



Mayor and City Council Regular Meeting

Thursday, October 05, 2023 at 7:00 PM

Dacula City Hall, Council Chambers

442 Harbins Rd. | P.O. Box 400 | Dacula, Georgia 30019 | (770) 963-7451

Agenda

CALL TO ORDER AND ROLL CALL OF MEMBERS:

INVOCATION:

PLEDGE OF ALLEGIANCE:

CONSENT AGENDA:

- [1.](#) Approval of the Minutes from the Regular Meeting on September 7, 2023.
- [2.](#) Ordinance to amend Chapter 13, Article III - Noise and delete Sec. 18-76 of the City Code
- [3.](#) Ordinance to amend Chapter 12, Article XVI - Body Art Studios and Body Artists
- [4.](#) Brookton Place Subdivision FFY-2024 LMIG Application

OLD BUSINESS:

NEW BUSINESS:

- [5.](#) **PUBLIC HEARING: 2023-CD-RZ-02;** Applicant: Fransisco Garcia, Owner: Fransisco Garcia requests rezoning from OI Office-Institutional District to C-3 Central Business District and Heavy Commercial District. The property is located in Land Lot 302A of the 5th District and contains 0.83 acres more or less.
- [6.](#) **Rezoning Application: 2023-CD-RZ-02;** Applicant: Fransisco Garcia, Owner: Fransisco Garcia requests rezoning from OI Office-Institutional District to C-3 Central Business District and Heavy Commercial District. The property is located in Land Lot 302A of the 5th District and contains 0.83 acres more or less.
- [7.](#) **PUBLIC HEARING:** Ordinance to amend Article VII and Article XVII of the Zoning Resolution
- [8.](#) Ordinance to amend Article VII and Article XVII of the Zoning Resolution
- [9.](#) **PUBLIC HEARING:** Ordinance to amend Article IV of the Development Regulations
- [10.](#) Ordinance to amend Article IV of the Development Regulations

STAFF COMMENTS:

MAYOR AND COUNCIL COMMENT(S):

- [11.](#) Submission of the FY-2024 Proposed Budget and FY-2023 Budget Adjustment to City Council and the citizens of Dacula.

PUBLIC COMMENTS:

EXECUTIVE SESSION: Personnel and real property matters

ADJOURNMENT:

CITY OF DACULA
442 Harbins Rd
P. O. Box 400
Dacula, GA, 30019

**COUNCIL MEETING
MINUTES
September 7, 2023**

I. CALL TO ORDER AND ROLL CALL OF MEMBERS:

Mayor Trey King called the September 7, 2023 meeting to order at 7:00 p.m. and a roll call of the members was taken. A quorum was present. He welcomed everyone to the meeting.

Council Members Present

Mayor Trey King
Councilmember Sean Williams
Councilmember Daniel Spain
Councilmember Ann Mitchell
Councilmember Denis W. Haynes, Jr.

City Staff Present

Jack Wilson, City Attorney
Brittini Nix, City Administrator
Courtney Mahady, Administrative Clerk
Stephen Mayer, Director of Finance
Hayes Taylor, City Planner
Dana Stump, Administrative Assistant for Planning & Zoning
Chris Parks, Public Works Director
Amy White, City Marshal

II. INVOCATION:

Marshal White gave the invocation.

III. PLEDGE OF ALLEGIANCE:

Mayor King led the Pledge of Allegiance.

IV. PUBLIC SERVICE DEDICATION:

1. Joyce Norman

Mayor King recognized Joyce Norman for service to the City of Dacula including 27 years of service as City employee and City Clerk.

Mayor King called for a motion to table item #6 to the October 5, 2023 meeting and to move item #10 to the new business.

Councilmember Spain motioned to approve tabling item #6 and moving item #10 to new business. Councilmember Haynes, Jr. seconded. Motion passed unanimously.

