6.1 The regulations of this Sanitary Code shall be supplemental to the regulations, rules and orders of the New York State Public Health Law, the New York State Sanitary Code, the New York State Penal Law, and other New York State Laws relating to public health.
- 6.2 Any City, Town, or Village may adopt and enforce additional ordinances or enforce existing ordinances relating to health and sanitation provided that such ordinances are consistent with the New York State Public Health Law and the New York State Sanitary Code.
- 6.3 Where applicable, the Public Health Director, or designated representative thereof, may require a "Certificate of Occupancy" issued by the applicable municipality before a permit is issued by the Health Department.

SECTION 7. PERMITS GENERALLY

- 7.1 Applications.
 - 7.1.1 All applications for permits or written approval herein required shall be made upon forms prescribed and furnished by the Allegany County Department of Health, and shall be signed by the applicant who shall be the person, or legally authorized agent thereof, responsible for compliance with the conditions of the permit or approval applied for. Such application shall contain or have attached thereto such data, information, documents and plans as may be required.
- 7.2 Permits; Nontransferable. A permit issued to a particular person or for a designated place, purpose, or vehicle shall not be valid for use by any other person or for any other purpose, or vehicle than that designated therein.
- 7.3 Permits; Conditions.
 - 7.3.1 Such permits or written approvals may contain general and specific conditions and every person who shall have obtained a permit or written approval, as herein required, shall conform to the conditions prescribed in said permit or written approval and to the provisions of the Sanitary Code. Each such permit shall expire on the date stated on the permit or if no date is stated, one year from its date of issuance, and may be renewed or extended by the Public Health Director or designated representative thereof, or may be suspended or revoked for cause by the Public Health Director or the Board of Health, after due notice and hearing, or temporarily suspended pending hearing. Notwithstanding the foregoing provisions, in the event that any of the terms, conditions and provisions of a permit issued, or written approval granted, is or may subsequently be less restrictive than the New York State Public Health Law or the New York State Sanitary Code, then in such event, the applicable provisions of the New York State Public Health Law, or the New York State Sanitary Code, which are more restrictive, shall govern.

7.4 Permits; Property of Allegany County Department of Health.

7.4.1 All permits issued hereunder shall remain the property of the Allegany County Department of Health and shall, on demand, be surrendered to an authorized representative of the Allegany County Department of Health, whenever any such permit expires, is suspended or revoked.

7.4.2 Permits shall be posted conspicuously on the premises for which they are issued, and shall be carried on the vehicle for which they are issued, and shall be produced on request of the Public Health Director or designated representative thereof.

SECTION 8. ISSUANCE OF LICENSES

8.1 Nothing herein contained shall be construed to restrict or abrogate the legal authority of any city, town or village in the Health District to adopt and enforce additional ordinances or to enforce existing ordinances relating to the regulation, control, and/or issuance of any license, and/or renewal and/or revocation thereof, and to charge and collect a fee therefore.

SECTION 9. FEES

9.1 Fees may be imposed for services rendered by the Allegany County Department of Health under the Allegany County Sanitary Code, in accordance with such schedule or schedules as may be adopted by the Allegany County Board of Legislators, the State of New York, or the United States.

9.2 All fees required by the Allegany County Department of Health for permits, licenses, or filing shall be made payable to the Allegany County Treasurer.

9.3 Failure to pay an imposed fee, as described in Section 9.1, above, shall constitute a violation of the Allegany County Sanitary Code.

SECTION 10. RIGHT OF ENTRANCE AND INSPECTION

10.1 All premises covered by the regulations of this Sanitary Code, located in the Allegany County Health District, shall be subject to inspection by the Public Health Director, or designated representative there, and if any violation of the Sanitary Code exists on the premises, any permit granted by the Public Health Director, or designated representative thereof, may be suspended or other determination made in regard thereto, by the Board of Health, after a hearing thereon in accordance with the provisions of this Sanitary Code.

10.2 No person shall refuse to allow the Public Health Director, or designated representative thereof, to inspect fully any and all premises and no person shall molest or resist the Public Health Director, or designated representative thereof, in the discharge of their duties.

SECTION 11. VIOLATIONS AND PENALTIES

- 11.1 Pursuant to the provisions of Sections 309 and 347 of the New York State Public Health Law, any non-compliance or non-conformance with any provision of this Sanitary Code, or of a rule or regulation, duly made hereunder, shall constitute a violation.
- 11.2 Pursuant to the provisions of the Public Health Law, the Board of Health may:
 - 11.2.1 Issue subpoenas which the Civil Practice Law and rules shall regulate.
 - 11.2.2 Compel the attendance of witnesses.
 - 11.2.3 Administer oaths to witnesses and them to testify.
 - 11.2.4 Issue warrants to any peace officer acting pursuant to his special duties in the County, or a municipality within the County, to apprehend and remove any person or persons as cannot otherwise be subjected to their orders and regulations, and to the Sheriff of Allegany County to bring to its aid the power of the County whenever it shall be necessary to do so.
 - 11.2.5 Prescribe and impose penalties for violations of, or failure to comply with, any of its orders or regulations, or any of the provisions of the New York State Public Health Law, the New York State Sanitary Code, and the Allegany County Sanitary Code, after holding a hearing thereon. Such penalties shall not exceed One Thousand Dollars (\$1,000.00) for a single violation or failure, to be sued for and recovered by the Board of Health in any court of competent jurisdiction. Nothing herein contained shall be construed to exempt an offender from any other prosecution or penalty provided by law.
- 11.3 No subpoena shall be served outside the jurisdiction of the Allegany County Health District, and no witness shall be interrogated or compelled to testify upon matters not related to the State.
- 11.4 Every warrant issued by the Board of Health shall be forthwith executed by the officer to whom directed, who shall have the same powers and be subject to the same duties in the execution thereof, as if it had been duly executed out of a court of record of the State.
- 11.5 Nothing herein contained shall be construed to alter or repeal any existing provisions of law declaring such violations or any of them misdemeanors or felonies or prescribing a penalty thereof, or in exempting an offender from any other prosecutorial penalty provided by Law, including, but not limited to, title 17 of the Environmental Conservation Law.
- 11.6 Pursuant to the provisions of Section 348 of the Public Health Law:

11.6.1 All provisions of the Sanitary Code of the Allegany County Health District shall have the force and effect of the law.

11.6.2 Certified copies of the Sanitary Code of the Allegany County Health District shall be received in evidence in all courts and proceedings in New York State.

11.7 Administrative Hearings.

11.7.1 The policies and procedures for the conduct of such administrative hearings shall be in accordance with those rules and regulations, which the Board of Health shall approve by a motion at a regularly scheduled Board meeting.

11.7.2 The Board of Health may designate one or more administrative hearing officers to conduct such administrative hearings, at such compensation as the Board may establish.

11.7.3 The testimony at such hearings shall be under oath and recorded stenographically.

11.7.4 An administrative appeal of a Board of Health order may be made to the Public Health Director or his designee within 15 days of the receipt of the notice of the Board's decision/order after which it shall only be reviewable in a court of law pursuant to Article 78 of the Civil Practice Law and Rules.

11.8 Issuance of Complaints and Conduct of Hearing.

11.8.1 Public Health Director, or the Board of Health, may cause to be issued and served upon the person complained against a written notice, together with a copy of the complaint made against the person, which shall specify the provisions of the Code, Rule, or Regulation of which such person is said to be in violation and a statement of the manner in which that person is said to violate it and shall require the person so complained against to answer the charges of such complaint at an administrative hearing before the Board of Health or its designated hearing officer at a time not less than fifteen (15) days after the date of service of said notice.

11.8.2 The respondent to such complaint may file a written answer thereto and may appear at such hearing in person or by representative with or without counsel, may submit testimony, or may do both.

11.8.3 The Board of Health may issue subpoenas and administer oaths in connection with any hearing or investigation under and pursuant to this article, and it shall be the duty of the Board of Health for such purposes to issue subpoenas at the request of and upon behalf of the respondent requiring the attendance of witnesses and the production for examination of any book or paper relating to the matter at any hearing or investigation.

11.9 Order or Determination.

11.9.1 After due consideration of the written and oral statements, the testimony and arguments that shall be submitted under the provisions of subsection 11.8 above, or default in appearance of the respondent on the return day which shall be specified on the notice given in subsection 11.8.1 above, the Board of Health may issue and enter such final order, or make such final determination as it shall deem appropriate under the circumstances, and it shall notify the respondent thereof in writing by certified mail or by personal service.

11.10 Review.

11.10.1 Any final order or determination or other final action by the Board of Health and the validity or reasonableness of any Code, Rule or Regulation of the Board of Health shall be subject to review as provided in Article 78 of the Civil Practice Law and Rules.

SECTION 12. INTERFERENCE WITH NOTICES

12.1 No person shall interfere with, or obstruct, any health authority in the posting of any placard in accordance with the requirements of the New York State Public Health Law, or the New York State Sanitary Code, on any place or premises.

