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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 ordains as follows:

Section 1. FINDINGS. The Board of Supervisors finds that there are significant health concerns implicated by the practice of Body Art, including the danger of spreading infectious diseases through the use of unsterilized equipment. Because of these dangers inherent in the practice of Body Art, Practitioners must protect themselves and their clients by following safe and healthy practices. Additionally, California Penal Code Section 653 prohibits tattooing individuals under the age of 18, and Penal Code Section 652 prohibits body piercing on minors without a parent's consent as specified in that section. Accordingly, in addition to regulation for health and safety purposes, the practice of Body Art requires additional regulation to assure that it does not unduly attract minors.

Section 2. PURPOSE. The purpose of this Ordinance is to establish minimum standards that apply to Body Art Facilities and Practitioners for the safe practice of Body Art in Riverside County. These regulations are intended to protect both the Practitioner and the Client from transmission of infectious diseases through the application of proper Body Art procedures and the control of Cross-contamination of Instruments and supplies.

Section 3. 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.

1 Section 4. EXEMPTIONS. This Ordinance shall not apply to any physician or
2 surgeon licensed under Health and Safety Code Chapter 5 (commencing with Section 2000) of Division 2,
3 or to Ear Lobe Piercing using a pre-sterilized single use stud and Piercing Gun.

4 Section 5. DEFINITIONS. The following terms used in this Ordinance shall be
5 defined as follows:

- 6 a. Aftercare: means written instructions given to the Client, specific to the
7 procedure(s) rendered, on caring for the Body Art and surrounding area.
- 8 b. Antiseptic: means a liquid, gel, or semi-liquid substance that is approved by
9 the U.S. Food and Drug Administration, as indicated on the label, to reduce
10 the number of microorganisms present on the skin and mucosal surfaces.
- 11 c. Approved: means that the Department of Environmental Health has
12 authorized a person, or deemed acceptable, an Instrument, device,
13 procedure, location or training that is not in conflict with these regulations.
- 14 d. Bloodborne Pathogens Exposure Control Training: A course of study
15 covering the transmission, epidemiology and symptoms of bloodborne
16 pathogens, including aseptic technique, and the means of reducing risk
17 through personal protective equipment, vaccination and Standard
18 Precautions.
- 19 e. Body Art: means Body Piercing, Branding, Permanent Cosmetic and/or
20 Tattooing.
- 21 f. Body Art Facility: means a place of business, whether operated for profit or
22 not, upon the premises of which Body Art procedures are performed.
- 23 g. Body Piercing: means to insert a needle or object into a human being to
24 create a permanent hole for the insertion of jewelry or other decorations.
25 This includes, but is not limited to, piercing of the ear (other than Ear Lobe
26 Piercing), lip, tongue, nose, eyebrow, genitalia, buttocks or breasts.
- 27 h. Branding: means the process in which a mark or marks are burned into
28 human skin tissue with a hot iron or other Instrument, with the intention of

1 leaving a permanent scar.

2 i. Client: means any individual who receives a tattoo, Body Piercing or
3 application of Permanent Cosmetic.

4 j. Cross-contamination: means transfer of micro-organisms from surfaces or
5 equipment to previously sterilized or sanitized surfaces or equipment.

6 k. Department: means the County of Riverside Department of Environmental
7 Health.

8 l. Director: means the Director of the Department of Environmental Health or
9 his/her authorized designee.

10 m. Disinfectant: means a product that is approved by the U.S. Environmental
11 Protection Agency to reduce or eliminate the presence of disease causing
12 microorganisms (i.e. fungicidal, bactericidal, virocidal).

13 n. Ear Lobe Piercing: means the lowest part of the auricle; it consists of fat
14 and fibrous tissue not reinforced by the auricular cartilage.

15 o. Enforcement Officer: means the Director of the Department of
16 Environmental Health and his or her designees.

17 p. Exposure Control Plan: An Approved written action plan in a Policies and
18 Procedures Manual, that specifies precautionary measures taken to manage
19 and minimize potential exposure to blood-borne pathogens in the workplace
20 and steps to maintain a sterile work environment.

21 q. Germicidal: means an agent that kills germs, especially pathogenic
22 microorganisms.

23 r. Gloves: means personal protective barriers for the hands and fingers, tight
24 fitting and made from a non-permeable material, such as latex, nitrile rubber
25 or vinyl.

26 s. Hand Washing: means compliance with the following process:

27 i. Wet hands with warm potable running water that is at least 105°
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1 Fahrenheit.

2 ii. Apply soap (antimicrobial liquid soap in a pump) and thoroughly
3 distribute over hands.

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5 iii. Rub hands together vigorously for at least 20 seconds covering all
6 surfaces of the hands and fingers, paying special attention to the
7 thumbs, back of the hands and beneath the fingernails.

8 iv. Rinse hands thoroughly to remove residual soap.

9 v. Dry hands with single-use, disposable paper towels or warm air
10 dryer. When using paper towels the holders must dispense them
11 singly.

12 vi. Use the towel to turn off the taps or use elbow/foot operated taps.

13 t. Instrument: means any Tattooing, Body Piercing or Permanent Cosmetics
14 application equipment or device that comes into contact with intact skin,
15 non-intact skin, or mucosal surfaces. Such equipment includes, but is not
16 limited to needles, needle bars, needle tubes, forceps, hemostats, tweezers,
17 razors, razor blades, or other tools and devices used to insert pigment or
18 pierce the skin or mucosa of the human body.

19 u. Owner: means any of the following:

20 i. The owner of a facility where the business of Body Art is
21 performed.

22 ii. A person providing a Body Art Facility where they or others
23 perform Body Art.

24 iii. A person who employs Practitioners to perform Body Art, or any
25 other activity regulated by this Ordinance.

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

8 w. Permit: means written approval from the Department for an Owner to
9 operate an establishment where Body Art is performed. Approval is given
10 in accordance with the standards in this Ordinance, and shall include a
11 thumbprint verification through Livescan to confirm that the applicant is not
12 a registered sex offender (as defined under California Penal Code Section
13 290). This Permit is separate from and in addition to any other licensing
14 requirements that may exist within the local jurisdiction or under state or
15 federal law. This Permit shall be posted in a conspicuous place for patrons
16 to see within the Body Art Facility.