V. CONSENT AGENDA:

2. Approval of the Minutes from the Regular Council Meeting on August 3, 2023
3. Approval of the Minutes from the Third Millage Rate Public Hearing on August 3, 2023 at 6:30 p.m.
4. Approval of the Minutes from the Special Called Meeting on August 23, 2023 at 5:30 p.m.
5. Brookton Place road improvement design proposal
6. Ordinance to amend Chapter 13, Article III - Noise and delete Sec. 18-76 of the City Code
7. Ordinance to amend Chapter 10, Article VI - Post-Development Stormwater Management Ordinance for New Development and Redevelopment of the City Code
8. Ordinance to amend Chapter 20, Sec. 20-93 - Collection of Taxes of the City Code
9. Resolution to provide for credits for overpaid property taxes for 2023
10. Re-adoption of the Dacula Fee Schedule
11. Authorization to purchase trash cans and recycle cans
12. Authorization to purchase a chipper truck
13. Approval of employee health, dental, and vision benefits

Councilmember Williams motioned to approve the consent agenda with the exception of items # 6 and #10. Councilmembers Mitchell seconded. Motion passed unanimously.

VI. OLD BUSINESS:

14. Time lapse waiver request for Stanley Road (Ref: 2022-CD-COC-02)

Applicant Representative, Gabby Schaller, 1550 North Brown Rd., Suite 125, Lawrenceville, Georgia 30043, stated that the applicant intends to remove the multi-family portion of the previously submitted project and the new project will consist of industrial buildings only. Ms. Schaller, on behalf of the applicant, requests that the time lapse waiver request be approved.

Councilmember Williams motioned to approve the time lapse waiver request. Councilmember Spain seconded. Motion passed unanimously.

VII. NEW BUSINESS:

10. Re-adoption of the Dacula Fee Schedule

Mayor King called for a motion to adopt the Dacula Fee Schedule as provided with the following exceptions: remove the fireworks permit fee from the fee schedule and amend the 129-200 sq. ft. sign fee from \$125 to \$425.

Councilmember Haynes, Jr. motioned to adopt the Dacula Fee Schedule with the exceptions. Councilmember Mitchell seconded. Motion passed unanimously.

VIII. STAFF COMMENTS:

City Administrator, Brittini Nix announced that the City of Dacula will be having a Strategic Framework Workshop on Thursday, September 14, 2023 at 6:00 p.m. for Dacula's 2050 Comprehensive Plan Update.

IX. MAYOR AND COUNCIL COMMENT(S):

Councilmember Williams thanked the city staff for their continued hard work.

Mayor King thanked the family of Joyce Norman for being at the meeting.

X. PUBLIC COMMENTS:

None

XI. EXECUTIVE SESSION: Real property and potential litigation matters

Councilmember Spain motioned to exit regular session and enter into executive session. Councilmember Mitchell seconded. Motion passed unanimously. Regular session adjourned and executive session began for the purposes of real property acquisition and potential litigation matters at 7:15 p.m.

Councilmember Spain motioned to exit executive session and reconvene regular session. Councilmember Haynes, Jr. seconded. Motion passed unanimously. Regular session reconvened at 7:49 p.m.

City Attorney, Jack Wilson, reported there were no votes taken in executive session. The Council met to discuss real property acquisition and potential litigation matters as allowed by the Open Meetings Act.

XII. ADJOURNMENT:

Councilmember Haynes, Jr. motioned to adjourn. Councilmember Williams seconded. Motion passed unanimously. Meeting adjourned at 7:49 p.m.

Minutes approved

Date

Signature

TO: Mayor and City Council of the City of Dacula

FROM: Brittni Nix, City Administrator
Greg Chapel, Chief Marshal
Amy White, City Marshal

DATE: September 26, 2023

SUBJECT: Ordinance to amend Chapters 13 and 18 of the City Code

The Marshal's Department has received an increasing number of complaints concerning fireworks displays in residential areas within the City limits. Specifically, fireworks are being ignited continuously throughout the night and on multiple nights every week. The continual fireworks are causing distress to neighbors and their families.

