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ORDINANCE NO. 907

AN ORDINANCE OF THE COUNTY OF RIVERSIDE  
REGULATING BODY ART FACILITIES, PERMANENT COSMETICS  
AND BODY PIERCING FACILITIES

The Board of Supervisors of the County of Riverside, State of California, ordains as follows:

**Section 1. PURPOSE:** The purpose of this Ordinance is to establish minimum standards for Body Art Facilities and Practitioners engaged in the business of Body Art in Riverside County. These regulations are intended to protect both the Practitioner and the Client from transmission of contagious diseases through the application of proper Body Art procedures and the control of Cross-contamination of Instruments and supplies.

**Section 2. JURISDICTION:** This Ordinance shall apply to all individuals performing Body Art procedures and all Body Art Facilities located within the County of Riverside, except for incorporated cities where the governing body of that incorporated city has authorized its own local health officer or environmental health director to administer and enforce the provisions of California Health and Safety Code Section 119300, *et seq.* This Ordinance shall be administered and implemented by the Riverside County Department of Environmental Health. The Department shall have the authority to prepare and implement necessary regulations for the administration and implementation of this Ordinance and to protect the public health and safety.

**Section 3. EXEMPTIONS:** This Ordinance shall not apply to any physician or surgeon licensed under Health and Safety Code Chapter 5 (commencing with Section 2000) of Division 2, or to any individuals piercing only the lower ear lobe using a pre-sterilized single use stud and Piercing Gun.

**Section 4. DEFINITIONS:** The following terms used in this Ordinance shall be defined as follows:

- A. **Aftercare:** means written instructions given to the Client, specific to the procedure(s) rendered, on caring for the Body Art and surrounding area.

- 1 B. **Antiseptic:** means a liquid or semi-liquid substance that is approved by the U.S.  
2 Food and Drug Administration, as indicated on the label, to reduce the number of  
3 microorganisms present on the skin and mucosal surfaces.
- 4 C. **Approved:** means that the Department of Environmental Health has authorized a  
5 person, or deemed acceptable, an Instrument, device, procedure, location or  
6 training that is not in conflict with these regulations.
- 7 D. **Bloodborne Pathogens Exposure Control Training:** A course of study covering  
8 the transmission, epidemiology and symptoms of bloodborne pathogens and the  
9 means of reducing risk through personal protective equipment, vaccination and  
10 Universal Precautions.
- 11 E. **Body Art:** means Body Piercing, Branding, Permanent Cosmetic and/or Tattooing.
- 12 F. **Body Art Facility:** means a place of business, whether operated for profit or not,  
13 upon the premises of which Body Art procedures are performed.
- 14 G. **Body Piercing:** means to insert a needle or object into a human being to create a  
15 permanent hole for the insertion of jewelry or other decorations. This includes, but  
16 is not limited to, piercing of the ear (other than Ear Lobe Piercing), lip, tongue,  
17 nose or eyebrow.
- 18 H. **Branding:** means the process in which a mark or marks are burned into human skin  
19 tissue with a hot iron or other Instrument, with the intention of leaving a permanent  
20 scar.
- 21 I. **Client:** means any individual who receives a tattoo, Body Piercing or application of  
22 Permanent Cosmetic.
- 23 J. **Cross-contamination:** means transfer of micro-organisms from surfaces or  
24 equipment to previously sterilized or sanitized surfaces or equipment.
- 25 K. **Department:** means the County of Riverside Department of Environmental Health.
- 26 L. **Director:** means the Director of the Department of Environmental Health or  
27 his/her authorized designee.  
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- 1 M. **Disinfectant:** means a product that is approved by the U.S. Environmental  
2 Protection Agency to reduce or eliminate the presence of disease causing  
3 microorganisms (i.e. fungicidal, bactericidal, virocidal).
- 4 N. **Ear Lobe Piercing:** means the lowest part of the auricle; it consists of fat and  
5 fibrous tissue not reinforced by the auricular cartilage.
- 6 O. **Enforcement Officer:** means the Director of the Department of Environmental  
7 Health and his or her designees.
- 8 P. **Exposure Control Plan:** A written action plan that specifies precautionary  
9 measures taken to manage and minimize potential exposure to blood-borne  
10 pathogens in the workplace.
- 11 Q. **Germicidal:** means an agent that kills germs, especially pathogenic  
12 microorganisms.
- 13 R. **Gloves:** means personal protective barriers for the hands and fingers, tight fitting  
14 and made from a non-permeable material such as latex, nitrile rubber or vinyl.
- 15 S. **Hand Washing:** means compliance with the following process:
- 16 i. Wet hands with warm potable running water that is at least 105° Fahrenheit.
- 17 ii. Apply soap (antimicrobial liquid soap in a pump) and thoroughly distribute  
18 over hands.
- 19 iii. Rub hands together vigorously for at least 20 seconds covering all surfaces  
20 of the hands and fingers, paying special attention to the thumbs, back of the  
21 hands and beneath the fingernails.
- 22 iv. Rinse hands thoroughly to remove residual soap.
- 23 v. Dry hands with single-use, disposable paper towels or warm air dryer.  
24 When using paper towels the holders must dispense them singly.
- 25 vi. Use the towel to turn off the taps or use elbow/foot operated taps.  
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1 T. **Instrument:** means any Tattooing, Body Piercing or Permanent Cosmetics  
2 application equipment or device that comes into contact with intact skin, non-intact  
3 skin, or mucosal surfaces. Such equipment includes, but is not limited to needles,  
4 needle bars, needle tubes, forceps, hemostats, tweezers, razors, razor blades, or  
5 other tools and devices used to insert pigment or pierce the skin or mucosa of the  
6 human body.

7 U. **Owner:** means any of the following:

- 8 i. The owner of a facility where the business of Body Art is performed.  
9 ii. A person providing a Body Art Facility where they or others perform Body  
10 Art.  
11 iii. A person who employs Practitioners to perform Body Art, or any other  
12 activity regulated by this Ordinance.

13 V. **Permanent Cosmetic/ Make-up:** means procedure performed above the jaw line  
14 and anterior to the ear and the frontal hairline in which pigment is applied with a  
15 needle or electronic machine to produce a permanent mark visible through the skin.  
16 The procedure includes, but is not limited to, the application of eyeliner, eye  
17 shadow, lip, eyebrow, or cheek color for the purposes of enhanced aesthetic; scar  
18 concealment; and/or re-pigmentation of areas involving reconstructive surgery or  
19 trauma. Permanent Cosmetic shall **not** include placing on the body any pictures,  
20 images, numbers, signs, letters of the alphabet, or designs.