12.2 No person shall remove, mutilate, or conceal any notice or placard of the Allegany County Department of Health, or Allegany County Board of Health, posted in or on any premises or public place except by permission of the Public Health Director or designated representative thereof.

12.3 In the event of any such placard being removed, mutilated or concealed, it shall be the duty of the occupant, owner or person in charge of the premises, whereupon such placard was posted, to immediately notify the Public Health Director of such fact.

SECTION 13. EFFECTIVE DATE

13.1 This Sanitary Code and any amendments or additions thereto as well as every rule, regulation, order and direction adopted by the Board of Health shall take effect on the respective date of filing of such items with the New York State Department of Health.

SECTION 14. SEPARABILITY CLAUSE

14.1 In the event that any section, paragraph, sentence, clause or phrase of this Sanitary Code is declared unconstitutional or invalid for any reason, the remainder of said Sanitary Code shall not be affected thereby and shall remain in full force and effect.

SANITARY CODE OF THE ALLEGANY COUNTY HEALTH DISTRICT

ARTICLE II

SEWAGE DISPOSAL - INDIVIDUAL SYSTEMS

1. Definitions.
2. Disposal Requirements.
3. Installation Permit.
4. Design, Construction, Installation, Maintenance and Operations.
5. Inspections.
6. Exposure or Discharge of Sewage.
7. Discharge of Sewage into Waters of the County.
8. Installers of Individual Sewage Disposal Systems.
9. Sewage Disposal System Cleaners.

SECTION 1. DEFINITIONS

- 1.1 **"Sewage"** means human excreta or the water-carried discharges of the human body, and/or the liquid wastes from residences, businesses, recreation or trade establishments or other places, together with such ground water infiltration and surface water as may be present. The admixture of sewage and industrial wastes, or other wastes as defined in subdivisions Five and Six of Section 17-0105 of the Environmental Conservation Law, shall be considered as sewage, but not within the context of this Article. Sewage as referred to in this Article applies only to those effluents from premises not required to have New York State Department of Environmental Conservation (NYSDEC) approval.
- 1.2 **"Individual Sewage Disposal System"** (ISDS) includes the following:
 - 1.2.1 Any of the accepted "waterborne" ISDS (conventional, alternative, or "other" systems) as identified in the current editions of Appendix 75-A of 10 New York Codes, Rules and Regulations, "NYCRR", or the New York State Department of Health's (NYSDOH) "Individual Residential Wastewater Treatment Systems Design Handbook", which is based on 10 NYCRR.
 - 1.2.2 Any of the accepted "non-waterborne" ISDS acceptable for use in areas where running water is not available or is too scarce to support the use of flush toilets, or where there is a need to conserve water, as identified in the current editions 10 NYCRR, Appendix 75-A or the NYSDOH "Individual Residential Wastewater Treatment Systems Design Handbook", which is based on 10 NYCRR.
 - 1.2.3 It is understood that an ISDS as defined in this Article does not include those systems, which require NYSDEC permitting, and approval under the applicable provisions of Article 17 of the Environmental Conservation Law.
- 1.3 **"Seepage Pit"** is a covered pit with an open-jointed or perforated lining through which septic tank effluent infiltrate into the surrounding soil.

- 1.4 **"Sewer"** is a watertight conduit for carrying sewage.
- 1.5 **"Septic tank"** means a large, water-tight receptacle designed and constructed to receive the discharge of sewage from a building sewer, separate settleable solids and floatable scum from the liquid, promote the growth of anaerobic bacteria for biological decomposition of the organic constituents of sewage, and store the degraded solids and scum through a period of detention and allow the clarified liquids to be discharged for final disposal.

SECTION 2. DISPOSAL REQUIREMENTS

- 2.1 No person shall discharge, or permit or cause to be discharged, untreated sewage, the overflow drainage or contents of a septic tank, or other putrescible or offensive wastes onto the surface of the ground or into any street, road, alley, open excavation, storm water sewer, land drainage ditch, adjoining property, water course, or body of water or groundwater.
- 2.2 No person shall discharge, or permit to be discharged, treated or untreated sewage, the overflow drainage or contents of a septic tank, or other putrescible, impure or offensive wastes into an abandoned water supply well, spring, or cistern, or into a natural or artificial well/sink hole, crevice, or opening extending into limestone, sandstone, or other rock formation.
- 2.3 Each residence provided with plumbing fixtures, or plumbing fixtures and a potable water supply, or provided with a receptacle to create a sanitary flow, where no approved public or municipal sanitary sewerage system is available, shall be provided with an ISDS.
- 2.4 No ISDS system shall be installed, extended, or altered on property accessible to a public or municipal sanitary sewerage system.

SECTION 3. INSTALLATION PERMIT

- 3.1 The property owner or designated agent shall make application for a permit from the Public Health Director, for construction, installation, alteration, or extension of an ISDS, prior to the start of such work.
- 3.2 The applications shall be made in writing on a form prescribed by the Public Health Director, and shall contain all pertinent information relative to the location, construction, installation, alteration, or extension of an ISDS, and any other information required by the Public Health Director.
- 3.3 No person shall construct, install, connect, alter, or extend an ISDS within the Allegany County Health District without having filed for and received a written permit to do so from the Public Health Director.
- 3.4 A separate permit, on a form prescribed by the Public Health Director, shall be obtained for the sewage disposal work on each residence.

- 3.5 An ISDS shall be constructed, installed, altered, or extended within one year from the date of issuance of the permit therefore, unless upon good cause shown by the permitted to the Public Health Director, an additional period or periods of time are granted by the Public Health Director to the permitted to complete his system. Each request for an additional period of time as aforesaid must be made at least 60 days prior to the initial or extended expiration date of the permit.
- 3.6 The Public Health Director shall deny a permit if the information on the application is incomplete, inaccurate, or indicates that the provisions of this regulation cannot be met.
- 3.7 A person who constructs or provides, or undertakes to construct or provide, an ISDS without first obtaining a permit to construct such system according to the terms or conditions of the permit, or approved amendments thereto, is in violation of this Sanitary Code. A person, who constructs or provides or undertakes to construct or provide an ISDS after having been denied a permit therefore, is in violation of this Sanitary Code.
- 3.8 The Public Health Director may refuse issuance of an installation permit or renewal thereof to construct, install, alter, or extend an ISDS, or, after notice and a hearing, revoke suspend same if upon investigation and/or review of submitted information, he determines the site does not comply with design, construction, installation, location, or operation standards of the State Commissioner of Health for an ISDS, as set forth in the current editions of 10 NYCRR, Appendix 75-A or the NYSDOH "Individual Residential Wastewater Systems Design Handbook", or if false or erroneous information is furnished to him.

SECTION 4. DESIGN, CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATIONS

- 4.1 The design, construction, installation, location, maintenance, operation, and abandonment of an ISDS shall be in accordance with standards of the New York State Commissioner of Health, as set forth in the current editions of 10 NYCRR, Appendix 75-A or the NYSDOH "Individual Residential Wastewater Treatment Systems Design Handbook".
- 4.2 All new, conventional or alterations to failing systems, shall consist of a concrete septic tank or of at least 1,000 gallon capacity and absorption fields, seepage pits, or other means of effluent disposal designed and installed in accordance with the current editions of 10 NYCRR, Appendix 75-A or the NYSDOH "Individual Residential Wastewater Treatment Systems Design Handbook".

- 4.3 The use of holding tanks as an ISDS shall not be permitted within the Allegany County Health District, except for temporary use to allow occupancy of a house while an acceptable ISDS is under construction. Tank size shall be based upon five days design flow or 1,000 gallons, whichever is greater, and shall meet the same construction requirements of a septic tank, except that the holding tank shall not have an outlet. Holding tanks are not acceptable for long-term use on year-round residences.

SECTION 5. INSPECTIONS

- 5.1 The owner or his agent shall request a final inspection of the ISDS at least 48 hours in advance of the expected time of completion of construction, installation, alteration, or extension of the system.
- 5.2 No portion of the ISDS shall be covered with soil or be placed into operation until the system has been inspected and approved by the Public Health Director, or designated representative thereof. The Public Health Director may require an ISDS to be uncovered if it has been covered or back-filled without such authorization.
- 5.3 The Public Health Director, or designated representative thereof, may make inspections during the course of construction of the ISDS to ensure compliance with the provisions of this Article.
- 5.4 No ISDS shall be put into service until a "Certificate of Construction Compliance" is issued by the Public Health Director, or designated representative thereof.

SECTION 6. EXPOSURE OR DISCHARGE OF SEWAGE

- 6.1 No person shall construct, maintain, or operate any ISDS so as to expose or discharge sewage or sewage effluent there from to the atmosphere, or onto the surface of the ground, or into any storm water sewer or drain, or roadside ditch, or in any manner potentially hazardous to the health of others. Any ISDS so constructed, maintained, or operated shall be corrected in a manner acceptable to or recommended by the Public Health Director, or designated representative thereof. The provisions of this Section shall not apply to those discharges of sewage effluent duly approved and permitted under Article 17 of the New York State Conservation Law.