17 x. Piercing Gun: means a hand held tool that shall be used exclusively for
18 piercing the lower ear lobe, into which single use pre-sterilized studs and
19 clutches are loaded into the gun without the need to handle with bare hands,
20 and placed and inserted into the ear lobe by a hand squeezed or spring
21 loaded action to create a permanent hole.

22 y. Practitioner: means a person who is required to be registered with the
23 Department as required by the Health and Safety Code Section 119303 to
24 perform Body Art procedures.

25 z. Registration: means a one-time application and appropriate (annual) fee
26 paid by a Practitioner to the Department as required by Health and Safety
27 Code Section 119303 to perform Body Art, as defined by this Ordinance.
28 Approval is given in accordance with the standards in this Ordinance; the

1 registration shall include a thumbprint verification through Livescan to
2 confirm that the applicant is not a registered sex offender (as defined under
3 California Penal Code Section 290).

4 aa. Sanitization: means a cleaning process that greatly reduces the number of
5 microorganisms through the use of chemical or heat, see also
6 "Disinfectant."

7 bb. Sharps Container: means a rigid puncture-resistant container that, when
8 sealed, is leak resistant and cannot be readily opened.

9 cc. Sterilization: means the complete destruction of all microbial life forms
10 including spores.

11 dd. Standard Precautions: The minimum infection prevention practices that
12 apply to all client care, regardless of suspected or confirmed infection status
13 of the client. These practices are designed to protect both the practitioner
14 and prevent the practitioner from spreading infection among clients.

15 Standard Precautions include: 1) hand hygiene 2) use of personal protective
16 equipment (e.g. gloves, gowns, masks) 3) safe sharps handling/ disposal
17 practices 4) safe handling of potentially contaminated equipment or surfaces
18 in the client environment, and 5) respiratory hygiene/ cough etiquette.

19 Standard Precautions apply to 1) blood 2) all body fluids, secretions, and
20 excretions except sweat, regardless of whether or not they contain blood 3)
21 nonintact skin, and 4) mucous membranes. The precautions are designed to
22 reduce the risk of transmission of microorganisms from both recognized
23 and unrecognized sources of infection.

24 ee. Temporary Facility: means a fixed location issued a Permit by the
25 Department and for a period not exceeding fourteen (14) days, where Body
26 Art is performed.

27 ff. Tattooing: means to pierce or puncture the human skin with a needle or
28 other Instrument for the purpose of inserting indelible pigment under the

1 surface of the skin. Tattooing does not include the removal of tattoos, nor
2 the practice of Branding, cutting, scarification, skin braiding, or mutilation
3 of any part of the body such as permanent subcutaneous implants.

4 Section 6. PROHIBITIONS.

- 5 a. No person shall own or operate a Body Art Facility in Riverside County,
6 California, without having first obtained a Permit from the Department in
7 accordance with the procedures set forth herein.
- 8 b. No Permit or Registration shall be issued unless it is in accordance with all
9 the provisions of this Ordinance, state or federal law, or regulation. Any
10 Permit or Registration issued contrary to the provisions of this Ordinance,
11 State or Federal law, or regulation shall be void and of no effect.
- 12 c. No Permit issued pursuant to this Ordinance shall be construed as
13 authorizing the conduct of or continuance of any occupation, use or activity
14 of any kind which is prohibited by County ordinance, State or Federal law
15 or regulation.
- 16 d. No Practitioner shall perform Body Art services outside of a Department
17 permitted Body Art Facility.
- 18 f. No person shall operate a Body Art Facility (in the unincorporated area of
19 Riverside County) without the approval of the Riverside County Planning
20 Department.
- 21 g. No person shall perform or offer to perform a Tattoo/ Permanent Cosmetic
22 procedure on a person under the age of 18 years, pursuant to Penal Code
23 Section 653, as amended from time to time.
- 24 h. No person shall perform or offer to perform a Body Piercing procedure on a
25 person under the age of 18 years unless the piercing is performed in the
26 presence of, or as directed by a notarized writing by, the person's parent or
27 guardian, pursuant to Penal Code Section 652, as amended from time to
28 time.

- 1 i. No person shall perform Body Art without having a valid Registration
2 issued by the Department.
- 3 j. No person who is a registered sex offender, as defined under California
4 Penal Code Section 290, shall be allowed to own or operate a Body Art
5 Facility and/or perform Body Art as a Practitioner.
- 6 k. No person shall own or operate a Body Art Facility located within 1250 feet
7 of a park, school or other such locations where minors routinely congregate.
8 This section shall not apply to Body Art Facilities in operation prior to the
9 effective date of this Ordinance.

10 Section 7. FACILITY OWNERS RESPONSIBILITIES AND REQUIREMENTS.

- 11 a. Prior to performing or allowing any other person to perform a Body Art
12 procedure, a person who owns, controls, operates or intends to own, control
13 or operate a Body Art Facility shall apply for a Permit to operate the
14 facility. The Department shall grant such person a Permit to operate a Body
15 Art Facility, which shall be valid for a period of one year from the date of
16 Permit approval, upon the submission of the following information and/or
17 documentation:
- 18 b. A completed application form;
- 19 c. A thumbprint verification through Livescan to confirm that the applicant is
20 not a registered sex offender (Penal Code Section 290);
- 21 d. An acknowledgment that the applicant has obtained and reviewed a copy of
22 this Ordinance and commits to meet the requirements herein;
- 23 e. An acknowledgment that the applicant has reviewed and understood a copy
24 of the Department's informational bulletin regarding best practices;
- 25 f. An Exposure Control Plan, which includes aseptic procedures, and is to be
26 Approved by the Department;
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- i. 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 100% pre-sterilized disposable Instruments are used). The Body Art Facility Owner shall not be required to have a U.S. Food and Drug Administration approved autoclave or sterilizer if only 100% pre-packaged, presterilized, single use needles, needle tips, casings and combo couplers are used.
- ii. The location where registered Practitioners are to perform Body Art procedures, which shall not be within 1250 feet of a park, school or other such locations where minors routinely congregate. This section shall not apply to Body Art Facilities in operation prior to the effective date of this Ordinance;
- iii. Such other information as the Department determines is necessary and directly related to the Ordinance provisions preventing the spread of infectious diseases; and
- iv. A nonrefundable Body Art Facility annual Permit fee, as set forth in Section 10 of this Ordinance.
- g. 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.
- h. The Permit is not transferable.
- i. Any person applying for a Permit shall be at least 18 years of age.
- j. A Body Art Facility Owner shall comply with the following:
 - i. Maintain a valid Permit.
 - ii. Prominently display the Permit in a location visible from the front

1 entrance of the Body Art Facility.