21 W. **Permit:** means written approval from the Department for an Owner to operate an  
22 establishment where Body Art is performed. Approval is given in accordance with  
23 the standards in this Ordinance and as may be established by regulation, and is  
24 separate from and in addition to any other licensing requirements that may exist  
25 within the local jurisdiction or under state or federal law. This Permit shall be  
26 posted in a conspicuous space within the Body Art Facility.  
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- 1 X. **Piercing Gun:** means a hand held tool that shall be used exclusively for piercing  
2 the lower ear lobe, into which single use pre-sterilized studs and clutches are loaded  
3 into the gun without the need to handle with bare hands, and placed and inserted  
4 into the ear lobe by a hand squeezed or spring loaded action to create a permanent  
5 hole.
- 6 Y. **Practitioner:** means a person who is required to be registered with the Department  
7 as required by the Health and Safety Code Section 119303 to perform Body Art  
8 procedures.
- 9 Z. **Registration:** means a one-time application and appropriate (annual) fee paid by a  
10 Practitioner to the Department as required by Health and Safety Code Section  
11 119303 to perform Body Art as defined by this Ordinance.
- 12 AA. **Sanitization:** means a cleaning process that greatly reduces the number of  
13 microorganisms through the use of chemical or heat, see also “Disinfectant.”
- 14 BB. **Sharps Container:** means a rigid puncture-resistant container that, when sealed, is  
15 leak resistant and cannot be readily opened.
- 16 CC. **Sterilization:** means the complete destruction of all microbial life forms including  
17 spores.
- 18 DD. **Temporary Facility:** means a fixed location issued a Permit by the Department  
19 and for a period not exceeding fourteen (14) days, where Body Art is performed.
- 20 EE. **Tattooing:** means to pierce or puncture the human skin with a needle or other  
21 Instrument for the purpose of inserting indelible pigment under the surface of the  
22 skin. Tattooing does not include the removal of tattoos, nor the practice of  
23 Branding, cutting, scarification, skin braiding, or mutilation of any part of the body  
24 such as permanent subcutaneous implants.
- 25 FF. **Universal Precautions:** means a set of guidelines and engineered controls  
26 published by the Centers for Disease Control (CDC) outlining certain practices that  
27 should be employed in order to prevent parenteral, mucous-membrane and non-  
28 intact skin exposure to bloodborne pathogens. This method of infection control

1 requires the employer and employee to assume that all human blood and specified  
2 human body fluids are infectious for human immunodeficiency virus (HIV),  
3 Hepatitis B (HBV), Hepatitis C (HCV) and other bloodborne pathogens.  
4 Precautions include: Hand Washing, gloving, personal protective equipment, injury  
5 prevention, proper handling and disposal of needles and other sharp Instruments,  
6 and blood and body fluid contaminated products. Any description of Universal  
7 Precautions defined in this Ordinance does not preclude CAL-OSHA CCR Title 8,  
8 Section 5193, Bloodborne Pathogens Standards.

9 **Section 5. PROHIBITIONS.**

- 10 A. No person shall own or operate a Body Art Facility in Riverside County,  
11 California, without having first obtained a Permit from the Department in  
12 accordance with the procedures set forth herein.
- 13 B. No Permit or Registration shall be issued unless it is in accordance with all the  
14 provisions of this Ordinance, state or federal law, or regulation. Any Permit or  
15 Registration issued contrary to the provisions of this Ordinance, State or Federal  
16 law, or regulation shall be void and of no effect.
- 17 C. No Permit issued pursuant to this Ordinance shall be construed as authorizing the  
18 conduct of or continuance of any occupation, use or activity of any kind which is  
19 prohibited by County ordinance, State or Federal law or regulation.
- 20 D. No Practitioner shall perform Body Art services outside of a Department permitted  
21 facility.
- 22 E. No person shall operate a Body Art Facility (in the unincorporated area of the  
23 county) without the approval of the Riverside County Planning Department.
- 24 F. No person shall perform or offer to perform Body Art on a person under the age of  
25 18 years.
- 26 G. No person shall perform Body Art without having a valid Registration issued by the  
27 Department.

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**Section 6. FACILITY OWNERS RESPONSIBILITIES AND REQUIREMENTS.**

- A. Prior to performing or allowing any other person to perform a Body Art procedure, a person who owns, controls, operates or intends to own, control or operate a Body Art Facility shall apply for a Permit to operate the Body Art Facility by submitting to the Department all of the following:
  - i. A completed application form;
  - ii. An acknowledgment that the applicant has obtained a copy of this Ordinance and commits to meet the requirements herein;
  - iii. An Exposure Control Plan;
  - iv. A current spore test from a U.S. Food and Drug Administration approved autoclave, if such devices are used in the facility, within 30 days of a Permit application (unless only disposable Instruments are used);
  - v. The location where registered Practitioners are to perform Body Art procedures.
  - vi. Such other information as the Department determines is necessary for implementation of this Ordinance; and
  - vii. A nonrefundable Body Art Facility annual Permit fee, as set forth in Section 10 of this Ordinance.
    - 1. Permit fees include one annual inspection by the Department. If a re-inspection is necessary following a routine inspection (or a suspension), the facility will be charged a fee, as set forth in Section 10, for each additional inspection thereafter.
- B. The Permit is not transferable.
- C. Any person applying for a Permit shall be at least 18 years of age.
- D. A Body Art Facility Owner shall comply with the following:
  - i. Maintain a valid Permit.