SECTION 7. DISCHARGE OF SEWAGE INTO THE WATERS OF ALLEGANY COUNTY

- 7.1 No person shall discharge any sewage or sewage effluent, directly or indirectly, into any watercourse or surface body of water, within the Allegany County Health District, unless approval for such discharge shall have been issued in accordance with the provisions of the New York State Conservation Law.

SECTION 8. INSTALLERS OF INDIVIDUAL SEWAGE DISPOSAL SYSTEMS

- 8.1 No person shall perform the services of an installer of an ISDS, or make corrections or alterations to such systems or parts thereof, in Allegany County Health District, without a valid permit issued by the Public Health Director, pursuant to this Article.

SECTION 9. SEWAGE DISPOSAL SYSTEM CLEANERS

- 9.1 Collection, transportation, and final disposal of material removed, drained, or flushed from an ISDS shall be performed in a safe and sanitary manner, and in accordance with Title 3 of Article 27 of the Environmental Conservation Law.

SANITARY CODE OF ALLEGANY COUNTY HEALTH DISTRICT

ARTICLE III

REQUIRED INSPECTIONS OF SEPTIC SYSTEMS AND PRIVATE WATER SUPPLIES PRIOR TO TRANSFERS OF *RESIDENTIAL* REAL PROPERTY

SECTION 1. INSPECTION AND CERTIFICATION REQUIRED

- 1.1 No person or entity shall transfer to any other person or entity, nor accept from any other person or entity, the title to any residential real property until such premises have been inspected and examined to the satisfaction of the Public Health Director and the Public Health Director has issued a certificate or certificates approving the supply as being potable and the sewage disposal system as meeting discharge standards established by the Director or Board of Health. The certificate or certificates issued by the Public Health Director subsequent to the inspection and examination shall be valid for a period of six **(6)** months from the date of the inspection and examination.
- 1.2 The owner of record at the time of the inspection and examination is the party responsible for any deficiencies of the water supply system or the sewage disposal system.
- 1.3 For the purposes of this Article, "residential real property" shall mean real property occupied or to be occupied as a single or multi-family dwelling, excluding temporary or seasonal dwellings which are occupied for less than (60) days in any calendar year.

SECTION 2. INSPECTION AND CERTIFICATION NOT REQUIRED FOR THE FOLLOWING TYPES OF TRANSFERS:

- 2.1 Transfers of vacant land, not improved or utilized for human occupancy or dwelling.
- 2.2 Transfers in foreclosure actions and deeds given in lieu of foreclosure.
- 2.3 Transfers in with a partition action under Article 9 of Real Property Actions and Proceedings Law.
- 2.4 Transfers pursuant to Article 11 of the United States Code.
- 2.5 Transfers of property to any property owner's spouse, children, mother, father, sister or brother.
- 2.6 Transfers of properties acquired by a governmental assessing unit as the result of tax enforcement proceedings.
- 2.7 Transfers of an interest in property by land contract.

- 2.8 Transfer of property serviced by an approved public water supply as defined under Part 5 of the New York State Sanitary Code and by a municipal or other special public sewer service district provided all wastewater originating in the dwelling discharges to such municipal or public sewer service district. If the transferred property is served by either a public water supply or a municipal or other special public sewer service district, but not both, an inspection and certificate is required for the private system unless exempted hereunder.

SECTION 3. ISSUANCE OF CONDITIONAL CERTIFICATION

- 3.1 Certain conditions, such as building vacancy, deep snow, or tall grass, may necessitate a provisional inspection. The Public Health Director shall issue a conditional certification based on information available at the of the provisional inspection and provided that the parties to the transaction have agreed in writing which party will be financially responsible for the cost of remediating any sewage disposal system deficiencies discovered at the time of the complete inspection. A complete inspection shall be made when conditions allow or the system has been in use for a specified period of time to be determined by the Allegany County Department of Health. If the sewage disposal system is found to be in violation, then the owner of record at the time of the complete inspection shall be responsible for correction of any violation.

SECTION 4. STANDARDS FOR POTABLE WATER

- 4.1 In areas where public water service is not available, the person offering the property for sale or transfer shall provide a water supply which to microbiological standards for potable water and should implement any recommendations prescribed by the Public Health Director to bring the water system into compliance with the standards contained in 10NYCRR Part 5.

SECTION 5. VIOLATIONS AND PENALTIES

- 5.1 Pursuant to Article I, Section 11.1 of the Sanitary Code, any non-compliance or non-conformance with any provision of this Sanitary Code, or of a rule or regulation, duly made hereunder, shall constitute a violation, punishable for a first offense by a fine of not more than One Thousand Dollars (\$1,000.00).

SANITARY CODE OF ALLEGANY COUNTY HEALTH DISTRICT

ARTICLE IV

NUISANCES AND GENERAL SANITATION

1. Definitions.
2. Declaration of Policy; Complaints; Investigation. Abatement and Suppression. Enforcement.
3. Offensive Material.
4. Condemnation.

SECTION 1. DEFINITIONS.

- 1.1 **"Offensive Material"**, as used in this Article, means any sewage, fecal matter, urine, offal, refuse, rubbish, garbage, dead animals, meat wastes, blood, tankage, brine, or any putrescible matter, or any solid, liquid, or gaseous or volatile substance which in the opinion of the Public Health Director may be dangerous or prejudicial to or adversely affect health.
- 1.2 **"Approved Disposal Area"** shall mean a specific area, site or location operated under a permit as issued by the New York State Department of Environmental Conservation.

SECTION 2. PUBLIC HEALTH NUISANCES

- 2.1 Declaration of Policy.
 - 2.1.1 It is hereby declared to be the policy of the Allegany County Health District to abate all nuisances detrimental to the life and public health of the citizens in Allegany County. Whenever any establishment, building, premises or place becomes or is maintained or operated in such a manner so as to constitute a nuisance, which in the opinion of the Public Health Director or designated representative thereof, may adversely affect health or is the cause of such nuisance existing elsewhere, the situation shall be investigated. If such investigation demonstrates that such nuisance requires abatement, the Public Health Director, or the Board of Health, may order its abatement. Failure to comply with any such order shall constitute a violation of this Sanitary Code
- 2.2 Filing written complaints
 - 2.2.1 Each complaint regarding an alleged nuisance shall be submitted in writing to the Public Health Director or designated representative thereof, and shall be endorsed and dated by the complainant. Such an endorsed formal complaint shall be the basis upon which the Public Health Director may authorize investigation of the alleged nuisance.

2.3 Investigation.

2.3.1 The Public Health Director or designated representative thereof may enter upon or within any building, premises or place where nuisances or conditions dangerous to life and health are known or believed to exist, or which are the causes of nuisances known or believed to exist elsewhere, to inspect or examine same.

2.3.2 The owners, agents and occupants of any premises shall permit sanitary examinations, inspections and investigations to be made pursuant to this Article and Title 1, Article XIII of the New York State Public Health Law.

2.3.3 The Public Health Director shall furnish the agents, owners and occupants of the premises on which such conditions exist with a written statement of the results, conclusions, and recommendations of any examination, inspection and investigation conducted pursuant to this Article.

2.4 Abatement and Suppression.

2.4.1 The Public Health Director, or the Board of Health, shall order the suppression and removal of all nuisances and conditions detrimental to life and health found to exist within the Allegany County Health District.

2.4.2 If the agent, owner or occupant of any premises whereon said nuisance or condition exists, fails to comply with any such order, the Public Health Director or designated representative thereof may enter upon the premises to abate, suppress or remove or suppress such nuisance, condition or matter to which said order relates.

2.4.3 The expenses of any such abatement, suppression or removal shall be paid for and subsequently recovered in the manners as prescribed in the New York State Public Health Law, Sections 1306 and 1307, respectively.

2.5 Enforcement.

2.5.1 Pursuant to the provisions of Sections 309, 347 and 348 of the New York State Public Health Law, any non-compliance or non-conformance with any provision of this Sanitary Code, or of a rule or regulation, duly made hereunder, shall constitute a violation, punishable for a first offense by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment for not more than 15 days, or both.

