

Tattoo/Body Piercing Business License

City Ordinance provides for licensing of businesses engaged in providing tattoos. Please review the complete City Ordinance on Tattooing in Section 115.

§ 115.02 LICENSE REQUIRED FOR TATTOO ESTABLISHMENT AND/OR BODY PIERCING ESTABLISHMENT.

- (A) No person shall engage in, conduct, or carry on, or permit to be engaged in, conducted, or carried on, in or upon any premises within the city, a tattoo establishment and/or body piercing establishment, unless a tattoo establishment and/or body piercing establishment license has been issued by the city and unless the license remains in effect in conformity with the provisions of this chapter. The license shall expire on June 30 next following its issuance, unless reissued. Initial licenses issued during April, May, or June will expire on June 30 of the following year. The license may be revoked, for cause, by the governing body.
- (B) Physicians and surgeons licensed under the provisions of SDCL § 36-4 are exempt from the requirements of this chapter.

§ 115.03 APPLICATION FOR TATTOO ESTABLISHMENT AND/OR BODY PIERCING ESTABLISHMENT LICENSE.

- (A) *Generally.* Each application for a tattoo establishment and/or body piercing establishment license shall be upon a form provided by the City Finance Officer and shall be submitted to the finance office and shall contain the following information:
- (B) *Information.*
 - (1) A definition of service to be provided;
 - (2) The location and mailing address of the proposed establishment;
 - (3) The name and residence address of each applicant;
 - (4) If the applicant is a corporation, the names and residence addresses of each of the officers and directors of the corporation and of each stockholder owning more than 10% of the stock of the corporation, and the address of the corporation itself, if different from the address of the tattoo establishment and/or body piercing establishment;
 - (5) If the applicant is a partnership, the names and residence addresses of each of the partners, including limited partners, and the address of the partnership itself, if different from the address of the tattoo establishment and/or body piercing establishment;

- (6) The last 2 previous addresses (if any) during the past 3 years immediately prior to the present address of the applicant;
- (7) Written proof that the applicant is over the age of 18 years;
- (8) Individual or partnership applicant's height, weight, color of eyes and hair, and sex;
- (9) Copy of identification, such as driver's license and social security card;
- (10) The history of the applicant in the operation of a tattoo establishment and/or body piercing establishment, or similar business or occupation, including, but not limited to, previously operating in this or another city within this state with or without license, has had the license revoked or suspended and the reason therefore, and the business activity or occupation subsequent to the action of suspension or revocation;
- (11) The name and address of each tattoo artist and/or body piercing artist who is, or will be, employed in the establishment;
- (12) Any other identification and information necessary to discover the truth of the matters specified in this section as required to be set forth in the application;
- (13) If a corporation, the name and address of a resident agent, residing within the city, which must be kept current at all times; and
- (14) Submission of a nonrefundable application fee equal to the fee charged to the city by State Department of Health.

§ 115.04 INVESTIGATION OF PREMISES PROPOSED TO BE USED AS TATTOO ESTABLISHMENT AND/OR BODY PIERCING ESTABLISHMENT.

The City Finance Officer shall refer any application to the State Health Department, the Fire Department, and the Planning and Building Services Department, each of which, within a period of 30 days from the date of application, shall review records and make an inspection of the premises proposed to be used as a tattoo establishment and/or body piercing establishment and shall make a written recommendation to the City Finance Officer concerning compliance with the law.

115.11 TATTOO AND/OR BODY PIERCING ARTIST LICENSE REQUIRED.

- (A) No person shall practice as a tattoo and/or body piercing artist within the city unless the person has a valid tattoo and/or body artist license issued by the city.
- (B) The license shall expire on June 30 next following its issuance unless reissued. The license may be revoked, for cause, by the governing body.

- (C) A person who only pierces ears using a commercial ear piercing gun is required only to notify the City of Vermillion Finance Officer, he or she does not have to have a body piercing artist license.

§ 115.12 APPLICATION FOR TATTOO ARTIST AND/OR BODY PIERCING ARTIST LICENSE.

- (A) Each application for a tattoo artist and/or body piercing artist license shall be upon a form provided by the Finance Officer and shall be submitted to the Finance Officer.
- (B) Each form shall contain the following information:
 - (1) The applicant's full name, residence address, and telephone number;
 - (2) The name and address of the tattoo establishment where the applicant is to be employed as a tattoo artist and/or body piercing artist;
 - (3) Whether any license to practice as a tattoo artist and/or body piercing artist has previously been denied or revoked and, if so, the reasons, dates, and places of the denial or revocation;
 - (4) Written proof that the applicant is over the age of 18 years; and
 - (5) Submission of a nonrefundable application fee set by resolution.

§ 115.13 INVESTIGATION UPON RECEIPT OF APPLICATION FOR TATTOO ARTIST AND/OR BODY PIERCING ARTIST LICENSE.

- (A) Each applicant must submit to a background check to determine applicant's suitability. Each new applicant shall make arrangements with a law enforcement agency and submit to the fingerprinting process. The applicant also must submit to, pay for and provide a FBI and DCI criminal background check. The applicant may be given a conditional license pending the results of the background check.
- (B) The City Finance Officer shall have discretion to approve or disapprove the application depending on whether the City Finance Officer deems the applicant a suitable person to hold the license. The City Finance Officer may issue the license if the City Finance Officer is satisfied that the applicant:
 - (1) Is at least 18 years of age;
 - (2) Is not subject to epilepsy, vertigo, heart trouble, or any other infirmity of body and mind that might affect his or her ability to properly and safely administer a tattoo and/or body piercing;
 - (3) Is a resident of Clay County for at least 1 month prior to the date of the application;
 - (4) Has not been convicted of a felony, as defined by state law, within 3 years of the date of the application. All conditions of any felony sentence must be fulfilled.