The City currently does not have a mechanism in place to rectify the situation. Therefore, staff recommends amending Chapter 13, Article III - Noise by requiring a permit for fireworks display for days not protected by O.C.G.A. § 25-10-2. Requiring a permit will provide the City a means to regulate the frequency of fireworks displays and additional oversight to mitigate the nuisance to neighboring residences and businesses. Fireworks would still be permitted on the last Saturday and Sunday in May, July 3, July 4, the first Monday in September, December 31, and January 1 without a permit.

Staff recommends approving the provided Ordinance to amend Chapters 13 and 18 of the City Code and to amend the City of Dacula Fee Schedule to add a \$50 firework permit fee effective immediately. The public has been duly notified of the proposed amendment to the Noise Ordinance per the State's notification requirements.

AN ORDINANCE TO AMEND THE CITY OF DACULA NOISE ORDINANCE

WHEREAS, the City has adopted a comprehensive Noise Ordinance for the protection of the citizens; and

WHEREAS, changes in circumstances and State law and requests from citizens have prompted the City staff and elected officials to review the Noise Ordinance to update it as allowed by State law;

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens of the City of Dacula to amend the City Code to adopt by reference the Noise Ordinance as outlined herein; and

WHEREAS, the City has provided notice as required by O.C.G.A. Sec. 25-10-1 and conducted a public hearing on the aspects of this Ordinance Amendment as required by State law;

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DACULA HEREBY ORDAINS that Chapters 13 and 18 of the City Code are hereby amended as follows:

SECTION 1

Section 13-51 of the City Code is amended to add the following subsection (19):

Sec. 13-51 (19) Consumer Fireworks

Restrictions regarding noise produced by consumer fireworks. The use or ignition of consumer fireworks as defined in O.C.G.A. § 25-10-1 that willfully make, continue, or cause to be made or continued any excessive or unusually loud noise, except during the following dates and times:

- a. On January 1, the last Saturday and Sunday in May, July 3, July 4, the first Monday in September, December 25, and December 31 beginning at the time of 10:00 a.m. and up to and including the ending time of 11:59 p.m.; and
- b. On January 1 of each year beginning at the time of 12:00 midnight and up to and including the ending time of 1:00 a.m.
- c. It shall be unlawful for any person to possess, display, use, set off or attempt to ignite any consumer fireworks, firecrackers, and other pyrotechnics, unless in compliance with applicable State laws, the City Code, and after receipt of a written permit issued in advance of such use by the City Administrator or his/her designee. The fee for such permit shall be Fifty Dollars (\$50.00).

For the purposes of this section, the term "consumer fireworks" shall have the meaning set forth in O.C.G.A. § 25-10-1(a)(1), but such term shall not include those items excluded therefrom in O.C.G.A. § 25-10-1(b).

SECTION 2

The existing Sec. 18-76 is hereby deleted.

SECTION 3

The City Administrator, Assistant City Administrator, and Director of Planning and Economic Development are further authorized to correct typographical errors in the text of the existing Code of Ordinances and to produce and publish a final codified version of the City Code with the amendments and revisions outlined herein.

SECTION 4

In the event any Court of competent jurisdiction determines that any portion of the foregoing amendment is invalid, unconstitutional or otherwise illegal, such rulings shall not impair the validity of the rest and remainder of this amendment.

SECTION 5

All laws and parts of laws in conflict with this Ordinance are hereby repealed. All of the rest and remainder of Chapter 13 and Chapter 18, not specifically amended herein shall continue in full force and effect.

SECTION 6

This Ordinance and the amendment outlined herein shall be effective immediately upon adoption by the Mayor and City Council.

SO ORDAINED by the governing authority of the City of Dacula, this 5th day of October, 2023.