SECTION 3. OFFENSIVE MATERIAL

- 3.1 A person who, in the opinion of the Public Health Director, is creating a public health hazard or nuisance by allowing, having or holding offensive material on or in any property or premises shall upon a written order of the Board of Health immediately abate the presence of or dispose of such offensive material at an approved disposal area by a method acceptable to or recommended by the Public Health Director or designated representative thereof.
- 3.2 A dead domestic or farm animal shall be buried, or disposed of in an otherwise sanitary manner by its owner, within 72 hours after its death or after its carcass has been discovered.
- 3.3 Handling.
 - 3.3.1 No person or municipality shall permit, deposit, store or hold any offensive material on any premise or in any place or in any building or structure unless such material is so treated, screened, covered, or handled or placed so as not to create a nuisance or be detrimental to health. All containers for storage of such material shall completely confine the material and shall be kept in an inoffensive and sanitary condition at all times.
- 3.4 Disposal.
 - 3.4.1 Offensive material shall not be deposited, thrown, discharged, dumped or otherwise allowed to enter into streams, ponds or other bodies of water or onto the surface of the ground or into the ground or groundwater, except in such a manner which is consistent with any and all applicable Federal, State, and Local regulations.
 - 3.4.2 Any individual who either directly or indirectly allows offensive material to enter the environment, except as allowed by law/regulation, must immediately report this information to the Allegany County Health Department.
- 3.5 Removal and Transportation
 - 3.5.1 No person or municipality shall remove or transport, or permit the removal or transportation of any offensive material, except in such a manner, which is consistent with any and all applicable Federal, State, and Local regulations, and in such a manner as will prevent the creation of a nuisance or the loss or discharge of such material. All material shall be so handled, covered or treated so that it cannot escape or be accessible to rodents, flies or other insects and vermin, or create a nuisance.
- 3.6 Liability.
 - 3.6.1 Any person or persons discharging, dumping, spilling or disposing of offensive materials shall be liable for all clean up and removal costs, whether direct or

indirect. Clean-up costs shall include replacement of any materials used by Allegany County or other governmental agency and/or personnel in the course of responding to an incident. Violators may also be liable for any civil or criminal penalties imposed pursuant to Article I of the Allegany County Sanitary Code.

- 3.6.2 If the person or persons responsible for the discharge, dumping, spilling or disposing of offensive material shall not commence remediation within 24 hours, or sooner as may be directed by the Director of Public Health or designated representative thereof, to protect the health and safety of the public, the Health Department may take whatever action is deemed appropriate to remediate the incident. Any and all costs incurred by Allegany County in the course of remediation shall be the responsibility of the violator or violators, and shall be in addition to any penalties so levied by the Board of Health.

SECTION 4. CONDEMNATION

- 4.1 Whenever it shall be found by the Public Health Director, or designated representative thereof, that a permanent residence or part thereof has become so unsanitary as to be unfit for human habitation, or whenever occupancy of such a residence or part thereof shall be determined to constitute a nuisance or condition detrimental to life or health, the Public Health Director, or the Board of Health, may issue an order requiring said property owner or agent thereof to abate such nuisance or condition by placing such residence or part thereof in a sanitary and habitable condition within a time period specified in such order.
- 4.2 Upon the failure of the property owner, or agent thereof, to comply with such an order, the Public Health Director, or the Board of Health, may issue a further order, to be conspicuously upon such residence or part thereof, to discontinue its use at such time as shall be stated in the such order, until such time as such residence or part thereof shall be placed in a sanitary and habitable condition and the nuisance abated.
- 4.3 Upon the failure of such residence, or part thereof, to be vacated within the time specified, the Board of Health may issue a warrant to the Allegany County Sheriff, directing that such residence, or part thereof, be vacated, and the Allegany County Sheriff shall forthwith execute such warrant pursuant to the law.

SANITARY CODE OF ALLEGANY COUNTY HEALTH DISTRICT

ARTICLE V

REGULATION OF TATTOOING AND BODY-PIERCING

SECTION 1. INTENT AND PURPOSE

- 1.1 The intent and purpose of this Article is to regulate the practices of tattooing and body-piercing in Allegany County. Nothing herein contained shall be construed to authorize or permit body modification, the implantation of jewelry under the skin, branding, or other non-tattooing, non-piercing, or medical procedure.

SECTION 2. DEFINITIONS

The following words and phrases, as used in this local law, shall have the indicated meaning:

- 2.1 "**ADEQUATE LIGHT**" shall mean that the tattoo/body-piercing shop be so illuminated as to permit all tattooing/body-piercing to be clearly visible without obstruction by shadow or darkness.
- 2.2 "**ADEQUATE VENTILATION**" shall mean a free and unrestricted circulation of air throughout the tattoo/ body-piercing shop, and the expulsion of foul or stagnant air.
- 2.3 "**AFTERCARE**" means written instructions given to the client, specific to the body art procedure(s) rendered, on caring for the body art and surrounding area. These instructions will include information on when to seek medical treatment, if necessary.
- 2.4 "**ANTISEPTIC**" means an agent that destroys disease-carrying microorganisms on human skin or mucosa.
- 2.5 "**BODY-PIERCING**" shall mean to cut or pass through with a sharp instrument, or to penetrate a part of the body for the purpose of applying jewelry to various parts of the body by means of a piercing device. Puncturing the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system shall not be included in this definition.
- 2.6 "**CONTAMINATED WASTE**" means any liquid or semi-liquid blood or other potentially infectious material; contaminated items that would release blood or other potentially infectious materials in a liquid, or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious material and are capable of releasing this material during handling; and sharps and any wastes containing blood and other potentially infectious material, as defined, in 29 Code of Federal Regulations (CFR), Part 1910.1030, "Occupational Exposure to Blood borne Pathogens."
- 2.7 "**DEPARTMENT**" shall mean the Allegany County Department of Health.

- 2.8 "**DISINFECTION**" is the process of destroying most disease carrying microorganisms.
- 2.9 "**EAR PIERCING**" means the puncturing of the outer perimeter or lobe of the ear using a pre-sterilized single-use stud and clasp ear piercing system following the manufacturer's instructions.
- 2.10 "**EQUIPMENT**" means all machinery, including devices, implements, furniture, display and storage areas, and appurtenances used in connection with the operation of a tattoo/piercing shop.
- 2.11 "**HANDSINK**" means a equipped with hot and cold running water under pressure, used solely for washing hands, arms or other portions of the body.
- 2.12 "**HEALTH OFFICER**" shall mean the Allegany County Public Health Director or his/her designee.
- 2.13 "**HOT WATER**" means water that attains and maintains a temperature of at least 100 degrees Fahrenheit.
- 2.14 "**INSTRUMENTS USED FOR TATTOOING AND BODY-PIERCING**" means hand pieces, needles, needle bars and other instruments that may come in contact with a client's body or bodily fluids art procedures.
- 2.15 "**INVASIVE**" means entry into the body, whether by incision or insertion of an instrument into or through the skin or mucosa, or by any other means intended to puncture, break or compromise the skin or mucosa.
- 2.16 "**JEWELRY**" means any personal ornament inserted into a newly pierced area.
- 2.17 "**LIQUID CHEMICAL GERMICIDE**" means a disinfectant or sanitizer registered with the United States Environmental Protection Agency (EPA), or approved by the United States Food and Drug Administration (FDA), or an approximate 1:100 dilution of household chlorine bleach made daily and dispensed a spray bottle (500 ppm, ¼ cup/gal, or 2 Tablespoons/quart of tap water).
- 2.18 "**MINOR**" shall mean any person less than 18 years of age.
- 2.19 "**PERSON**" means an individual, any form of business or social organization, or any other non-governmental legal entity including but not limited to a corporation, limited liability company, partnership, association, trust, or unincorporated organization.
- 2.20 "**PHYSICIAN**" shall mean a doctor of medicine or doctor of osteopathy equivalent licensed under the provision of the Education Law.
- 2.2.1 "**PIERCING DEVICE**" shall mean any device used for the piercing of the skin for the purpose of applying jewelry or other objects to the body.

- 2.22 **"PROCEDURE SURFACE"** means any surface of an inanimate object contacts the client's unclothed body during a body art procedure, or during skin preparation of the area, or any associated work area that may require sanitizing.
- 2.23 **"SANITIZE/SANITATION PROCEDURES"** means a process of reducing the number of microorganisms on cleaned surfaces and equipment to a safe level, as judged by public health standards and which has been approved by the Department.
- 2.24 **"SHARPS"** means any object (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa including, but not limited to, pre-sterilized single-use needles, scalpel blades and razor blades.
- 2.25 **"SHARPS CONTAINER"** means a puncture-resistant leak-proof container that can be closed for handling, storage, transportation and disposal and is labeled with the international biohazard symbol.
- 2.26 **"SHOP CERTIFICATE OF SANITATION"** is a document, issued by the Health Officer to a tattoo/body-piercing shop, certifying that said shop, after inspection, was found to be in compliance with all applicable provisions of this local law.
- 2.27 **"SINGLE-USE"** means products or items intended for one-time, one-person use that are disposed of immediately after use including cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups and protective gloves.
- 2.28 **"STERILIZATION"** means a very powerful process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.
- 2.29 **"TATTOO/BODY-PIERCING ARTIST"** shall mean any person who actually performs the work of tattooing body-piercing.
- 2.30 **"TATTOO/BODY-PIERCING ARTIST CERTIFICATION"** is a document, issued by the Health Officer to a tattoo/body-piercing artist, authorizing the person named therein to engage in the practice of tattooing/body-piercing.
- 2.31 **"TATTOO/BODY-PIERCING OPERATOR"** shall mean any person who controls, operates, conducts or manages any tattoo/body-piercing shop, whether actually performing the work of tattooing or body-piercing or not.
- 2.32 **"TATTOO/PIERCING SHOP"** shall mean any room or space where tattooing/body-piercing is practiced or where the business of tattooing/body-piercing is conducted or any part thereof.