2 iii. Require and ensure that all Practitioners within the facility maintain
3 a current Registration issued by the Department and are in
4 compliance with all health, safety, Sanitization and Sterilization
5 standards of this Ordinance. The Practitioner must also follow the
6 Exposure Control Plan, including the use of aseptic techniques.
7 Owners shall require Practitioners to post their certificates of
8 Registration, in plain view, at their work stations.

9 iv. Maintain a copy of the most recent facility inspection and provide it
10 to a potential Client upon request. Post a public notice notifying
11 anyone of this option.

12 v. Allow a representative from the Department, after proper
13 identification, to enter during business hours at anytime during the
14 licensure period and access all parts of any Body Art Facility,
15 including temporary and/or mobile facilities, to inspect and re-
16 inspect, as necessary, for enforcement of the provisions in this
17 Ordinance. No person shall interfere with the Enforcement Officer
18 in the performance of their duties, or refuse to permit the
19 Enforcement Officer to perform inspections pursuant to this
20 Ordinance or other applicable law. Willful refusal on the part of the
21 facility Owner to allow such inspection shall be grounds for denial
22 of an application for a Permit or for suspension or revocation of
23 such Permit.

24 vi. Maintain a current list of Practitioners providing Body Art at the
25 facility for review by the Enforcement Officer upon request.

26 vii. Notify the Department, in writing, within seven (7) days of a
27 Practitioner leaving or a new Practitioner beginning work at the
28 facility.

- 1 viii. Ensure that all Practitioners working at their facility have attended
2 an Approved Bloodborne Pathogens Exposure Control Training, as
3 specified in this Ordinance.
- 4 ix. Develop, maintain and ensure compliance with an Approved
5 Exposure Control Plan, including aseptic techniques, as specified in
6 this Ordinance. Maintain a copy to be made available to the
7 Enforcement Officer upon request.
- 8 x. Report within 72 hours of any accidental needle or device
9 penetration of the skin affecting the Practitioner, employee,
10 customer or any member of the public. The individual who received
11 the puncture shall be promptly notified of the need to be seen by a
12 physician for an evaluation.
- 13 xi. Notify the Department, in writing, within seven (7) days of when a
14 Body Art Facility undergoes a change of ownership or goes out of
15 business. The Registration and/or Permit are not transferrable.
- 16 i. The Body Art Facility shall be well ventilated and provided with an
17 artificial light source equivalent to at least twenty (20) foot candles. At least
18 fifty (50) foot candles lighting shall be provided at any location where the
19 Body Art procedure is performed.
- 20 j. All walls, ceilings and floors in the Body Art procedure area shall be made
21 of a smooth, nonabsorbent and nonporous material that is easily cleanable
22 and can be maintained in a sanitary manner at all times.
- 23 k. All hand sinks in the Body Art Facility shall have hot and cold running
24 water, and liquid soap and disposable paper towels, in permanently
25 mounted dispensers.
- 26 l. Adequate toilet facilities shall be provided. Hand Washing sinks with hot
27 and cold running water, liquid soap and disposable paper towels in
28 permanently mounted dispensers must be located in rooms with toilets or

1 toilet vestibules.

2 m. Adequate, cleanable, covered trash receptacles lined with plastic bags shall
3 be provided at each workstation for disposal of trash and contaminated
4 single use items. Receptacles at the workstations shall be emptied daily, at
5 minimum, and kept clean.

6 n. A Sharps Container, appropriately labeled with the words "Sharps Waste"
7 that is strong enough to protect the Practitioner, Clients and others from
8 accidental cuts or puncture wounds must be provided for disposal of sharp
9 objects that come in contact with blood and/or body fluids. A Sharps
10 Container must be provided at each workstation.

11 o. Sharps Containers shall be tightly closed and removed from service when
12 they reach $\frac{3}{4}$ capacity and replaced with a new container. Sharps
13 Containers shall be stored or mounted in such a manner that they are secure,
14 cannot easily tip over and are not easily accessible to Clients.

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

19 q. Tracking documents shall be maintained for three years on site for review at
20 time of inspection showing how any medical waste and sharps have been
21 disposed of.

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

28 s. An autoclave, registered and listed with the U.S. Food and Drug

1 Administration must be at the Body Art Facility at all times when not using
2 all 100% pre-packaged, pre-sterilized Instruments and equipment.
3 Sterilizers or autoclaves must be kept clean, in good working order, and
4 operated in a clean area. The autoclave shall have a monthly spore test
5 verified by a third-party independent laboratory; the records of the spore
6 tests shall be maintained on site for three years.

7 t. No animals of any kind shall be allowed in the procedure area except
8 service animals used by disabled individuals for assistance. Only the
9 Practitioner, authorized personnel and the Client are allowed in the
10 procedure area when Body Art procedure is performed, unless requested by
11 the Client.

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

16 v. The Body Art Facility shall be responsible for maintaining all Client related
17 documents properly for a period of at least 3 years readily available on-site
18 and kept secure to maintain confidentiality.

19 x. **STERILIZATION REQUIREMENTS.**

20 i. Instruments that pierce the skin, or touch non-intact skin or mucous
21 membranes that will be reused, shall be cleaned, packaged, and
22 sterilized, in a separate, designated sterilization area.