- 1                   ii.       Prominently display the Permit in a location visible from the front entrance  
2                   of the Body Art Facility.
- 3                   iii.       Require and ensure that all Practitioners within the facility maintain a  
4                   current Registration issued by the Department and are in compliance with  
5                   all health, safety, Sanitization and Sterilization standards of this Ordinance.  
6                   Owners shall require Practitioners to post their certificates of Registration at  
7                   their work station.
- 8                   iv.       Maintain a copy of the most recent facility inspection and provide it to a  
9                   potential Client upon request. Post a public notice notifying anyone of this  
10                  option.
- 11                  v.       Allow a representative from the Department, after proper identification, to  
12                  enter during business hours and access all parts of any Body Art Facility,  
13                  including temporary and/or mobile facilities, to inspect and re-inspect, as  
14                  necessary, for enforcement of the provisions in this Ordinance. No person  
15                  shall interfere with the Enforcement Officer in the performance of their  
16                  duties, or refuse to permit the Enforcement Officer to perform inspections  
17                  pursuant to this Ordinance or other applicable law. Willful refusal on the  
18                  part of the facility Owner to allow such inspection shall be grounds for  
19                  denial of an application for a Permit or for suspension or revocation of such  
20                  Permit.
- 21                  vi.       Maintain a current list of Practitioners providing Body Art at the facility for  
22                  review by the Enforcement Officer upon request.
- 23                  vii.       Notify the Department, in writing, within seven (7) days of a Practitioner  
24                  leaving or a new Practitioner beginning work at the facility.
- 25                  viii.       Ensure that all Practitioners working at their facility have attended an  
26                  Approved Bloodborne Pathogens Exposure Control Training, as specified in  
27                  this Ordinance.

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- 1                   ix.       Develop, maintain and ensure compliance with an Approved Exposure  
2                                   Control Plan as specified in this Ordinance. Maintain a copy to be made  
3                                   available to the Enforcement Officer upon request.
- 4                   x.       Notify the Department, in writing, within seven (7) days of when a Body  
5                                   Art Facility undergoes a change of ownership or goes out of business.
- 6           E.       The Body Art Facility shall be well ventilated and provided with an artificial light  
7                                   source equivalent to at least twenty (20) foot candles. At least fifty (50) foot  
8                                   candles lighting shall be provided at any location where the Body Art procedure is  
9                                   performed.
- 10           F.       All walls and floors of the operating surfaces of the Body Art procedure area shall  
11                                   be made of a smooth, nonabsorbent and nonporous material that is easily cleanable  
12                                   and can be maintained in a sanitary manner at all times.
- 13           G.       All hand sinks in the Body Art Facility shall have hot and cold running water, and  
14                                   liquid soap and disposable paper towels, in permanently mounted dispensers.
- 15           H.       Adequate toilet facilities shall be provided. Hand Washing sinks with hot and cold  
16                                   running water, liquid soap and disposable paper towels in permanently mounted  
17                                   dispensers must be located in rooms with toilets or toilet vestibules.
- 18           I.       Adequate, cleanable, covered trash receptacles lined with plastic bags shall be  
19                                   provided at each workstation for disposal of trash and contaminated single use  
20                                   items. Receptacles at the workstations shall be emptied daily, at minimum, and kept  
21                                   clean.
- 22           J.       A Sharps Container, appropriately labeled with the words "Sharps Waste" that is  
23                                   strong enough to protect the Practitioner, Clients and others from accidental cuts or  
24                                   puncture wounds must be provided for disposal of sharp objects that come in  
25                                   contact with blood and/or body fluids. A Sharps Container must be provided at  
26                                   each workstation.
- 27           K.       Sharps Containers shall be tightly closed and removed from service when they  
28                                   reach  $\frac{3}{4}$  capacity and replaced with a new container. Sharps Containers shall be

1 stored or mounted in such a manner that they are secure, cannot easily tip over and  
2 are not easily accessible to Clients.

3 L. All permitted Body Art Facilities generating contaminated sharps waste must  
4 dispose of this waste in accordance with the California Health and Safety Code,  
5 Division 104, Section 117600-118360 (Medical Waste Management Act).

6 M. Tracking documents shall be maintained for three years on site for review at time of  
7 inspection showing how any medical waste and sharps have been disposed of.

8 N. Solid waste, meaning waste other than contaminated sharps waste, which includes  
9 but is not limited to Gloves, gauze, wipes, tissues and used pigments during Body  
10 Art procedures, shall be placed in plastic bags, securely tied and disposed of daily  
11 in a trash container that prevents unauthorized access. This material shall be  
12 transported by a licensed solid waste hauler to an Approved landfill or transfer  
13 station.

14 O. An autoclave, registered and listed with the U.S. Food and Drug Administration  
15 must be at the Body Art Facility at all times when not using all 100% pre-  
16 packaged, pre-sterilized Instruments and equipment. Sterilizers or autoclaves must  
17 be kept clean, in good working order, and operated in a clean area.

18 P. No animals of any kind shall be allowed on premises except service animals used  
19 by disabled individuals for assistance. Only the Practitioner, authorized personnel  
20 and the Client are allowed in the procedure area when Body Art procedure is  
21 performed.

22 Q. The facility shall be used exclusively for Body Art purposes. No habitation,  
23 cooking or food storage shall be allowed except in separated, designated  
24 break/lunch rooms. In general, the entire premises of the Body Art Facility must  
25 be kept clean and in good condition at all times.

26 R. The Body Art Facility shall be responsible for maintaining all Client related  
27 documents properly for a period of at least 3 years.

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1 S. STERILIZATION REQUIREMENTS.

- 2 i. Instruments that pierce the skin, or touch non-intact skin or mucous  
3 membranes that will be reused, shall be cleaned, packaged, and sterilized, in  
4 a separate, designated sterilization area.
- 5 ii. Single use, packaged, sterilized equipment obtained from commercial  
6 suppliers or manufacturers must contain a temperature strip or sterilizer  
7 indicator listed with the U.S. Food and Drug Administration. Single use  
8 items shall not be reused for any reason.
- 9 iii. Ultrasonic cleaners, if used, shall be operated according to manufacturer  
10 instructions.
- 11 iv. If an ultrasonic cleaner is not available, Instruments shall be cleaned and  
12 disinfected manually by scrubbing with a brush and a detergent Disinfectant  
13 used according to manufacturer's instructions. Where applicable,  
14 manufacturer's instructions for cleaning specific Instruments shall be  
15 followed.
- 16 v. After cleaning, all Instruments used in the Body Art procedure shall be  
17 packaged individually in paper peel-packs, heat-sealed plastic, or other  
18 packaging (approved by the Department), then sterilized. All packs must be  
19 marked with the date of Sterilization, and a sterilizer indicator or internal  
20 temperature indicator must be used. Equipment packed in peel-packs or heat  
21 sealed plastic will be considered sterile for a maximum of six (6) months. If  
22 a paper-peel or heat-sealed pack is torn or otherwise compromised, (or it  
23 has been more than six months since Sterilization), the Instrument inside  
24 will be considered non-sterile and must be repackaged and re-sterilized.
- 25 vi. Sterilizers or autoclaves shall be loaded and operated according to  
26 manufacturer's directions. Manufacturer's directions and specifications for  
27 sterilizer or autoclave shall be kept on site and available for review upon  
28 request by the Enforcement Officer.