- 2.33 **"TATTOOING"** means any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa.
- 2.34 **"TEMPORARY PIERCING SHOP"** means any place or premise operating at a fixed location where an operator performs body art procedures for no more than 14 days consecutively in conjunction with a single event or celebration.
- 2.35 **"UNIVERSAL PRECAUTIONS"** means a set of guidelines and controls, published by the Centers for Disease Control and Prevention (CDC) as "guidelines for prevention of transmission of human immunodeficiency virus and hepatitis B virus to health-care and public-safety workers" in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol. 38, No. S-6 and as "recommendations for preventing transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure-prone invasive procedures," in MMWR, July 12, 1991, Vol. 40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV, and other blood pathogens. Precautions include hand washing, the use of gloves, the use of personal protective equipment, injury prevention, and proper handling and disposal of needles, other sharp instruments, and items contaminated with blood and/or body fluids.

SECTION 3. PROHIBITIONS

- 3.1 No person except a duly licensed physician shall engage in the practice of tattooing or body-piercing or act as a piercing artist unless such person has a tattoo/body-piercing artist certificate issued by the Health Officer on a form prescribed by the Department. The Department shall have the authority to investigate consumer complaints relating to alleged or improper disinfection of ear piercing systems.
- 3.2 No person shall tattoo, or offer to tattoo, any minor age child in Allegany County.
- 3.3 No person shall body pierce or offer to body pierce any minor, with the exception that a minor may have a body-piercing procedure performed on them if they have the prior written, notarized consent a parent/legal guardian, who must also be present during the piercing procedure (see Section 7, Subsection 7.4).
- 3.4 A tattoo/body-piercing artist shall not tattoo/body pierce any person who is under the apparent influence of drugs or alcohol.
- 3.5 The use of reusable products, materials, instruments, and equipment in performing a procedure is strictly prohibited.
- 3.6 The use of any tobacco product while conducting tattoo/body-piercing procedures is prohibited. Tobacco use shall only be in designated areas acceptable to the Health Officer, in conformance with Article 13E of the New York State Public Health Law.

- 3.7 The drinking of alcohol in any form is prohibited within all tattoo/body-piercing shops.
- 3.8 No tattoo and/or body-piercing shop in existence prior to the enactment of this Article shall be exempted the provisions of this Article. All existing shops shall have to go through the permitting process as outlined in this Article, in order to operate.
- 3.9 Violations of any section of this Article will subject the offending party to sanctions as outlined in Article I, Section 6 of the Allegany County Sanitary Code, the New York State Sanitary Code, New York Public Health Law, other applicable regulations governing the practices of tattooing and body-piercing.

SECTION 4. TATTOO/BODY-PIERCING ARTIST CERTIFICATION

- 4.1 Any person desiring to engage in tattooing/body-piercing shall submit an application for a tattoo/body-piercing artist certification to the Health officer on a form prescribed by the Department, at least 30 days before the first day of operation.
- 4.2 A certification fee of \$75.00 shall be assessed on all individuals seeking to perform tattooing body-piercing in Allegany County.
- 4.3 Each applicant for a tattoo/body-piercing artist certificate must receive Occupational Safety and Health Administration (OSHA) approved training on universal precautions/blood-borne pathogens before they will receive their initial certification and annual, OSHA approved training thereafter, before their certifications will be renewed.
- 4.4 It shall be the responsibility of the owner/operator of a tattoo/body-piercing shop to arrange and ensure that any person seeking a certificate to perform tattooing/body-piercing in their shop, receives required OSHA approved training in universal precautions/blood-borne pathogens. The Department will provide information to tattoo shop owners/operators of where and when such training can be obtained.
- 4.5 No holder of a shop certificate of sanitation shall allow a tattoo/body-piercing artist to perform in such a shop unless such tattoo/body-piercing artist is a holder of a valid tattoo/body-piercing artist certification as issued by the Health Officer.
- 4.6 Tattoo/body-piercing artist certifications shall be prominently displayed to the public, at the artist's workstation, in every shop where the artist practices.
- 4.7 Tattoo/body-piercing artist certifications are not transferable from one person to another.

- 4.8 A tattoo/body-piercing artist certification shall expire one year from its date of issue.
- 4.9 No tattoo/body-piercing artist certification shall be renewed until all renewal requirements, as found in this Article, are met.
- 4.10 Records of certifications of all artists employed at a piercing shop shall be kept on file by the holder of the shop certificate of sanitation.
- 4.11 A tattoo/body-piercing artist's certification may be revoked for cause any time a determination is made by the Health Officer or his/her designated representative that the artist is operating in violation of any applicable provision of this Article.

SECTION 5. SHOP CERTIFICATE OF SANITATION

- 5.1 No person shall operate a tattoo/body-piercing shop unless such person has registered such shop with the Health Officer, on a form prescribed by the Department, at least 30 days before the first day of operation, and has received a shop Certificate of Sanitation.
- 5.2 No person shall be considered for a permit to operate a tattoo/body-piercing shop until that person has received a "Certificate of Occupancy" for the shop from the Code Enforcement officer/Building Inspector of the town or village the shop is located in.
- 5.3 A fee of \$150.00 shall be assessed on the owner/operator of a tattoo shop and/or a body-piercing shop, for each shop Certificate of Sanitation.
- 5.4 A Certificate of Sanitation shall expire one year from its issue date. Application for renewal must be made to the Department at least 15 days before the certificate expires.
- 5.5 No shop certificate of sanitation shall be issued or renewed unless the shop has been inspected and found to be in compliance with the provisions of this Article.
- 5.6 No shop certificate of sanitation shall be issued until the shop owner/operator receives required OSHA approved training on universal precautions/blood-borne pathogens, and develops a Universal Precautions/Blood-borne pathogens Exposure Control Plan approved by the Department. The Department will provide information to shop on where and when such training can be obtained.
- 5.7 No shop certificate of sanitation shall be renewed until the shop owner/operator receives required OSHA approved annual refresher training on blood-borne pathogens, and provides an updated, Department approved Universal Precautions/Blood-borne Pathogens Exposure Control Plan, if deemed necessary by the Department.

- 5.8 A shop certificate of sanitation is not transferable from one place or person to another.
- 5.9 The current shop certificate of sanitation shall be posted in a prominent and conspicuous area where clients may readily observe it.
- 5.10 A tattoo/body-piercing shop's Certificate of Sanitation may be revoked for cause any time a determination is made by the Health or his/her designated representative that the shop is operating in violation of any applicable provision of this Article.
- 5.11 No tattoo/body-piercing shop in existence prior to the enactment of this Article shall be exempted from the provisions of this Article. All existing shops shall have to go through the formal permitting process, as outlined in this Article, in order to operate.

SECTION 6. PLAN REVIEW CONSTRUCTION OR PRE-OPERATIONAL INSPECTION

SUBSECTION 6.1 Floor Plan

- 6.1.1 When a tattoo/body-piercing shop is hereafter constructed or remodeled, or when an existing structure is converted for use as a tattoo shop, properly prepared plans and specifications for such construction, remodeling, or alteration, shall be submitted to the Department for review and approval before construction is started. Such plans shall consist of the layout of the shop and include, at a minimum, a detail of the work area(s), sinks, counters, storage areas, fixtures, toilet facilities and waiting area(s), all drawn in ¼ inch scale.
- 6.1.2 All construction, remodeling, and alterations shall be done in accordance with approved plans and specifications.
- 6.1.3 Plans and specifications shall be accompanied by an application on a form provided by the Department along with the appropriate application fee.
- 6.1.4 When a tattoo/body-piercing shop is hereafter constructed or remodeled, or when an existing structure is converted for use as a tattoo/body-piercing shop, a final pre-operational inspection shall be requested by the owner or operator and conducted by the Department prior to the opening of the shop to compliance with previously approved plans and all applicable requirements of this Article.

SUBSECTION 6.2 General Physical Environment

- 6.2.1 Tattoo/body-piercing shops must have adequate light and ventilation. All walls and ceilings shall be smooth and easily cleaned, and shall be painted a light color.

- 6.2.2 The floor of tattoo/body-piercing shops shall be made of impervious material. The floor shall be swept and wet-mopped daily. Floors, walls, or ceilings shall not be swept or cleaned while tattooing or body-piercing is in operation.
- 6.2.3 Convenient and sanitary toilet and hand-washing facilities with soap, hot and cold running water, and single service towels or hand drying devices, shall be available to customers. At no time shall these facilities be open for use by the general public.
- 6.2.4 The tattoo/body-piercing operator shall provide for the proper and safe disposal of all types of waste products.
- 6.2.5 The building and equipment shall be maintained in a state of good repair at all times.
- 6.2.6 The shop premises shall be kept clean, neat, and free of litter and rubbish at all times.
- 6.2.7 At least one covered waste receptacle shall be provided in each workroom and toilet room. All receptacles shall be easily cleanable, and kept clean. All receptacles shall be emptied daily, and the waste material disposed of in an approved, sanitary manner.
- 6.2.8 All instruments and supplies shall be stored in clean dry and covered containers.
- 6.2.9 Reusable cloth items shall be mechanically washed with detergent and dried each use. The cloth items shall be stored in a dry, clean environment until used.
- 6.2.10 Certified tattoo/body-piercing artists may not set up temporary tattoo or body-piercing shops at fairs, festivals, expositions, or special events unless written approval is obtained from the Health Officer.