AYES: ____

NAYES: ____

ATTEST:

HUGH D. KING, III
MAYOR, CITY OF DACULA

BRITTNI NIX
CITY ADMINISTRATOR

TO: Mayor and City Council of the City of Dacula

FROM: Brittni Nix, City Administrator
Jack Wilson, City Attorney

DATE: September 20, 2023

SUBJECT: Ordinance to amend Chapter 12, Article XVI – Body Art Studios and Body Artists

The Georgia Department of Public Health (DPH) has instituted new health rules for body art locations, businesses and artists. The State rules will go into effect October 6, 2023 and the DPH has requested that all jurisdictions amend pertinent ordinances to prevent conflicting regulations. The local health authority, Gwinnett, Newton & Rockdale (GNR) Public Health Department, will assist transitioning new and existing studios and artists on the new policies and procedures.

The provided amendments to Chapter 12, Article XVI correspond with DPH and are intended to promote greater safety, accountability, and efficiency within the body art industry. The amendments create a more efficient application process, more complete sanitization standards, and more clearly define prohibited acts. Staff notes that the subject ordinance was last updated in 2006.

**AN ORDINANCE TO AMEND THE
CITY CODE OF ORDINANCES, CHAPTER 12, ARTICLE XVI
REGARDING BODY ART STUDIOS AND BODY ARTISTS**

WHEREAS, the City has reviewed its policies and procedures with respect to its Body Art Studios and Body Artists Ordinance adopted in 2006; and

WHEREAS, the some of the provisions of the current ordinance are outdated and should be updated and improved; and

WHEREAS, the Georgia Department of Public Health has recommended that the City amend its ordinance to adopt provisions to update the health and safety standards applicable to such uses and for related purposes; and

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens of the City of Dacula to amend the City Code to adopt by reference the 2023 Body Art Studios and Body Artists Ordinance as outlined herein;

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DACULA HEREBY ORDAINS that the existing Body Studios and Body Art Ordinance be deleted, and the new 2023 Body Art Studios and Body Artist Ordinance be adopted as follows:

SECTION 1

The existing City Code Sections 12-509 through 12-541 are deleted and the following Sections 12-509 through 12-557 Body Art Studios and Body Artist Ordinance are adopted in the form attached hereto as Exhibit “A” and incorporated herein by reference.

SECTION 2

The City Administrator, Assistant City Administrator, and Director of Planning and Economic Development are further authorized to correct typographical errors in the text, pagination and numbering of the new Ordinance and Code Sections and to produce and publish a final codified version of the City Code with the amendments and revisions outlined herein.

SECTION 3

In the event any Court of competent jurisdiction determines that any portion of the foregoing amendment is invalid, unconstitutional or otherwise illegal, such rulings shall not impair the validity of the rest and remainder of this amendment.

SECTION 4

All laws and parts of laws in conflict with this Ordinance are hereby repealed.

SECTION 5

This Ordinance and the amendments outlined herein shall be effective immediately upon their adoption by the Mayor and City Council.

SO ORDAINED by the governing authority of the City of Dacula, this _____ day of October, 2023.

AYES: ____

NAYES: ____

ATTEST:

HUGH D. KING, III
MAYOR, CITY OF DACULA

BRITTNI NIX,
CITY ADMINISTRATOR

Exhibit “A”

ARTICLE XVI. BODY ART STUDIOS AND BODY ARTISTS

Sec. 12-509. Authority.

The legal authority for this article is O.C.G.A. §§ 16-5-71, 16-5-71.1, 16-12-5, 31-3-4, 31-5-1 et seq. and 31-40-1 et seq.

Sec. 12-510. Purpose.

The purpose of this Article is to establish reasonable standards for individuals performing body art procedures and for the facilities in which those procedures are provided. If followed, such standards should ensure the health and safety of all individuals performing and receiving these services. They also provide for the permitting and regular inspection of studios wherein Body Art activities are to be performed and contain enforcement provisions including revocation of the certification of any person or permit of any studio deemed in violation of this Article.

Authority: O.C.G.A. § 31-40-1 et seq.

Sec. 12-511. Applicability.