23 ii. Single use, packaged, sterilized equipment obtained from
24 commercial suppliers or manufacturers must contain a temperature
25 strip or sterilizer indicator listed with the U.S. Food and Drug
26 Administration. Single use items shall not be reused for any reason.

27 iii. Ultrasonic cleaners, if used, shall be operated according to
28 manufacturer instructions.

- 1 iv. If an ultrasonic cleaner is not available, Instruments shall be cleaned
2 and disinfected manually by scrubbing with a brush and a detergent
3 Disinfectant used according to manufacturer's instructions. Where
4 applicable, manufacturer's instructions for cleaning specific
5 Instruments shall be followed.
- 6 v. After cleaning, all Instruments used in the Body Art procedure shall
7 be packaged individually in paper peel-packs, heat-sealed plastic, or
8 other packaging (approved by the Department), then sterilized. All
9 packs must be marked with the date of Sterilization, and a sterilizer
10 indicator or internal temperature indicator must be used. Equipment
11 packed in peel-packs or heat sealed plastic will be considered sterile
12 for a maximum of six (6) months. If a paper-peel or heat-sealed
13 pack is torn or otherwise compromised, (or it has been more than six
14 months since Sterilization), the Instrument inside will be considered
15 non-sterile and must be repackaged and re-sterilized.
- 16 vi. Sterilizers or autoclaves shall be loaded and operated according to
17 manufacturer's directions. Manufacturer's directions and
18 specifications for sterilizer or autoclave shall be kept on site and
19 available for review upon request by the Enforcement Officer.
- 20 vii. Sterilization procedures shall be completed in a designated "clean"
21 area that is free of known contaminants such as dust, dirt, and
22 debris.
- 23 viii. All reusable Instruments used in the Body Art procedure must be
24 sterilized by a steam or chemical autoclave sterilizer registered and
25 listed with the U.S. Food and Drug Administration. Such
26 Instruments must be used, cleaned, and maintained according to the
27 manufacturer's instructions.
- 28 ix. All Sterilization equipment must be tested on a regular basis, as

1 specified below, for functionality and thorough Sterilization by use
2 of all of the following means:

- 3 1. Chemical indicators (color change), to ensure sufficient
4 temperature and proper functioning of equipment during the
5 Sterilization cycle, are required on all packaged Instruments
6 during each Sterilization cycle; and
7
8 2. A biological monitoring system (commercial preparation of
9 spores) to ensure all microorganisms have been destroyed
10 and Sterilization has been achieved. Each permittee of a
11 Body Art Facility shall demonstrate that the sterilizer or
12 autoclave is capable of attaining proper heat and pressure
13 through a monthly spore destruction tests. These tests shall
14 be verified by a third-party independent laboratory. Test
15 records shall be kept on site for three (3) years.

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

22 z. Sterilization equipment shall be maintained to meet the following
23 requirements:

- 24 i. Sterilization equipment shall be cleaned and maintained according
25 to manufacturer's instructions.
26 ii. Sterilization equipment shall be tested after the initial installation,
27 after any major repair, and at least monthly by using a commercial
28 biological monitoring system. Spore test results shall be made

1 available to the Enforcement Officer upon request.

2 iii. Biological indicator test records shall be kept on site for a period of
3 three years. A log of each Sterilization cycle shall include the
4 following information:

- 5 1. Date of load.
- 6 2. The contents of the load.
- 7 3. The exposure time and temperature.
- 8 4. The results of the chemical indicator.

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10 aa. EXPOSURE CONTROL PLAN. The Owner of every Body Art Facility
11 shall establish a written Exposure Control Plan in a Policies and Procedures
12 Manual, which includes aseptic techniques, that applies to all employees
13 practicing Body Art at the facility. The Exposure Control Plan must be
14 submitted for approval at the time of initial application for existing facilities
15 and for all new facilities. The Exposure Control Plan shall contain elements
16 identified by the Department. If changes are made to the Exposure Control
17 Plan, a revised copy must be provided to the Department for approval. A
18 copy of the Exposure Control Plan must be kept on site for review by the
19 Enforcement Officer at all times.

20 Section 8. BODY ART PRACTITIONERS RESPONSIBILITIES AND
21 REQUIREMENTS.

22 a. Before performing any Body Art procedure, a Practitioner shall register
23 with the Department, which shall be valid for a period of one year
24 beginning the effective date of the Registration, by submitting all of the
25 following:

- 26 i. completed Registration form, which includes the registrant's
27 business address and every address at which the registrant performs
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1 any Body Art activity (Registrations will only be Approved if
2 procedures are conducted within a permitted facility);

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

6 iii. An acknowledgment that Practitioner has reviewed and understood a
7 copy of the Department's informational bulletin regarding best
8 practices;

9 iv. A thumbprint verification through Livescan to confirm that the
10 applicant is not a registered sex offender (Penal Code Section 290)

11 v. Proof of completion of a Department approved Bloodborne
12 Pathogens Exposure Control Training Course that has been
13 completed within the last 2 years (and shall be renewed every 2
14 years);

15 vi. Proof of a Hepatitis B Vaccination (HBV) certification or
16 declination form;

17 vii. Such other information as the Department determines is necessary
18 and directly related to the Ordinance provisions preventing the
19 spread of infectious diseases; and

20 viii. A one-time Practitioner Registration fee and an annual inspection
21 fee, as set forth in Section 10 of this Ordinance.

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

25 c. Prior to commencing any Body Art procedure, the Practitioner shall discuss
26 with the Client all topics on the consent and Aftercare forms. The Client
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1 shall complete and sign the forms.

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

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

8 d. The Practitioner and Client shall not smoke, eat, drink or prepare food at the
9 workstation or in the procedure or Sterilization rooms at any time.

10 e. The Practitioner shall thoroughly wash hands, as defined under "Hand
11 Washing" in the definitions section of this Ordinance, before and after each
12 Client, to prevent Cross-contamination and/or transmission of body fluids,
13 infection or exposure to service related chemicals or wastes.