SUBSECTION 6.3 Workroom

- 6.3.1 Each tattoo/body-piercing shop shall have a work room separate and apart from a waiting room or any room or used as such. The workroom shall not be used as a corridor for access to other rooms. Patrons or customers shall be tattooed/body-pierced only within such a workroom.
- 6.3.2 Worktables shall be provided for each piercing artist. The surface of all work tables shall be constructed of metal or other material, which is smooth, light colored, nonabsorbent, corrosive-resistant, and easily sanitized.
- 6.3.3 Each tattoo/body-piercing shop work room shall have hand washing facilities for exclusive use of the tattoo/body-piercing artists for washing their hands and preparing customers for tattooing/body-piercing.

- 6.3.4 Each temporary tattoo/body-piercing location shall have hand washing facilities available for use by the tattoo/body-piercing artists. Such hand washing facilities must be located such that there is open access to the approved tattoo/body-piercing area, so that the Tattoo/body-piercing artists can return to these areas without having to touch anything with their hands.
- 6.3.5 All hand washing facilities shall be equipped with hot and cold running water, wrist-action, foot-action, or other approved non-hand action controls, a soap dispenser with soap, an EPA or FDA approved or hospital grade germicidal solution, individual hand brushes and fingernail files for each tattoo/body-piercing artist, single-service towels or other approved hand-drying devices, and a refuse container. Such facilities shall be kept clean and in good repair at all times.
- 6.3.6 Smoking and alcohol consumption shall be prohibited in all areas of a tattoo/body-piercing shop, and at any temporary tattoo/body-piercing area.
- 6.3.7 The tattoo/body-piercing shop or temporary location shall be kept free of rodents and vermin and protected from infestation by insects.
- 6.3.8 Cabinets for storing instruments, dyes, pigments, carbon and stencils shall be provided for each piercing artist, and shall be kept in a sanitary manner.
- 6.3.9 All sewage, including liquid wastes, shall be disposed of in a public sewer or, in the absence thereof, in a manner satisfactory to the Department.
- 6.3.10 Only articles considered necessary to the routine operation and maintenance of the tattoo/body-piercing work area shall be permitted in the facility.
- 6.3.11 No live mammal, bird, reptile, or amphibian or other living animal shall be permitted in any area of a tattoo/body-piercing shop.
- 6.3.12 The water supply shall be an acceptable source, of adequate quantity and quality, and shall meet all applicable requirements of Part 5 of the New York State Sanitary Code (10 NYCRR Part and the Administrative Rules and Regulations of the New York State Department of Health (10 NYCRR Part 72).

SECTION 7. OPERATIONAL STANDARDS -PATRON RECORDS

- 7.1 For each patron, all required records, forms, and information sheets related to tattoos or body-piercings administrated at a particular tattoo/body-piercing shop shall be maintained at said shop by the holder of the shop's Certificate of Sanitation.
- 7.2 All required records, forms and information sheets shall be those as developed exclusively by the Health Department. No other records, forms or information sheets may be used.

- 7.3 All required records, forms and information sheets shall be reviewed with the patron, and completed and signed as necessary, prior to any procedure being performed.
- 7.4 Using Form F (see Subsection 7.10, below), a parent/legal guardian of a minor age child must provide written, notarized consent before said minor child can receive a body-piercing. Where such consent has been granted, all required records, forms and information sheets must be reviewed with the consenting parent/legal guardian, completed, and signed as necessary by the tattoo/body-piercing artist and the parent/legal guardian, prior to any procedure being performed.
- 7.5 **Form A.** This form is for recording information about the patron and the procedure to be performed including the patron's name, address and age, the date of the procedure, design of the tattoo (if applicable), location of the patrons body of the tattoo and/or body-piercing, name of the tattoo/body-piercing artist, location of the tattoo/body-piercing shop, and signatures of both the patron and the tattoo/body-piercing artist.
- 7.5.1 The original, signed copy of Form A shall be retained at the tattoo/body-piercing shop for at least seven years. A copy of the signed form shall be given to the patron to keep.
- 7.5.2 In the case of a minor-age child with the required written, notarized consent of at least one parent/legal guardian to obtain a body-piercing, the original, signed copy of Form A shall be retained at the tattoo/body-piercing shop for at least seven years. A copy of the signed form shall be given to the consenting parent/legal guardian to keep.
- 7.5.3 Proof of patron age for inclusion on Form A shall be determined upon presentation of two forms of valid identification, which must include at least one of the following: a picture driver's license, a picture sheriffs identification card, or original birth certificate with raised seal of the issuing authority.
- 7.6 **Form B.** This form shall be used as an information sheet to describe known health risks associated with tattoos and body-piercings.
- 7.6.1 Before tattooing or body-piercing a patron of majority-age 18 years old), there shall be a discussion between the artist and the patron on these health risks. The patron must then be given a copy of Form B to read and sign. The original, signed copy of Form B shall be retained at the tattoo/body-piercing shop for at least seven years. A copy of the signed form shall be given to the patron to keep.

- 7.6.2 Before body-piercing a minor age child, after having received the written, notarized consent of at least one parent/legal guardian of said minor to do so, the tattoo/body-piercing artist must discuss the potential health risks, as described on Form B, with the parent/legal guardian. The parent/legal guardian must then be given a copy of Form B to read and sign. The original, signed copy of the form shall be retained at the tattoo/body-piercing shop for at least seven years. A copy of the signed form shall be given to the consenting parent/legal guardian to keep.
- 7.7 **Form C.** This form provides after-care instructions for patrons receiving tattoos. The tattoo/body-piercing artist must verbally discuss and explain the instructions with each patron who receives a tattoo, and provide the patron with a copy of Form C to keep.
- 7.8 **Form D.** This form provides aftercare instructions for body-piercing. The tattoo/body-piercing artist must verbally discuss and explain the instructions with each patron receiving a body-piercing, and provide the patron with a copy of Form D to keep.
- 7.8.1 If the patron is a minor age child having the written, notarized consent of one parent/legal guardian to receive a body-piercing, the body-piercing artist must verbally discuss and explain the after-care instructions found on Form D with the parent/legal guardian, and provide them with a copy of the form to keep.
- 7.8.2 At a minimum, the information provided on both Form C and Form D shall include the following: information on how to care for the tattoo or body-piercing until healed; instructions to consult a physician immediately if an infection is suspected or apparent; instructions to contact the Health Department of any complications that occurs. The name, address, and phone number of the tattoo/body-piercing shop must be included. In addition, after-care instructions for body-piercing must reference the security or snugness of certain jewelry to prevent accidental ingestion or lodging in body cavities.
- 7.9 **Form E.** This is a consent form that the patron completes and signs in which they acknowledge having discussed with the tattoo/body-piercing artist the health risks associated with the tattoo or body-piercing requested, as well as having received oral and written aftercare instructions for the tattoo or body-piercing. The original, signed copy of the consent form shall be retained at the tattoo/body-piercing shop for at least seven years. A copy of the consent form shall be given to the patron to keep.
- 7.10 **Form F.** This is a consent form that a parent/legal guardian must complete and sign when granting consent for said to receive a body-piercing. By completing and signing the form, the consenting parent/legal guardian acknowledges having discussed with the tattoo/body-piercing artist the health risks associated with the body-piercing requested. The form also serves to acknowledge that the parent/legal guardian has received oral and written body-piercing aftercare instructions piercing artist. The form must be taken by the consenting before a

Notary Public, as verification that they are in fact the parent/legal guardian, before the body-piercing may be performed. The original, signed copy of the consent form shall be retained at the tattoo/body-piercing shop for at least seven years. A copy given shall be given to the consenting parent/legal guardian to keep.

- 7.11 Nothing in this Section shall be construed to require the owner/operator of a tattoo/body-piercing shop, or a tattoo/body-piercing artist working at such a shop, to perform a piercing-procedure upon a client.