- (5) Has been fingerprinted and photographed by the Police Department;
- (6) Has not been convicted of using any controlled drug or substance within 3 years prior to the date of application;
- (7) Has not been convicted of any charge of possession of marijuana or any controlled drug or substance or possession with intent to distribute marijuana or any controlled drug or substance within 3 years prior to date of the application; and,
- (8) Is of good moral character.

The application for a Tattoo/Body Piercing Establishment License is as follows with the fee equal to the State of South Dakota inspection fee. Please contact the Finance Officer for the applicable fee. Also each Tattoo/Body Piercing Artist will need to complete the Tattoo/Body Piercing Artist License with the \$25 application fee.

TATTOO AND/OR BODY PIERCING ESTABLISHMENT APPLICATION FORM
NOT TRANSFERABLE
THE CITY OF VERMILLION IS UNDER NO OBLIGATION TO REFUND LICENSE
APPLICATION FEES IF LICENSE IS DENIED

The undersigned makes application under the provisions of Section 115 of the City of Vermillion Ordinances. New Renewal Type of license requested: Tattoo Body Piercing

1. Name of Establishment _____

2. Phone No. _____

3. Establishment Address _____

4. Owner's Name _____ Phone No. _____

5. Owner's Address _____

6. If a partnership, list the name, residence address, and phone number of each partner, including limited partners, and the address of the partnership itself, if different from the address of the tattoo and/or body piercing establishment.

7. If a corporation, list the names and residence addresses of each officer and director of the corporation and of each stockholder owing more than 10 percent of the stock, and the address of the corporation itself, if different from the address of the tattoo and/or body piercing establishment.

8. If a corporation, the name and address of a resident agent, residing within the city. This must be kept current at all times.

9. List the last two previous addresses, if any, during the past three years immediately prior to the present address.

10. Has the applicant operated other tattoo and/or body piercing establishments, in this or another city, or under different names? YES NO . If yes, list the name(s) and address (es):

11. Has applicant ever had a business license suspended or revoked?
YES NO If yes, explain.

12. What type of services will be provided?

13. Name and address of each tattoo and/or body piercing artist who is or will be employed at this location.

14. The license fee in the amount of _____ has been included with the application. NO REFUNDS ON LICENSE FEE. (Amount to be equal to fee charged to the city by the State Department of Health.)

15. Attached is a copy of identification, such as driver's license and Social Security card, giving written proof that the applicant is over 18 years of age. (Must also include individual or partnership applicant's height, weight, color of eyes and hair, and sex.)

Application made this _____ day of _____, 20_____.

SIGNATURE OF APPLICANT

Date sent to State Department of Health: _____

Date approved _____ by _____

REQUIREMENTS:

Attach a copy of identification, such as driver's license and Social Security card, giving written proof that the applicant is over 18 years of age. (Must also include individual or partnership applicant's height, weight, color of eyes and hair, and sex.)

Each Tattoo and/or Body Piercing Artist shall complete the following application and submit with the \$25 fee.

TATTOO AND/OR BODY PIERCING ARTIST APPLICATION FORM

NOT TRANSFERABLE

THE CITY OF VERMILLION IS UNDER NO OBLIGATION TO REFUND LICENSE APPLICATION FEES IF LICENSE IS DENIED

The undersigned makes application under the provisions of Section 115.

Application for Tattoo Artist ___ Body Piercing ___

1. Name of Applicant _____

2. Home Address _____

3. Phone Number _____

4. Name of Establishment _____

5. Address of Establishment _____

6. Has applicant ever engaged in the practice of tattooing or body piercing (even if outside of Vermillion)? YES ___ NO ___ If yes, list establishment, city and dates.

Business name

Address

Phone

7. Has any license to practice as a tattoo or body piercing artist been previously denied or revoked? YES ___ NO ___ If yes, give dates and places of such denial or revocation.

8. Has the applicant been subject to epilepsy, vertigo, heart trouble, or any other infirmity of body and mind that might affect his or her ability to properly and safely administer a tattoo? YES ___ NO ___ If yes, attach a Doctors letter stating that the medical condition doesn't impair the ability to administer a tattoo.

9. The license fee in the amount of \$25 for tattoo or body piercing has been included with the application. NO REFUNDS ON LICENSE FEE.

FIRST TIME APPLICANTS OR IF REQUESTED

10. Must pay for and provide a FBI and DCI criminal background check. Applicant shall make arrangements with a law enforcement agency and submit to the finger printing process.

11. Is a resident of Clay County for at least 1 (one) month prior to the date of application.

12. Attached is a copy of driver's license or any such identification showing the applicant is over age of 18 years.

Application made this _____ day of _____, 20____.

SIGNATURE OF APPLICANT

Establishment Owner Approval: As holder of the tattoo or body piercing establishment license listed above I'm certifying to the best of my knowledge the information provided above is correct and the above named individual will be operating as a tattoo artist or body piercing in my establishment.

Establishment Owner Signature _____ Date _____

Date approved _____ by _____

Please Note: Application is not complete until the applicant has submitted to a criminal background check to determine suitability. Each new applicant shall make arrangement with a law enforcement agency and submit to the fingerprinting process. The applicant also must pay for and provide a FBI &

DCI criminal background check. The applicant may be given a conditional license pending the results of the background check.