1                   vii.    Sterilization procedures shall be completed in a designated “clean” area that  
2                                   is free of known contaminants such as dust, dirt, and debris.

3                   viii.   All reusable Instruments used in the Body Art procedure must be sterilized  
4                                   by a steam or chemical autoclave sterilizer registered and listed with the  
5                                   U.S. Food and Drug Administration.  Such Instruments must be used,  
6                                   cleaned, and maintained according to the manufacturer’s instructions.

7                   ix.    All Sterilization equipment must be tested on a regular basis, as specified  
8                                   below, for functionality and thorough Sterilization by use of all of the  
9                                   following means:

10                                   1.     Chemical indicators (color change), to ensure sufficient temperature  
11                                                   and proper functioning of equipment during the Sterilization cycle,  
12                                                   are required on all packaged Instruments during each Sterilization  
13                                                   cycle; and

14                                   2.     A biological monitoring system (commercial preparation of spores)  
15                                                   to ensure all microorganisms have been destroyed and Sterilization  
16                                                   has been achieved.  Each permittee of a Body Art Facility shall  
17                                                   demonstrate that the sterilizer or autoclave is capable of attaining  
18                                                   proper heat and pressure through a monthly spore destruction tests.

19                                                   These tests shall be verified by an independent laboratory.

20                   T.    All equipment used in the Body Art procedure must remain stored in sterile  
21                                   packages until just prior to performing a procedure.  Sterile packages shall be stored  
22                                   in a closed container or cabinet protected from dust and moisture until immediately  
23                                   before use.  When equipment is assembled, the Practitioner shall wear Gloves and  
24                                   use great care to ensure that equipment is not contaminated.

25                   U.    Sterilization equipment shall be maintained to meet the following requirements:

26                                   i.     Sterilization equipment shall be cleaned and maintained according to  
27                                                   manufacturer’s instructions.  
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1 activity (Registrations will only be Approved if procedures are conducted  
2 within a permitted facility);

3 ii. An acknowledgment that Practitioner has obtained a copy of this Ordinance  
4 and commits to meet the requirements herein;

5 iii. Proof of completion of a Department approved Bloodborne Pathogens  
6 Exposure Control Training Course that has been completed within the last 2  
7 years (and shall be renewed every 2 years);

8 iv. Proof of a Hepatitis B Vaccination (HBV) certification or declination form;

9 v. Such other information as the Department reasonably determines is  
10 necessary in order to implement or administer the provisions of this  
11 Ordinance; and

12 vi. A one-time Practitioner Registration fee and an annual inspection fee, as set  
13 forth in Section 10 of this Ordinance.

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15 B. Practitioner Registration is not transferable. Should a Practitioner perform Body  
16 Art at more than one permitted location, duplicate Registration cards can be  
17 requested for a fee, as set forth in Section 10 of this Ordinance.

18 C. Prior to commencing any Body Art procedure, the Practitioner shall discuss with  
19 the Client all topics on the consent and Aftercare forms. The Client shall complete  
20 and sign the forms.

21 i. The Practitioner shall indicate types of documents, such as a driver's  
22 license, passport, or school identification card, that verifies the age of the  
23 Client.

24 ii. The Practitioner shall verify that all information filled out by the Client is,  
25 to the best of Practitioner's knowledge, correct by concurrently signing the  
26 form.

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- 1 D. The Practitioner and Client shall not smoke, eat, drink or prepare food at the  
2 workstation or in the procedure or Sterilization rooms at any time.
- 3 E. The Practitioner shall thoroughly wash hands, as defined under “Hand Washing” in  
4 the definitions section of this Ordinance, before and after each Client, to prevent  
5 Cross-contamination and/or transmission of body fluids, infection or exposure to  
6 service related chemicals or wastes.
- 7 F. The Practitioner shall wear new, clean, disposable examination Gloves for every  
8 Client during the procedure and, if a glove is torn or otherwise compromised,  
9 becomes soiled, or comes in contact with any non-clean surface, object, or a third  
10 person, the Practitioner must discard both Gloves and exchange them for a new  
11 unused, and clean pair.
- 12 G. The Practitioner shall use single-use, clean, disposable drapes, lap-cloths or aprons  
13 for each Client. All drapes, lap cloths, and aprons shall be stored in a closed cabinet  
14 or container. Used disposable items shall be placed into a covered container lined  
15 with a plastic bag for disposal at the end of each day or more frequently, if  
16 necessary.
- 17 H. Immediately before any Body Art procedure is begun, the procedure area, including  
18 the Instrument tray, shall be wiped down with a germicide or Disinfectant. If trays  
19 are wrapped or covered for the procedure, the material shall be sanitary and for  
20 single use only. All used trays and/or covers shall be discarded into a covered, lined  
21 trash receptacle.
- 22 I. All pre-sterilized Instruments or facility sterilized Instruments used in any Body  
23 Art procedure shall be opened in front of the Client.
- 24 J. Tattoo machines shall be cleaned and sanitized after each procedure, and the rubber  
25 bands and grommets shall be replaced between Clients, to prevent Cross-  
26 contamination. This includes, but is not limited to, the frame, coils, armature bar,  
27 front and back springs and clip cord. Bagging of machine and clip cord does not  
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1 exempt Practitioner from cleaning and sanitizing requirement between each  
2 procedure.

3 K. Before starting any procedure, and after shaving, if required, the Practitioner shall  
4 clean any area with Germicidal soap, Antiseptic or appropriate cleanser that has  
5 been applied with a single use applicator that is discarded after use. The area shall  
6 be kept clean during and after the procedure to prevent Cross-contamination. If  
7 shaving is necessary, a new single-use disposable razor shall be used for each  
8 procedure.