SECTION 8. TATTOO AND BODY-PIERCING PROCEDURES

- 8.1 For each patron receiving a tattoo or body-piercing, only single-use materials shall be used. These items shall include but not be limited to the following: manufacturer sterilized tattooing needles, surgical body-piercing needles, and body-piercing jewelry, tattoo dyes and inks, single-service tissues and hectographic stencils, disposable razors, and disposable gloves.
- 8.2 Each tattoo/body-piercing artist shall wear clean outer garments and footwear, maintain a high standard of personal cleanliness, and conform to hygiene practices while on duty.
- 8.3 The tattoo/body-piercing artist shall keep their fingernails clean and neatly trimmed, and shall not wear excessive cosmetics or that may interfere with proper hand-washing techniques, while engaged in procedures.
- 8.4 Tattoo/body-piercing artists who are experiencing symptoms such as diarrhea, vomiting, fever, rash, productive cough, jaundice, or draining (or open) skin infections, such as boils, impetigo or scabies, must refrain from tattooing or body-piercing activities.
- 8.5 Before granting permission to resume operations, the Health Officer may require a tattoo/body-piercing artist who is found to have a disease in communicable form, or suspected of having such a disease, a statement signed by a duly licensed physician stating that the person is free from communicable diseases.
- 8.6 Any substance applied to the area to be tattooed or body-pierced shall be dispensed from a container in a sanitary manner that prevents contamination of the original container and its contents, preferably from single-use collapsible metal or plastic tubes. Jar-type containers are prohibited. The substance must be spread with single-use gauze pads and not bare fingers. The applicator shall be used only once and then discarded.
- 8.7 Before working on each patron, the fingernails of the tattoo/body-piercing artist shall be cleaned with a nail file. The artist shall wash his/her hands and exposed areas of the arms thoroughly by lathering and vigorously scrubbing for 20 seconds using soap. Disposable paper towels or other mechanical means shall dry hands.

- 8.8 Before performing a tattoo/body-piercing procedure, the immediate and surrounding area of the skin where the procedure will occur shall be washed with soap and water or an approved surgical skin preparation, depending on the type of body art to be performed. If shaving is necessary, only single-use disposable razors shall be used. Following shaving, the skin and surrounding area will again be washed with soap and water. The washing pad shall be discarded after a single use.
- 8.9 After cleaning and shaving the patron's skin, the hands of the artist shall again be washed and scrubbed per the specifications found above in Subsection 8.7. The tattoo/body-piercing artist shall then wear disposable gloves. These gloves must be changed if they touch any other person or surface during tattooing or body-piercing, or if gloves become pierced or torn, and for each new patron.
- 8.10 Before placing the design on the patron's skin or penetrating the patron's skin, the tattoo/body-piercing artist shall treat the skin area with an EPA or FDA approved or hospital-grade germicidal solution, which is intended for human skin and which shall be applied with cotton or gauze. The area being pierced must be free of sores and lesions.
- 8.11 In the event of blood flow, all products used to stop blood flow or absorb blood shall be single-use and disposed of in appropriately covered contaminated-waste containers.
- 8.12 For all body-piercing, a single-use, sterilized disposable surgical piercing needle of the same gauge, as the jewelry is required. Ear piercing guns and ear piercing needles may be used for piercing the outer perimeter and lobe of the ear only.
- 8.13 Only pre-package, pre-sterilized jewelry or ornaments made of acceptable materials shall be used for body-piercing. Acceptable metals include implant grade stainless steel, solid 14k-24k white or yellow gold, niobium, titanium, platinum, and dense, low-porosity plastic. Jewelry must be free of nicks, scratches, and irregular surfaces.
- 8.14 When applied, jewelry should be pushed through the skin following the needle, in the same direction as the piercing.
- 8.15 The use of single-service tissue and hectographic stencils shall be required for applying a tattoo outline to the skin. If drawn free hand, non-toxic markers or other devices as approved by the Department shall be used.

SECTION 9. DYES AND PIGMENTS

- 9.1 Dyes or pigments used for tattooing shall only be made of non-toxic materials. Single-service dyes or pigments in single-service containers must be used for each patron.

- 9.2 After tattooing, the remaining unused dye or pigment in the single-service containers must be properly discarded.
- 9.3 Patrons shall be provided with a printed warning of the potential physical reactions the use of certain dyes or pigments (see Form B).
- 9.4 All inks, dyes, pigments, needles and equipment shall be manufactured for performing body art procedures only, and shall be used according to the manufacturer's instructions. Approved inks, dyes or pigments may only be diluted with sterile water. Immediately from before applying a tattoo, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single-use paper or plastic cups or caps. Upon completion of the tattoo, these cups or caps and their contents shall be discarded.

SECTION 10. SANITATION AND STERILIZATION PROCEDURES

- 10.1 If the tattoo/body-piercing shop uses all single-use, pre-sterilized disposable products, materials, instruments, and equipment in performing tattoo/body-piercing procedures, a heat sterilizer shall not be required.
- 10.2 All products, materials, instruments, and equipment to be used in a tattoo/body-piercing procedure shall be kept in their sterile packages until just prior to performing a body art procedure. When assembling products, materials, instruments, and equipment for use in body art procedures, the operator shall wash his/her hands in accordance with Section 8, Subsection 8.7, of this Article, and then put on disposable gloves. The artist shall use techniques to ensure that the products, materials, instruments, and equipment to be used are not contaminated.
- 10.3 For single-use, pre-sterilized disposable products, materials, instruments, and equipment, the tattoo/body-piercing artist shall obtain documentation from the manufacturer that describes the method of sterilization utilized by the manufacturer and the manufacturer's recommendations for storage and maintenance of sterility. This documentation shall be available for inspection by the Health Officer.
- 10.4 The tattoo/body-piercing artist shall follow the manufacturer's instructions for storage and maintenance of sterility of single-use, pre-sterilized disposable products, materials, instruments, and equipment. These items shall be considered sterile as long as they are stored in accordance with the manufacturer's recommendations and as long as the integrity of the sterile packaging has not been compromised in any way.

- 10.5 Single-use, pre-sterilized disposable products, materials, instruments, and equipment used for tattoo/body-piercing procedures shall not be used, but shall be immediately disposed of, if the manufacturer's recommendations for storage and maintenance of sterility have not been met, or if before the use of these items, the integrity of the sterile packaging has been determined to be lost or compromised in any fashion.
- 10.6 Between all procedures, all work surfaces shall be sanitized with a liquid chemical germicide, as defined in Section 2, Subsection 2.17, of this Article, and air-dried.

SECTION 11. REQUIREMENTS FOR SINGLE-USE ITEMS

- 11.1 A set of individual, single-use sterile needles shall be used by a tattoo/body-piercing artist for each new patron. After use, all single-use needles, razors, and other sharps shall be immediately disposed of in approved sharps containers. Terminal disposal must be accomplished through an approved medical waste disposal company.

SECTION 12. AFTERCARE OF TATTOO AND BODY-PIERCING

- 12.1 The completed piercing shall be washed with a piece of sterile gauze or cotton saturated with an EPA or FDA approved or hospital grade germicidal solution, and allowed to air dry.
- 12.2 After drying, antibacterial ointment shall be applied from a collapsible metal or plastic tube and the entire area covered with a piece of sterile gauze which may, in turn, be covered with a piece of tissue and fastened to the site with adhesive tape.
- 12.3 Patrons shall be provided with written aftercare instructions in with provisions found in this Article in Section 7, Subsection 7.7 (tattoos), and Section 7, Subsection 7.8 (body-piercing).

SECTION 13. REPORT OF INFECTION OR ALLERGIC REACTION

- 13.1 The owner/operator of a tattoo/body-piercing shop shall, within five days of occurrence or knowledge thereof, report to the Department any infection, allergic reaction, complications, and/or diseases resulting from conducting a tattoo/body-piercing procedure. At a minimum, the report must include the following:
- a. The name of the affected patron.
 - b. The name and location of the tattoo/body-piercing-shop or temporary location.
 - c. The name of the tattoo artist.
 - d. The date of the tattoo/body-piercing.

- e. The specific ink color or colors of the tattoo and, when available, the manufacturer's catalogue or identification number of each ink color used.
- f. The location of the infection and the location on the body where the piercing was applied.
- g. The name and address of the health care provider seen, if any.
- h. Any other information considered relevant to the situation.

13.2 The Department shall utilize these reports in their efforts to identify the cause of any adverse complications that occur, and to take action to prevent their reoccurrence.

SECTION 14. REPORT OF COMPLAINTS

14.1 Complaints against certified or uncertified tattoo/body-piercing shops, and/or certified or uncertified tattoo/body-piercing artists, will be investigated by the Health Department.

14.2 Complaints must be formally submitted in writing, on a complaint form provided to the complainant by the Health Department, or in a signed letter the complainant to the Health Department, before an investigation will be initiated.

**ALLEGANY COUNTY DEPARTMENT HEALTH
RECORD OF INDIVIDUAL TATTOOING/
BODY-PIERCING PROCEDURE**

Name of Patron _____

Address of Patron: _____

Date of Birth (See Note 1 below): _____

Documents reviewed to verify patron's age: minimum of 2 forms of valid identification required.
One must be from among items 1, 2, or 3.