14 f. During a Tattoo or Permanent Cosmetics procedure the Practitioner shall
15 wear new, disposable examination Gloves for every Client. During a Body
16 Piercing Procedure the Practitioner shall be required to wear sterile gloves
17 at the point of puncturing the skin and inserting the jewelry into the pierced
18 area and may wear new disposable examination Gloves during all other
19 parts of the procedure. If a glove is torn or otherwise compromised,
20 becomes soiled, or comes in contact with any non-clean surface, object, or a
21 third person, the Practitioner must discard both Gloves and exchange them
22 for a new unused, and pair as required by this part.

23 g. The Practitioner shall use single-use, clean, disposable drapes, lap-cloths or
24 aprons for each Client. All drapes, lap cloths, and aprons shall be stored in a
25 closed cabinet or container. Used disposable items shall be placed into a
26 covered container lined with a plastic bag for disposal at the end of each day
27 or more frequently, if necessary.

28 h. Immediately before any Body Art procedure is begun, the procedure area,

1 including the Instrument tray, shall be wiped down with a germicide or
2 Disinfectant. If trays are wrapped or covered for the procedure, the material
3 shall be sanitary and for single use only. All used trays and/or covers shall
4 be discarded into a covered, lined trash receptacle.

5 i. All pre-sterilized Instruments or facility sterilized Instruments used in any
6 Body Art procedure shall be opened in front of the Client.

7 j. Tattoo machines shall be cleaned and sanitized after each procedure, and the
8 rubber bands and grommets shall be replaced between Clients, to prevent
9 Cross-contamination. This includes, but is not limited to, the frame, coils,
10 armature bar, front and back springs and clip cord. Bagging of machine and
11 clip cord does not exempt Practitioner from cleaning and sanitizing
12 requirement between each procedure.

13 k. Before starting any procedure, and after shaving, if required, the
14 Practitioner shall clean any area with Germicidal soap, Antiseptic or
15 appropriate cleanser that has been applied with a single use applicator that
16 is discarded after use. The area shall be kept clean during and after the
17 procedure to prevent Cross-contamination. If shaving is necessary, a new
18 single-use disposable razor shall be used for each procedure.

19 l. Substances applied to the Client's skin to transfer designs from a stencil or
20 paper shall be dispensed in a manner that prevents contamination of the
21 unused portion. Use of a spray bottle to apply liquid to the skin is
22 acceptable. All creams and other semi-solid substances shall be removed
23 from containers with a clean, sterile spatula. Only spatulas made from a
24 durable, non-absorbent material that can be effectively sterilized may be
25 used again; otherwise, only single use disposable spatulas may be used.
26 Spatulas made of wood must be discarded after use. Single use tubes and
27 containers shall be discarded after completion of the Body Art procedure.

28 m. All dyes and pigments used in tattoo or Permanent Cosmetic procedures

1 must be obtained from a commercial manufacturer specifically for use in
2 Body Art.

3 n. Individual portions of dyes or pigments shall be placed in a clean single-use
4 cup for each Client. Any remaining unused dye or pigment shall be
5 discarded immediately upon completion of the procedure.

6 o. Single use items shall not be reused for any reason. Tattoo or Permanent
7 Cosmetics needles shall not be reused. After use, all needles, and other
8 sharps shall be immediately disposed of in an Approved Sharps Container.

9 p. Branding shall not be done with another Client (or any other person) in the
10 procedure area. During the procedure, the Practitioner and the Client shall
11 wear appropriate protective face filter masks.

12 q. When performing an initial piercing of the skin, only jewelry made of
13 ASTM F138, ISO 5832-1 or AISI 316 LVM implant grade stainless steel,
14 solid 14K through 18K yellow or white gold, niobium, ASTM F136 6A4V
15 titanium, platinum or other materials found to be equally bio-compatible
16 shall be used.

17 r. Upon completion of any Body Art procedure, Aftercare instructions shall be
18 reviewed with the Client. Aftercare instructions shall consist of verbal and
19 written instructions concerning proper care of the affected skin area.
20 Instructions shall specify:

- 21 i. Responsibilities and care following the Body Art procedure(s).
- 22 ii. Possible side effects specific to the type of procedure(s).
- 23 iii. Physical restrictions with an activity time line.
- 24 iv. Signs and symptoms of local or general infection.
- 25 v. Instructions to call a physician if any of the addressed signs and
26 symptoms occur or for any other health concern related to the Body
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1 Art procedure.

2 s. Any person applying for a Practitioner Registration shall be at least 18 years
3 of age.

4 t. A Practitioner shall comply with the following:

5 i. Maintain Registration with the Department and perform Body Art
6 procedures only in permitted Body Art Facilities.

7 ii. Notify the Department in writing within seven (7) days, on a form
8 approved by the Department, whenever there is a change in work
9 location or change of mailing address.

10 iii. Display their Registration prominently at their work stations, which
11 shall not be altered or defaced.

12 iv. Maintain a copy of the most recent Practitioner inspection and
13 provide it to a potential Client upon request.

14 v. Maintain all required documentation on site so as to be available for
15 review at time of inspection, including: (1) an Approved Bloodborne
16 Pathogens Exposure Control Training within the last 24 months, and
17 (2) a Hepatitis B Vaccination (HBV) certification or declination
18 form.

19 vi. Practitioners shall only perform Tattooing, Body Piercing and
20 Permanent Cosmetics as defined in this Ordinance.

21 vii. Provide Aftercare and consent form to all Clients.

22 viii. Notify the Department within 48 hours of any Body Art procedure
23 performed that required medical attention.

24 u. Bloodborne Pathogens Exposure Control Training Requirements.

25 i. All Practitioners shall receive Bloodborne Pathogens Exposure
26 Control training, which shall include aseptic techniques, that is
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1 specific to their respective Body Art practices.

2 ii. Training shall be completed within 90 days of the effective date of
3 these regulations and thereafter must be updated every 2 years.
4 Additional training shall be given when changes such as procedure
5 modifications or development of new procedures affect the
6 Practitioner or Client's exposure. Additional training may be limited
7 to addressing the new exposures created and documentation of
8 notification to staff.