9 L. Substances applied to the Client's skin to transfer designs from a stencil or paper  
10 shall be dispensed in a manner that prevents contamination of the unused portion.  
11 Use of a spray bottle to apply liquid to the skin is acceptable. All creams and other  
12 semi-solid substances shall be removed from containers with a clean, sanitized  
13 spatula. Spatulas made from a durable, non-absorbent material that can be  
14 effectively sanitized may be used again. Spatulas made of wood shall be discarded  
15 after use. Single use tubes and containers shall be discarded after completion of the  
16 Body Art procedure.

17 M. All dyes and pigments used in tattoo or Permanent Cosmetic procedures must be  
18 obtained from a commercial manufacturer specifically for use in Body Art.

19 N. Individual portions of dyes or pigments shall be placed in a clean single-use cup for  
20 each Client. Any remaining unused dye or pigment shall be discarded immediately  
21 upon completion of the procedure.

22 O. Single use items shall not be reused for any reason. Tattoo or Permanent  
23 Cosmetics needles shall not be reused. After use, all needles, and other sharps shall  
24 be immediately disposed of in an Approved Sharps Container.

25 P. Branding shall not be done with another Client (or any other person) in the  
26 procedure area. During the procedure, the Practitioner and the Client shall wear  
27 appropriate protective face filter masks.  
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- 1 Q. Only jewelry made of ASTM F138, ISO 5832-1 and AISI 316L or AISI 316 LVM  
2 implant grade stainless steel, solid 14K through 18K yellow or white gold,  
3 niobium, ASTM F136 6A4V titanium, platinum or other materials found to be  
4 equally bio-compatible shall be placed in newly pierced skin.
- 5 R. Upon completion of any Body Art procedure, Aftercare instructions shall be  
6 reviewed with the Client. Aftercare instructions shall consist of verbal and written  
7 instructions concerning proper care of the affected skin area. Instructions shall  
8 specify:
- 9 i. Responsibilities and care following the Body Art procedure(s).  
10 ii. Possible side effects specific to the type of procedure(s).  
11 iii. Physical restrictions with an activity time line.  
12 iv. Signs and symptoms of local or general infection.  
13 v. Instructions to call a physician if any of the addressed signs and  
14 symptoms occur or for any other health concern related to the Body Art  
15 procedure.  
16
- 17 S. Any person applying for a Practitioner Registration shall be at least 18 years of age.
- 18 T. A Practitioner shall comply with the following:
- 19 i. Maintain Registration with the Department and perform Body Art  
20 procedures only in permitted Body Art Facilities.  
21  
22 ii. Notify the Department in writing within seven (7) days, on a form approved  
23 by the Department, whenever there is a change in work location or change  
24 of mailing address.  
25  
26 iii. Display their Registration prominently at their work stations, which shall  
27 not be altered or defaced.  
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- iv. Maintain a copy of the most recent Practitioner inspection and provide it to a potential Client upon request.
- v. Maintain all required documentation on site so as to be available for review at time of inspection, including: (1) an Approved Bloodborne Pathogens Exposure Control Training within the last 24 months, and (2) a Hepatitis B Vaccination (HBV) certification or declination form.
- vi. Practitioners shall only perform Tattooing, Body Piercing and Permanent Cosmetics as defined in this Ordinance.
- vii. Provide Aftercare and consent form to all Clients.

U. Bloodborne Pathogens Exposure Control Training Requirements.

- i. All Practitioners shall receive Bloodborne Pathogens Exposure Control Training that is specific to their respective Body Art practices.
- ii. Training shall be completed within 90 days of the effective date of these regulations and thereafter must be updated every 2 years. Additional training shall be given when changes such as procedure modifications or development of new procedures affect the Practitioner or Client's exposure. Additional training may be limited to addressing the new exposures created and documentation of notification to staff.
- iii. The person conducting the training shall be knowledgeable regarding Universal Precautions and exposure minimization principles as they relate to the procedures conducted in a Body Art Facility.
- iv. The training program shall contain elements as outlined by the Department.

**Section 8. REQUIREMENTS FOR PERMANENT COSMETICS.**

In addition to the other requirements described in this Ordinance, the Permanent Cosmetics Practitioner shall abide by the following:

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- 1 A. The Permanent Cosmetic Practitioner shall not be required to have a U.S. Food and  
2 Drug Administration approved autoclave or sterilizer if only 100% pre-packaged,  
3 presterilized, single-use needles, needle tips, casings and combo couplers are used.
- 4 B. If a manual device is used, it shall be single use and disposable. The device shall be  
5 pre-packaged and pre-sterilized before use and discarded into a Sharps Container at  
6 the end of each procedure.
- 7 C. Only rotary pens (also called cosmetic machines) that are engineered to prevent  
8 Cross-contamination through the use of detachable, disposable or autoclavable  
9 components shall be use. Use of rotary pens that use a sponge at the opening of the  
10 chamber to stop the pigment or body fluids from getting into the machine, or, are  
11 designed in a manner that does not allow proper cleaning and sterilizing are  
12 prohibited.

13 **Section 9. REQUIREMENTS FOR TEMPORARY BODY ART EVENTS.**

- 14 A. Permit applications for the Temporary Facility shall be submitted for review to the  
15 Department, at least 30 days prior to the event. Application must be made on forms  
16 approved by the Department, which shall include a list of all Practitioners  
17 participating in the event.
- 18 B. All Practitioners participating in the temporary event shall have a valid Registration  
19 from the Department.
- 20 C. Provide a means for sterilizing all reusable equipment at the event. At a multi-  
21 vendor event, an event coordinator shall provide the Department with a schematic  
22 of the booths and the designated sterilization area. This should include a proposed  
23 ratio of vendors to autoclaves/sterilizers for Department approval.
- 24 D. All activities shall follow Universal Precautions as stated in this Ordinance.
- 25 E. The following criteria pertain to Temporary Facility Permits:  
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- i. Temporary Facility Permits expire 14 days from the date the event begins or upon conclusion of the event, whichever comes first, unless additional time has been granted by the Department in writing.
  - ii. Temporary Facility Permits shall not be transferable from one place to another or from one person to another.
  - iii. Temporary Facility Permits shall be posted in a prominent and conspicuous place so as to be readily observed by Clients.
  - iv. A Temporary Facility Permit fee, as set forth in Section 10 of this Ordinance.
- F. All temporary facilities applying for Temporary Facility Permits must be inspected prior to being issued a Permit to ensure compliance of all requirements regarding effective exposure control and proper Sterilization and Sanitization. This includes a working sink with warm running water, liquid soap and single use paper towels.
  - G. All sharps waste shall be stored, transported and disposed of in an Approved manner.
  - H. All parameters and exceptions specified in the Body Art Facility requirements in this Ordinance apply.