1. Diver's License: State _____ Lic. No. _____

2. Sheriff's ID No. _____

3. Birth Certificate: Issuing Office _____ Cert. No. _____

4. Other (specify, e.g., credit card, passport, etc.) _____

Parent/Legal Guardian Consent Form (if required): Yes _____ Not Applicable _____

Date of tattooing and/or body-piercing procedure: _____

Tattoo design and/or nature of piercing: _____

Anatomical location of tattoo/piercing: _____

Name of tattooist/piercing artist: _____

Location of tattoo/body-piercing shop: _____

PLEASE NOTE:

1. It is illegal to tattoo a minor (person less than 18 years of age) in New York State. Body-piercing of a minor is authorized only upon written, notarized consent of at least one parent or legal guardian of said minor, who must file the same in person at the body-piercing shop, using Form F.
2. All records pertaining to a tattoo/body-piercing must be kept on file at the tattoo/body-piercing shop for a period of seven years from the date of the procedure. Copies of all required forms and instructions must be given to the patron or parent/legal guardian of a minor age child (body-piercings only), for them to keep.

Dated: _____

Signature of Tattoo/Body Piercing Artist

Signature of Patron, or:
Signature of Parent/Legal Guardian – Body-Piercings Only

**Allegheny County Department of Health
Division of Environmental Health**

Tattoo/ Body-piercing Information Sheet

Shop Name _____

Shop Address _____

Telephone _____

- A new sterile needle should be used for each tattoo or body-piercing. The sterile package containing this needle should be opened in front of you.
- There is a potential for an adverse physical reaction to the dyes used in the tattooing procedure. It is not possible for the tattooist or body-piercer to determine whether an allergic reaction to the jewelry, dyes or pigments, or processes used in tattooing or body-piercing will occur.
- Infection is always possible, particularly in the event that proper care of piercing is not taken.
- If you are in one of the following groups you may be at elevated risk of infection or illness due to tattooing or body-piercing:
 - (a) History of jaundice or hepatitis
 - (b) History of AIDS or positive HIV test
 - (c) History of blood donation exclusion
 - (d) History of skin disease or skin cancer at site of service
 - (e) History of allergic reaction to pigments, dyes, or other sensitivities
 - (f) History of hemophilia
 - (g) History of epilepsy
 - (h) History of heart condition
 - (i) History of diabetes
 - (j) Taking medications which thin the blood (e.g., anti-coagulants)
 - (k) Taking immunosuppressive medication (e.g., chemotherapy, steroid therapy)

In the event of an infection or illness associated with a tattooing or body-piercing procedure, contact a physician and notify the Allegheny County Department of Health at 716-268-9250.

Signature of Patron, or:
Guardian -Body-Piercing Only

Printed Name of Patron, or:
Parent/Legal Guardian -Body-Piercings Only

**Allegany County Department of Health
Division of Environmental Health**

Tattoo Aftercare Instructions

- Keep tattoo covered for at least one hour, and no longer than eight hours.
- After removing bandage, wash tattoo and surrounding area with water and mild soap.
- If bandage sticks to your tattoo, soak it in cool water until it falls off.
- Rinse away all surface blood, plasma, ointment, and remaining soap.
- Always blot dry (i.e., do not rub) until tattoo is completely healed.
- Do not re-bandage the tattoo.
- Do not apply petroleum jelly.
- Do not apply alcohol, peroxide, or betadine.
- Do not rub, pick, or scratch your tattoo.
- Pat tattoo dry with a clean towel and apply a very thin layer of antibiotic ointment. Do this 3 to 4 times daily.
- Rub the antibiotic ointment in until it is dry.
- If ointment looks wet or greasy, pat dry with a paper towel.
- After 3 days, switch to a high-quality fragrance-free hand lotion. Do not overuse ointment. Keep skin moist, not wet.
- If a rash occurs or tattoo stays very sensitive, discontinue lotion, let tattoo dry out, and wash with an antibacterial soap and water 3 times per day.
- Do not expose to direct sunlight for two weeks.
- Do not swim in pools, lakes, rivers, etc. for ten days.
- Do not soak in tub or sauna for ten days.

In the event of an infection or illness associated with the tattoo, consult with your physician and please notify the Allegany County Department of Health at 716-268-9250.

**Allegany County Department of Health
Division of Environmental Health**

Aftercare Guidelines for Body-Piercings

- **Healing time** Ear, nostril, and septum piercings require approximately a two-month healing period. All other piercings require at least six months to be fully healed.
- **Exposure to bodily fluids** Until piercing is fully healed; avoid contact with bodily fluids of others (saliva, blood, semen, vaginal fluid). If exchange of bodily fluids is unavoidable, the use of latex barriers is strongly advised.
- **Tongue piercing** Immediately apply ice after piercing to control swelling. To prevent infection, avoid oral contact with others that involves the exchange of bodily fluids for at least six weeks.
- Remember to check piercing periodically to make sure jewelry is fastened. Tighten daily.
- Never rotate or play with your piercing when it is dry.
- Avoid swimming in unchlorinated bodies of water. Lakes, ponds, rivers, oceans and other natural bodies of water contain organisms that may infect an unhealed piercing. Chlorinated bodies of water can also contain organisms that can harm a new piercing.
- Avoid tight-fitting clothing that will irritate the piercing. Clean cotton clothing is recommended.
- Avoid use of artificial lubricants, oils, powders, or petroleum products, as they can interfere in the healing process.
- Protect eyebrow, ear, and nostril piercings during haircuts, as hair can be deposited in a new piercing and lead to infection.

Cleaning

- Touch piercings only very clean hands.
- New piercings should be cleaned thoroughly twice a day.

**Allegany County Department of Health
Division of Environmental Health**

Aftercare Guidelines for Body-piercings

- **Lip, tongue, cheek piercings.** Rinse with antiseptic mouthwash after eating or drinking. Use a carbamide peroxide solution (e.g., Gly-oxide or Peroxil) two or three times per day, followed by an antiseptic mouthwash. Wash outside of lip or labret piercings with a sterile gauze and antiseptic mouthwash.
- **All other piercings** should be washed with an anti-bacterial soap and cleaned with a pierced ear cleaning solution. For below-the-neck piercings, solution is recommended. If causes irritation, discontinue use.
- **Soaking of jewelry** Soak any dried matter off jewelry before turning it into the piercing.
- **Use of antibacterial ointments** Antibiotic ointments can be used if an Infection becomes apparent. Use of antibacterial ointment should be limited to ten days. If irritation or infection persists, consult your physician.
- **Discouraged** Hydrogen peroxide, witch hazel and alcohol are not recommended, as they are too harsh and may interfere with the healing process.

In case of infection

- If an itchy redness or a rash or a clear discharge occurs, you may be allergic to the jewelry or cleaning agent. Try changing agent or jewelry. Do not switch cleaning agents too often.
- If the piercing is sore, red, and oozing pus, it is infected and you should consult a physician. In the case of infection of a nostril or septum piercing, it is imperative to see a physician without delay since infections of the septum and nostril may be extremely serious.
- Do not remove the jewelry before consulting with a physician, since removal of the jewelry can cause infectious secretions to be trapped inside the body.
- If a painful lump develops, contact a physician.
- Notify the Allegany County Department of Health at (716) 268-9250 if an infection occurs.

**ALLEGANY COUNTY DEPARTMENT OF HEALTH CONSENT TO
TATTOOING/ BODY-PIERCING PROCEDURE**

I, _____, residing at _____
_____, in the City/Town of _____,
County of _____, State of _____, being 18
Years of age or older, do hereby consent to the administration upon me of a certain tattooing and/or
body-piercing procedure by _____, who is certified
as a tattoo/body-piercing artist by the Allegany County Department of health, more particularly
described in a record maintained by said tattooist/body-piercing artist said bearing the same date as
this consent, and do hereby acknowledge that I have received a written information sheet said
tattooist/ body-piercing artist concerning the risks involved with the procedure and its possible
complications, as well as written instructions concerning aftercare procedures, and have fully
reviewed and discussed the same with the tattooist/body-piercing artist.

Dated: _____

Signature of Patron

**ALLEGANY COUNTY DEPARTMENT OF HEALTH
CONSENT BY PARENT OR GUARDIAN
TO THE BODY-PIERCING OF A MINOR**

I, _____, residing at _____
_____, in the City/Town of _____,
County of _____, State of _____, do certify
that I am the parent/legal guardian of _____, a person
under 18 years of age. I hereby consent to the administration upon said minor of the following body-
piercing procedure: _____

To be performed by _____, a tattoo/body
Piercing artist certified by the Allegany County Department of Health and located at

_____. I do hereby acknowledge that I
have received and reviewed a written information sheet from the body-piercing artist concerning the
risks involved with the body-piercing and its possible complications, and have discussed the same
and have received from and discussed with the body-piercing artist written instructions concerning
aftercare procedures.

Signature of Parent/Legal Guardian

STATE OF NEW COUNTY OF
ALLEGANY) SS:

On _____, before me, the undersigned, personally appeared
_____, personally known to me or proved to me on the basis
of satisfactory evidence to be the individual whose name is subscribed to the within instrument and
acknowledged to me that executed the same in capacity, and that by signature on the instrument, the
individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

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