9 iii. The person conducting the training shall be knowledgeable
10 regarding Standard Precautions and exposure minimization
11 principles as they relate to the procedures conducted in a Body Art
12 Facility.

13 iv. The training program shall contain elements as outlined by
14 the Department.

15 v. A Department approved placard shall be posted in a location
16 visible to entering customers stating the facility has "Passed"
17 inspection and that a copy of the inspection results are available
18 upon request. The Department shall make the inspection results
19 available on its website.

20 Section 9. REQUIREMENTS FOR PERMANENT COSMETICS. In addition to

21 the other requirements described in this Ordinance, the Permanent Cosmetics Practitioner shall abide by
22 the following:

23 a. The Permanent Cosmetic Practitioner shall not be required to have a U.S.
24 Food and Drug Administration approved autoclave or sterilizer if only
25 100% pre-packaged, presterilized, single-use needles, needle tips, casings
26 and combo couplers are used.

27 b. If a manual device is used, it shall be single use and disposable. The device
28 shall be pre-packaged and pre-sterilized before use and discarded into a

1 Sharps Container at the end of each procedure.

- 2 c. Only rotary pens (also called cosmetic machines) that are engineered to
3 prevent Cross-contamination through the use of detachable, disposable or
4 autoclavable components shall be use. Use of rotary pens that use a sponge
5 at the opening of the chamber to stop the pigment or body fluids from
6 getting into the machine, or, are designed in a manner that does not allow
7 proper cleaning and sterilizing are prohibited.

8 Section 10. REQUIREMENTS FOR TEMPORARY BODY ART EVENTS.

- 9 a. Permit applications for the Temporary Facility shall be submitted for review
10 to the Department, at least 30 days prior to the event. Application must be
11 made on forms approved by the Department, which shall include a list of all
12 Practitioners participating in the event.
- 13 b. All Practitioners participating in the temporary event shall have a valid
14 Registration from the Department.
- 15 c. Provide a means for sterilizing all reusable equipment at the event. At a
16 multi-vendor event, an event coordinator shall provide the Department with
17 a schematic of the booths and the designated sterilization area. This should
18 include a proposed ratio of vendors to autoclaves/sterilizers for Department
19 approval.
- 20 d. All activities shall follow Standard Precautions as stated in this Ordinance.
- 21 e. The following criteria pertain to Temporary Facility Permits:
- 22 i. Temporary Facility Permits expire 14 days from the date the event
23 begins or upon conclusion of the event, whichever comes first,
24 unless additional time has been granted by the Department in
25 writing.
- 26 ii. Temporary Facility Permits shall not be transferable from one place
27 to another or from one person to another.
- 28

- 1 iii. Temporary Facility Permits shall be posted in a prominent and
- 2 conspicuous place so as to be readily observed by Clients.
- 3
- 4 iv. A Temporary Facility Permit fee, as set forth in Section 10 of this
- 5 Ordinance.
- 6 f. All temporary facilities applying for Temporary Facility Permits must be
- 7 inspected prior to being issued a Permit to ensure compliance of all
- 8 requirements regarding effective exposure control and proper Sterilization
- 9 and Sanitization. This includes a working sink with warm running water,
- 10 liquid soap and single use paper towels.
- 11 g. All sharps waste shall be stored, transported and disposed of in an
- 12 Approved manner.
- 13 h. All parameters and exceptions specified in the Body Art Facility
- 14 requirements in this Ordinance apply.

15 Section 11. FEES. The fees for Body Art related permits, inspections, and other
16 related fees are as set forth below. All fees shall be incorporated into Riverside County Ordinance No. 640.

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

23 Section 12. PERMIT OR REGISTRATION REVOCATION OR SUSPENSION.

- 24 a. The Department may revoke or suspend a Permit and/or Practitioner
- 25 Registration upon a finding that:
- 26 i. The permittee or Practitioner has violated any of the conditions or
- 27 requirements of the Permit or Registration or the provisions of this
- 28 Ordinance, statutes, rules or regulations pertaining to the Permit or

1 Registration;

- 2 ii. The Permit or Registration was issued in error;
- 3
- 4 iii. The Permit or Registration was issued on the basis of incorrect
- 5 information supplied by the permittee or Practitioner;
- 6 iv. Written notice of the violation has been sent to the permittee or
- 7 Practitioner by first class mail, and the permittee or Practitioner has
- 8 failed or neglected to correct the violation within the required time
- 9 frame; or
- 10 v. Gross incompetence is observed at the Body Art Facility.
- 11 vi. The permittee or facility operator has been convicted of a crime and
- 12 is now a registered sex offender (Penal Code Section 290).

13 b. Hearing. A Permit or Practitioner Registration may be revoked or

14 suspended by the Department, as provided for herein, after the permittee or

15 Practitioner is afforded a pre-deprivation opportunity for a hearing pursuant

16 to subsection B.(i), below. Notwithstanding the foregoing, a Permit or

17 Registration may be summarily revoked or suspended, and the permittee or

18 other person who owns, controls or operates a Body Art Facility may be

19 ordered to immediately stop operations of the Body Art Facility, in whole or

20 in part, in the event that the Department determines that exigent

21 circumstances exist which demonstrate an immediate threat to the public

22 health, safety, or welfare. Upon a determination that exigent circumstances

23 exist, a permittee or Practitioner shall be sent a written notice, and shall be

24 alternatively afforded a post-deprivation opportunity for a hearing pursuant

25 to subsection B.(ii), of this Section.

- 26 i. Pre-Deprivation Hearing. Any person whose application for a
- 27 Permit or Registration has been denied or whose Permit or
- 28

1 Registration faces revocation or suspension after having first been
2 sent a written notice of violation pursuant to this Ordinance, shall be
3 entitled to request a predeprivation hearing. The person shall file
4 with the Department a written petition requesting the hearing and
5 setting forth a brief statement of the grounds for the request within
6 fifteen (15) days from the date the written notice of violation or
7 application denial was mailed. The requested hearing shall be
8 provided within fifteen (15) business days of the written request.
9 The failure to timely submit a written request for a hearing shall be
10 deemed a waiver of the right to such hearing, and shall result in the
11 denial of the application or revocation or suspension of the Permit or
12 Registration and be considered the final determination of the
13 Department.