**Section 10. FEES.**

The fees for Body Art related permits, inspections, and other related fees are as set forth below.

All fees shall be incorporated into Riverside County Ordinance No. 640.

- A. Body Art Facility Annual Permit Fee: \$200
- B. Body Art Facility Re-inspection Fee: \$100
- C. Practitioner Registration Fee: \$50
- D. Practitioner Annual Inspection Fee: \$50
- E. Duplicate Practitioner Registration Card: \$30
- F. Temporary Facility Permit Fee: \$150

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1                    **Section 11. VIOLATIONS.**

- 2                    A.     Any person violating any provision of this Ordinance shall be deemed guilty of an  
3                                infraction or a misdemeanor as hereinafter specified. Such person shall be deemed  
4                                guilty of a separate offense for each and every day or portion thereof during which  
5                                any violation of the provisions of this Ordinance is committed, continued or  
6                                permitted. Any person convicted of a violation of this Ordinance shall be: (1)  
7                                guilty of an infraction offense and punished by a fine not exceeding \$100.00 for a  
8                                first violation; (2) guilty of an infraction offense and punished by a fine not  
9                                exceeding \$200.00 for a second violation on the same site. The third and any  
10                                additional violations on the same site shall be punished by fine not exceeding  
11                                \$1000.00 or six months in jail, or both.
- 12                    B.     Notwithstanding the above, a first offense may be charged and prosecuted as a  
13                                misdemeanor. Payment of any penalty herein shall not relieve any person from the  
14                                responsibility of correcting the violation.
- 15                    C.     In addition, any violation of this Ordinance is hereby declared to be a public  
16                                nuisance and may be abated by the Director irrespective of any other remedy  
17                                hereinabove provided.

18                    **Section 12. PERMIT OR REGISTRATION REVOCATION OR SUSPENSION.**

- 19                    A.     The Department may revoke or suspend a Permit and/or a Practitioner Registration  
20                                upon a finding that:
- 21                                i.     The permittee or Practitioner has violated any of the conditions or  
22                                requirements of the Permit or Registration or the provisions of this  
23                                Ordinance, statutes, rules or regulations pertaining to the Permit or  
24                                Registration;
- 25                                ii.    The Permit or Registration was issued in error;
- 26                                iii.   The Permit or Registration was issued on the basis of incorrect information  
27                                supplied by the permittee or Practitioner;
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- 1                   iv.       Written notice of the violation has been sent to the permittee or Practitioner  
2                                   by first class mail, and the permittee or Practitioner has failed or neglected  
3                                   to correct the violation within the required time frame; or  
4                   v.       Gross incompetence is observed at the Body Art Facility.

5       **B.    Hearing.** A Permit or Practitioner Registration may be revoked or suspended by  
6       the Department, as provided for herein, after the permittee or Practitioner is  
7       afforded a pre-deprivation opportunity for a hearing pursuant to subsection B.(i),  
8       below. Notwithstanding the foregoing, a Permit or Registration may be summarily  
9       revoked or suspended, and the permittee or other person who owns, controls or  
10      operates a Body Art Facility may be ordered to immediately stop operations of the  
11      Body Art Facility, in whole or in part, in the event that the Department determines  
12      that exigent circumstances exist which demonstrate an immediate threat to the  
13      public health, safety, or welfare. Upon a determination that exigent circumstances  
14      exist, a permittee or Practitioner shall be sent a written notice, and shall be  
15      alternatively afforded a post-deprivation opportunity for a hearing pursuant to  
16      subsection B.(ii), of this Section.

- 17           i.       **Pre-Deprivation Hearing.** Any person whose application for a Permit or  
18                                   Registration has been denied or whose Permit or Registration faces  
19                                   revocation or suspension after having first been sent a written notice of  
20                                   violation pursuant to this Ordinance, shall be entitled to request a  
21                                   predeprivation hearing. The person shall file with the Department a written  
22                                   petition requesting the hearing and setting forth a brief statement of the  
23                                   grounds for the request within fifteen (15) days from the date the written  
24                                   notice of violation or application denial was mailed. The requested hearing  
25                                   shall be provided within 15 business days of the written request. The  
26                                   failure to timely submit a written request for a hearing shall be deemed a

1 waiver of the right to such hearing, and shall result in the denial of the  
2 application or revocation or suspension of the Permit or Registration.

3 ii. **Post-Deprivation Hearing.** Any person whose Permit or Registration has  
4 been summarily revoked or suspended shall be entitled to request a post-  
5 deprivation hearing. The person shall file with the Department a written  
6 petition requesting the hearing and setting forth a brief statement of the  
7 grounds for the request within fifteen (15) days from the date the written  
8 notice was mailed. The requested hearing shall be provided to any permittee  
9 or Practitioner within 15 business days of the written request. The failure to  
10 timely submit a written request for a hearing shall be deemed a waiver of  
11 the right to such hearing, and shall result in the revocation or suspension of  
12 the Permit or Registration.

13 C. **Hearing Procedure.** The hearing officer shall be a Department Supervising  
14 Environmental Health Specialist or his or her designee. The hearing officer shall  
15 not be the investigating Department representative who issued the notice of  
16 violation or denial of the application, or their immediate supervisor or subordinate.  
17 The hearing shall be set for a date within fifteen (15) business days from the date  
18 the written request is received by the Department unless extended at the request of  
19 the petitioner. At the time and place set for the hearing, the hearing officer shall  
20 give the petitioner and other interested persons adequate opportunity to present any  
21 facts pertinent to the matter at hand. The hearing officer may, when deemed  
22 necessary, continue any hearing by setting a new time and place and by giving  
23 notice to the petitioner of such action. The hearing officer shall make a finding, and  
24 may sustain, modify or rescind any official notice or order considered at the  
25 hearing. A written report of the hearing officer's final determination shall be  
26 forwarded to the applicant, permittee or Practitioner, by the Department, within ten  
27 (10) business days after the hearing, by postage prepaid, certified mail.