14 ii. Post-Deprivation Hearing. Any person whose Permit or Registration
15 has been summarily revoked or suspended shall be entitled to
16 request a post-deprivation hearing. The person shall file with the
17 Department a written petition requesting the hearing and setting
18 forth a brief statement of the grounds for the request within fifteen
19 (15) days from the date the written notice was mailed. The requested
20 hearing shall be provided to any permittee or Practitioner within 15
21 business days of the written request. The failure to timely submit a
22 written request for a hearing shall be deemed a waiver of the right to
23 such hearing, and shall result in the revocation or suspension of the
24 Permit or Registration and be considered the final determination of
25 the Department.

26 c. Hearing Procedure. The hearing officer shall be a Department Supervising
27 Environmental Health Specialist or his or her designee. The hearing officer
28 shall not be the investigating Department representative who issued the

1 notice of violation or denial of the application, or their immediate
2 supervisor or subordinate. The hearing shall be set for a date within fifteen
3 (15) business days from the date the written request is received by the
4 Department unless extended at the request of the petitioner. At the time and
5 place set for the hearing, the hearing officer shall give the petitioner and
6 other interested persons adequate opportunity to present any facts pertinent
7 to the matter at hand. The hearing officer may, when deemed necessary,
8 continue any hearing by setting a new time and place and by giving notice
9 to the petitioner of such action. The hearing officer shall make a finding,
10 and may sustain, modify or rescind any official notice or order considered at
11 the hearing. A written report of the hearing officer's final determination
12 shall be forwarded to the applicant, permittee or Practitioner, by the
13 Department, within ten (10) business days after the hearing, by postage
14 prepaid, certified mail.

- 15 d. Appeal. Any applicant, permittee, or Practitioner, who has received a final
16 decision revoking, suspending or denying a Permit or Registration may seek
17 immediate judicial review pursuant to California Code of Civil Procedure
18 Sections 1085 or 1094.5; such proceedings shall be conducted in
19 accordance with California Code of Civil Procedure Section 1094.8, as may
20 be amended from time to time.

21 Section 13. VIOLATIONS.

- 22 a. Any person violating any provision of this Ordinance shall be deemed
23 guilty of an infraction as hereinafter specified. Such person shall be deemed
24 guilty of a separate offense for each and every day or portion thereof during
25 which any violation of the provisions of this Ordinance is committed,
26 continued or permitted. Any person convicted of a violation of this
27 Ordinance shall be guilty of an infraction and punishable by: (1) a fine not
28 exceeding \$100.00 for a first violation; (2) a fine not exceeding \$200.00 for

1 a second violation on the same site within the same year; and (3) A fine not
2 exceeding \$500.00 for each additional violation on the same site within the
3 same year.

4 b. Notwithstanding the above, a first offense (or any subsequent offense
5 thereafter) may be charged and prosecuted as a misdemeanor. Every
6 offense declared to be a misdemeanor is punishable by a fine not exceeding
7 \$1,000.00, or six months of jail, or both.

8 c. Payment of any penalty herein shall not relieve any person from the
9 responsibility of correcting the violation.

10 d. In addition, any violation of this Ordinance is hereby declared to be a public
11 nuisance and may be abated by the Director irrespective of any other
12 remedy hereinabove provided.

13 Section 14. ADMINISTRATIVE CITATIONS AND PENALTIES. In addition to
14 the remedies and penalties contained in this Ordinance, and in accordance with Government Code Section
15 53069.4, an administrative citation may be issued for any violation of this Ordinance. The following
16 procedures shall govern the imposition, enforcement, collection and administrative review of
17 administrative citations and penalties.

18 a. Notice of Violation. If the violation is not corrected within the period stated
19 in the notice of violation, or if the violation creates an immediate danger to
20 health or safety, an administrative citation may be issued by the
21 Enforcement Officer. The notice of violation shall specify the manner in
22 which the conditions of the Body Art Facility or the actions of the
23 Practitioner violate the provisions of this Ordinance and the corrective
24 actions required to correct the condition or conduct. The notice shall also
25 state that failure to come into compliance with this Ordinance could subject
26 the permittee, Practitioner, or other person who owns, controls or operates a
27 Body Art Facility to civil, administrative and criminal penalties. The failure
28 of the notice to set forth all required contents shall not affect the validity of

1 the proceedings.

2 b. Content of Citation. The administrative citation shall be issued on a form
3 approved by County Counsel and shall contain the information listed below.
4 The failure of the citation to set forth all required contents shall not affect
5 the validity of the proceedings.

- 6 i. Date, location and approximate time the violation was observed.
- 7
- 8 ii. The Ordinance section violated and a brief description of the
9 violation.
- 10 iii. The amount of the administrative penalty imposed for the violation.
- 11 iv. Instructions for the payment of the penalty, the time period by which
12 it shall be paid, and the consequences of failure to pay the penalty
13 within this time period.
- 14 v. Instructions on how to appeal the citation.
- 15
- 16 vi. The signature of the Enforcement Officer.

17 c. Service of Citation.

18 i. If the permittee, Practitioner, or other person who has violated the
19 Ordinance is present at the scene of the violation, the Enforcement
20 Officer shall attempt to obtain their signature on the administrative
21 citation and shall deliver a copy of the administrative citation to
22 them.

23 ii. If the permittee, Practitioner, or other person who has violated the
24 Ordinance is a business, and the business owner is on the premises,
25 the Enforcement Officer shall attempt to deliver the administrative
26 citation to them. If the Enforcement Officer is unable to serve the
27 business owner on the premises, the administrative citation may be
28 left with the manager or employee of the business. If left with the

1 manager or employee of the business, a copy of the administrative
2 citation shall also be mailed to the business owner by certified mail,
3 return receipt requested.