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1                                **Section 13. ADMINISTRATIVE CITATIONS AND PENALTIES.**

2                                In addition to the remedies and penalties contained in this Ordinance, and in accordance with  
3 Government Code Section 53069.4, an administrative citation may be issued for any violation of this  
4 Ordinance. The following procedures shall govern the imposition, enforcement, collection and  
5 administrative review of administrative citations and penalties.

6                                A.     **Notice of Violation.** If the violation is not corrected within the period stated in the  
7                                               notice of violation, or if the violation creates an immediate danger to health or  
8                                               safety, an administrative citation may be issued by the Enforcement Officer. The  
9                                               notice of violation shall specify the manner in which the conditions of the Body Art  
10                                              Facility or the actions of the Practitioner violate the provisions of this Ordinance  
11                                              and the corrective actions required to correct the condition or conduct. The notice  
12                                              shall also state that failure to come into compliance with this Ordinance could  
13                                              subject the permittee, Practitioner, or other person who owns, controls or operates a  
14                                              Body Art Facility to civil, administrative and criminal penalties. The failure of the  
15                                              notice to set forth all required contents shall not affect the validity of the  
16                                              proceedings.

17                                B.     **Content of Citation.** The administrative citation shall be issued on a form  
18                                               approved by County Counsel and shall contain the information listed below. The  
19                                               failure of the citation to set forth all required contents shall not affect the validity of  
20                                               the proceedings.

- 21                                              i.         Date, location and approximate time the violation was observed.
- 22                                              ii.        The Ordinance section violated and a brief description of the violation.
- 23                                              iii.       The amount of the administrative penalty imposed for the violation.
- 24                                              iv.       Instructions for the payment of the penalty, the time period by which it shall  
25                                                              be paid, and the consequences of failure to pay the penalty within this time  
26                                                              period.  
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- v. Instructions on how to appeal the citation.
- vi. The signature of the Enforcement Officer.

C. **Service of Citation.**

- i. If the permittee, Practitioner, or other person who has violated the Ordinance is present at the scene of the violation, the Enforcement Officer shall attempt to obtain their signature on the administrative citation and shall deliver a copy of the administrative citation to them.
- ii. If the permittee, Practitioner, or other person who has violated the Ordinance is a business, and the business owner is on the premises, the Enforcement Officer shall attempt to deliver the administrative citation to them. If the Enforcement Officer is unable to serve the business owner on the premises, the administrative citation may be left with the manager or employee of the business. If left with the manager or employee of the business, a copy of the administrative citation shall also be mailed to the business owner by certified mail, return receipt requested.
- iii. If no one can be located at the property, then the administrative citation shall be posted in a conspicuous place on or near the property and a copy mailed by certified mail, return receipt requested to the Owner, permittee, Practitioner, or other person who has violated the Ordinance. The citation shall be mailed to the property address and/or the address listed for the Owner on the last County Equalized Assessment Roll.
- iv. The failure of any interested person to receive the citation shall not affect the validity of the proceedings.

D. **Administrative Penalties.**

- i. The penalties assessed for each violation shall not exceed the following amounts:

- a) \$100.00 for a first violation;
  - b) \$200.00 for a second violation of the same Ordinance within one year; and
  - c) \$500.00 for each additional violation of the same Ordinance within one year.
- ii. If the violation is not corrected, additional administrative citations may be issued for the same violation. The amount of the penalty shall increase at the rate specified above.
  - iii. Payment of the penalty shall not excuse the failure to correct the violation nor shall it bar further enforcement action.
  - iv. The penalties assessed shall be payable to the County of Riverside.

E. **Administrative Appeal.**

- i. **Notice of Appeal.** The recipient of an administrative citation may appeal the citation by filing a written notice of appeal with the Department. The written notice of appeal must be filed within twenty (20) days of the service of the administrative citation. Failure to file a written notice of appeal within this time period shall constitute a waiver of the right to appeal the administrative citation. The notice of appeal shall contain the following information:
  - a) A brief statement setting forth the appellant's interest in the proceedings;
  - b) A brief statement of the material facts which the appellant claims supports his/her contention that no administrative penalty should be imposed or that an administrative penalty of a different amount is warranted;
  - c) An address at which the appellant agrees notice of any additional proceeding or an order relating to the imposition of the administrative penalty may be received by mail.
  - d) The notice of appeal must be signed by the appellant.

1                   ii. **Administrative Hearing.** Upon a timely written request by the recipient of the  
2 administrative citation, an administrative hearing shall be held as follows:

3                   a) **Notice of Hearing.** Notice of the administrative hearing shall be  
4 given at least ten (10) days before the hearing to the person  
5 requesting the hearing. The notice may be delivered to the person or  
6 may be mailed to the address listed in the notice of appeal.

7                   b) **Hearing Officer.** The administrative hearing shall be held before  
8 the Director. The hearing officer shall not be the Enforcement  
9 Officer who issued the administrative citation or their immediate  
10 supervisor or subordinate. The Director may contract with a  
11 qualified provider to conduct administrative hearings or to process  
12 administrative citations.

13                   c) **Conduct of the Hearing.** Except as may be required by the hearing  
14 officer, the Enforcement Officer who issued the administrative  
15 citation shall not participate in the administrative hearing. The  
16 contents of the Enforcement Officer's file in the case shall be  
17 admitted as prima facie evidence of the facts stated therein. The  
18 hearing officer shall not be limited by the technical rules of  
19 evidence. If the person requesting the appeal fails to appear at the  
20 administrative hearing, the hearing officer shall make his or her  
21 determination based on the information contained in the notice of  
22 appeal.

23                   d) **Hearing Officer's Decision.** The hearing officer's decision  
24 following the administrative hearing shall be delivered to the person  
25 requesting the hearing personally or sent by mail. The hearing  
26 officer may allow payment of the administrative penalty in  
27 installments, if the person provides evidence satisfactory to the  
28 hearing officer of an inability to pay the penalty in full. The hearing

1 officer's decision shall contain instructions for obtaining review of  
2 the decision by the superior court.