4
5 iii. If no one can be located at the property, then the administrative
6 citation shall be posted in a conspicuous place on or near the
7 property and a copy mailed by certified mail, return receipt
8 requested to the Owner, permittee, Practitioner, or other person who
9 has violated the Ordinance. The citation shall be mailed to the
10 property address and/or the address listed for the Owner on the last
11 County Equalized Assessment Roll.

12 iv. The failure of any interested person to receive the citation shall not
13 affect the validity of the proceedings.

14 d. Administrative Penalties.

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

17 a) \$100.00 for a first violation;

18 b) \$200.00 for a second violation of the same Ordinance within
19 one year; and

20 c) \$500.00 for each additional violation of the same Ordinance
21 within one year.

22 ii. Notwithstanding the penalty scheme outlined above, a Practitioner
23 who fails to register with the Department or who violates any
24 sterilization, sanitation, and safety standards adopted under Health
25 and Safety Code Section 119301, shall be subject to a civil penalty
26 of five hundred dollars (\$500) per violation (California Health &
27 Safety Code Section 119306).
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1 iii. If the violation is not corrected, additional administrative citations
2 may be issued for the same violation. The amount of the penalty
3 shall increase at the rate specified above.

4 iv. Payment of the penalty shall not excuse the failure to correct the
5 violation nor shall it bar further enforcement action.

6 v. The penalties assessed shall be payable to the County of Riverside.

7 e. Administrative Appeal.

8 i. Notice of Appeal. The recipient of an administrative citation may
9 appeal the citation by filing a written notice of appeal with the
10 Department. The written notice of appeal must be filed within
11 twenty (20) days of the service of the administrative citation. Failure
12 to file a written notice of appeal within this time period shall
13 constitute a waiver of the right to appeal the administrative citation.

14 The notice of appeal shall contain the following information:

15 a) A brief statement setting forth the appellant's interest in the
16 proceedings;

17 b) A brief statement of the material facts which the appellant
18 claims supports his/her contention that no administrative
19 penalty should be imposed or that an administrative penalty
20 of a different amount is warranted;

21 c) An address at which the appellant agrees notice of any
22 additional proceeding or an order relating to the imposition
23 of the administrative penalty may be received by mail.

24 d) The notice of appeal must be signed by the appellant.

25 ii. Administrative Hearing. Upon a timely written request by the
26 recipient of the administrative citation, an administrative hearing
27 shall be held as follows:
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- a) Notice of Hearing. Notice of the administrative hearing shall be given at least ten (10) days before the hearing to the person requesting the hearing. The notice may be delivered to the person or may be mailed to the address listed in the notice of appeal.
- b) Hearing Officer. The administrative hearing shall be held before the Director. The hearing officer shall not be the Enforcement Officer who issued the administrative citation or their immediate supervisor or subordinate. The Director may contract with a qualified provider to conduct administrative hearings or to process administrative citations.
- c) Conduct of the Hearing. Except as may be required by the hearing officer, the Enforcement Officer who issued the administrative citation shall not participate in the administrative hearing. The contents of the Enforcement Officer's file in the case shall be admitted as prima facie evidence of the facts stated therein. The hearing officer shall not be limited by the technical rules of evidence. If the person requesting the appeal fails to appear at the administrative hearing, the hearing officer shall make his or her determination based on the information contained in the notice of appeal.
- d) Hearing Officer's Decision. The hearing officer's decision following the administrative hearing shall be delivered to the person requesting the hearing personally or sent by mail. The hearing officer may allow payment of the administrative penalty in installments, if the person provides evidence satisfactory to the hearing officer of an inability to pay the

1 penalty in full. The hearing officer's decision shall contain
2 instructions for obtaining review of the decision by the
3 superior court.

4 f. Review of Administrative Hearing Officer's Decision.

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

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

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

8 Section 15. CIVIL ACTIONS

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

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

1 Section 16. **COSTS AND DAMAGES.** Any person, whether acting as a principal,
2 agent, employee, Owner, lessor, lessee, tenant, occupant, operator or contractor, or otherwise, violating
3 any provisions of this Ordinance or the rules, regulations, orders, Permits or conditions of approval issued
4 thereunder, shall be liable to the County of Riverside for costs of abatement and any damages suffered by
5 the County, its agents and agencies, as a result of such violations.

6 Section 17. **RECOVERY OF ATTORNEYS' FEES IN NUISANCE ABATEMENT**
7 **CASES.** In any action, administrative proceeding, or special proceeding to abate a nuisance,
8 attorneys' fees may be recovered by the prevailing party. In no action, administrative proceeding, or
9 special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable
10 attorneys' fees incurred by the County in the action or proceeding.

11 Section 18. **REMEDIES AND PENALTIES.** All remedies and penalties provided
12 for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder
13 shall not relieve such person from the responsibility of correcting, removing or abating the violation, nor
14 prevent the enforced correction, removal or abatement thereof. Each and every day during any portion of
15 which any violation of this Ordinance or the rules, regulations, orders, Permits or conditions of approval
16 issued thereunder is committed, continued, or permitted by such person, shall be deemed a separate and
17 distinct offense.

18 Section 19. **SEVERABILITY.** If any provision, clause, sentence or paragraph of this
19 Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity
20 shall not affect the other provisions or applications of the provisions of this Ordinance which can be given
21 effect without the invalid provision or application, and to this end, the provisions of this Ordinance are
22 hereby declared to be severable.

23 Section 20. **SUNSET PROVISION.** In the event the State adopts statutes or
24 promulgates regulations on this subject matter which conflict with or are more comprehensive than this
25 Ordinance, and the intent of such statutes or regulations are to fully occupy the subject matter of this
26 Ordinance, this Ordinance shall then terminate on the effective date of such statutes or regulations.

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1 Section 21. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days
2 after its adoption.

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

By: _____
Chairman

ATTEST:
CLERK OF THE BOARD

By: _____
Deputy

(SEAL)

APPROVED AS TO FORM
_____, 2011

By: _____
JINNY R. YANG
Deputy County Counsel