3 **F. Review of Administrative Hearing Officer's Decision.**

4 **i. Notice of Appeal.** Within twenty (20) days of the date of the delivery or  
5 mailing of the hearing officer's decision, a person may contest that decision by  
6 filing an appeal to be heard by the superior court. The fee for filing the notice  
7 of appeal is twenty-five dollars (\$25.00). The failure to file the written appeal  
8 and to pay the filing fee within this period shall constitute a waiver of the right  
9 to an appeal and the decision shall be deemed confirmed. A copy of the notice  
10 of appeal shall be served in person or by first class mail upon the issuing  
11 agency by the contestant.

12 **ii. Conduct of Hearing.** The conduct of the appeal is a subordinate judicial duty  
13 and may be performed by traffic trial commissioners and other subordinate  
14 judicial officials at the direction of the presiding judge of the court. The appeal  
15 shall be heard de novo, except that the contents of the issuing agency's file in  
16 the case shall be received in evidence. A copy of the document or Instrument  
17 of the issuing agency providing notice of the violation and imposition of the  
18 administrative penalty shall be admitted into evidence as prima facie evidence  
19 of the facts stated therein. The court shall request that the issuing agency's file  
20 on the case be forwarded to the court, to be received within fifteen (15) days of  
21 the request.

22 **iii. Judgment.** The court shall retain the twenty-five dollar (\$25.00) fee regardless  
23 of the outcome of the appeal. If the court finds in favor of the contestant, the  
24 amount of the fee shall be reimbursed to the contestant by the Department.  
25 Any deposit of the fine or penalty shall be refunded by the issuing agency in  
26 accordance with the judgment of the court. If the fine or penalty has not been  
27 deposited and the decision of the court is against the contestant, the issuing  
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1 agency may proceed to collect the penalty pursuant to any manner provided by  
2 law.

3 **Section 14. CIVIL ACTIONS**

4 A. **Injunctive Relief and Abatement.** Whenever, in the judgment of the Enforcement  
5 Officer, any person is engaged in or about to engage in any act or practice which  
6 constitutes or will constitute a violation of any provision of this Ordinance, or any  
7 rule, regulation, order, Permit or conditions of approval issued thereunder, upon the  
8 request of the Enforcement Officer, the County Counsel or District Attorney may  
9 commence proceedings for the abatement, removal, correction and enjoinder  
10 thereof, and require the violator to pay civil penalties and/or abatement costs.

11 B. **Civil Remedies and Penalties.** Any person, whether acting as principal, agent,  
12 employee, Owner, lessor, lessee, tenant, occupant, operator, contractor or  
13 otherwise, who willfully violates the provisions of this Ordinance or any rule,  
14 regulation, order or conditions of approval issued thereunder, shall be liable for a  
15 civil penalty not to exceed \$1,000.00 for each day or portion thereof, that the  
16 violation continues to exist. In determining the amount of the civil penalty to  
17 impose, the court shall consider all relevant circumstances, including, but not  
18 limited to, the extent of the harm caused by the conduct constituting a violation, the  
19 nature and persistence of such conduct, the length of time over which the conduct  
20 occurred, the assets, liabilities, and net worth of the violator, whether corporate or  
21 individual, and any corrective action taken by the violator.

22 **Section 15. COSTS AND DAMAGES.**

23 Any person, whether acting as a principal, agent, employee, Owner, lessor, lessee, tenant,  
24 occupant, operator or contractor, or otherwise, violating any provisions of this Ordinance or the rules,  
25 regulations, orders, Permits or conditions of approval issued thereunder, shall be liable to the County of  
26 Riverside for costs of abatement and any damages suffered by the County, its agents and agencies, as a  
27 result of such violations.

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1                   **Section 16. RECOVERY OF ATTORNEYS' FEES IN NUISANCE ABATEMENT**  
2                   **CASES.**

3                   In any action, administrative proceeding, or special proceeding to abate a nuisance, attorneys' fees  
4 may be recovered by the prevailing party. In no action, administrative proceeding, or special proceeding  
5 shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees  
6 incurred by the County in the action or proceeding.

7                   **Section 17. REMEDIES AND PENALTIES.**

8                   All remedies and penalties provided for herein shall be cumulative and not exclusive. The  
9 conviction and punishment of any person hereunder shall not relieve such person from the responsibility  
10 of correcting, removing or abating the violation, nor prevent the enforced correction, removal or  
11 abatement thereof. Each and every day during any portion of which any violation of this Ordinance or the  
12 rules, regulations, orders, Permits or conditions of approval issued thereunder is committed, continued, or  
13 permitted by such person, shall be deemed a separate and distinct offense.

14                   **Section 18. SEVERABILITY**

15                   If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any  
16 person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or  
17 applications of the provisions of this Ordinance which can be given effect without the invalid provision or  
18 application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

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1                    **Section 19. EFFECTIVE DATE**

2                    This Ordinance shall take effect thirty (30) days after its adoption.

3  
4                    BOARD OF SUPERVISORS OF THE COUNTY  
                         OF RIVERSIDE, STATE OF CALIFORNIA

5  
6                    By: \_\_\_\_\_

7                    Chairman, Board of Supervisors

8                    ATTEST:

9  
10                  CLERK OF THE BOARD

11  
12                  By: \_\_\_\_\_

13                  Deputy

14  
15  
16                  (SEAL)

17  
18                  APPROVED AS TO FORM

19                  May 3, 2011

20                  By: 

21                  JINNY R. YANG

22                  Deputy County Counsel

MINUTES OF THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



**9.2**

9:30 a.m. being the time set for public hearing on the recommendation from Community Health Agency/Environmental Health regarding Public Hearing on the INTRODUCTION OF ORDINANCE NO. 907, an Ordinance of the County of Riverside Regulating Body Art Facilities, Permanent Cosmetics and Body Piercing Facilities, the chairman called the matter for hearing.

Steve Van Stockum, Director, Community Health Agency, presented the matter.


The following people spoke on the matter:

Brian Foster  
Doc Dutton  
David J. McCammon  
Dennis Daniels

On motion of Supervisor Stone, seconded by Supervisor Buster and duly carried by unanimous vote, IT WAS ORDERED that the above matter is continued to Tuesday, July 26, 2011 at 9:30 a.m.

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on June 28, 2011 of Supervisors Minutes.

(seal) WITNESS my hand and the seal of the Board of Supervisors  
Dated: June 28, 2011  
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in  
and for the County of Riverside, State of California.

By:  Deputy

AGENDA NO.  
9.2

xc: CHA-Environmental Health, COB