- (1) These regulations do not apply to a physician or osteopath licensed under O.C.G.A. Chapter 34 of Title 43, or to a technician acting under the direct supervision of such licensed physician or osteopath.
- (2) Individuals who pierce only the lobe of the ear (and not the ear cartilage, nose or eyebrows, etc.) with a pre-sterilized single-use stud-and clasp ear piercing system are exempt from these regulations, provided that such ear-piercing systems conform to the manufacturer's directions on use and applicable FDA requirements.
- (3) The Department and the applicable Health Authority retain the authority to investigate consumer complaints and outbreaks relating to the alleged misuse or improper disinfection of ear-piercing systems.
- (4) These rules shall take effect six months after official posting by the Secretary of State.

Authority: O.C.G.A. §§ 31-40-1; 31-40-6.

Sec. 12-512. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Antibacterial solution means any solution used to retard the growth of bacteria which is approved for application to human skin and includes all products labeled accordingly as approved by FDA.

Antimicrobial solution means any solution capable of killing or used to retard the growth of microorganisms approved for application to human skin, and includes all products labeled accordingly, as approved by the FDA; when referring to antimicrobial mouthwash, only those approved for use may be allowed in the studio, such as hydrogen peroxide, alcohol-based solution and others commonly found in hospital or dental settings.

Antiseptic means an agent or substance that will destroy or inhibit the growth and development of infectious microorganisms on human skin or mucous membranes.

ASTM means the American Society for Testing Materials International.

Autoclave means an apparatus (chamber or cassette) for sterilization of equipment utilizing steam pressure at a specific temperature over a period of time per manufacturer's specifications. For the purposes of this Chapter, all chamber and cassette autoclaves shall be Class B, Class S, or other medical grade autoclave as specified by manufacturer for sterilization of body art equipment and jewelry.

Biohazard means any infectious agents or parts thereof presenting a real or potential risk to the wellbeing of human or other species, directly through infection or indirectly through disruption of the environment.

Biomedical waste means the following:

- (a) Pathological waste, which means all recognizable human tissues which are removed during procedures;
- (b) Biological waste, which means blood and blood products, exudates, secretions, suctioning, and other body fluids which contains free liquids and cannot be or are not directly discarded into a municipal sewer system. The term does not include materials, such as wipes or paper towels, containing small amounts of blood or body fluids that would not drip if the material were compressed;
- (c) Sharps, which means any discarded article that may cause punctures or cuts, such as needles and razor blades; and
- (d) Discarded equipment and parts, excluding expendable supplies and materials included in paragraphs (a) through (c) of this subsection, which have not been decontaminated, and which were in contact with infectious agents.

Blood means human blood, human blood components, and products made from human blood.

Bloodborne pathogens means pathogenic microorganisms present in human blood that can cause disease in humans. These pathogens include but are not limited to Hepatitis B virus (HBV), Hepatitis C Virus (HCV), and Human Immunodeficiency virus (HIV).

Board of health means the board of health or its duly authorized representatives.

Body art means a tattoo or piercing placed on the body of a person for aesthetic or cosmetic purposes. This definition does not include practices considered medical procedures by the Georgia Medical Composite Board, such as implants under the skin, which are prohibited unless such medical procedures are performed by a person licensed by the Georgia Medical Composite Board.

Body artist means any person who performs body art. Such term shall not include a physician or osteopath licensed with a certificate issued by the Georgia Department of Health, or a technician acting under the direct supervision of such licensed physician or osteopath.

Body artist certification means a certification issued by the Department to a specifically identified person who is qualified to engage in the practice of body art in accordance with these regulations and in conjunction with a permitted studio.

Body Art Advisory Committee means a committee that may be established by the Department to provide technical guidance on the practice of body art. If established, the committee shall be composed of one individual from the state environmental health program, one District Environmental Health Director, one County Environmental Health Specialist, one person with infection control training, and two members of the body art profession with current certification.

Body art studio means any permanent building, structure, or suite located in a planned commercial center on a permanent foundation, holding a valid City or county business permit or license, wherein a body artist performs body art, whether or not for profit.

Body Art Studio permit means Health Authority approval in writing authorizing the permit holder to operate a Body Art Studio for the purpose of engaging in the practice or business of body art procedures. Health Authority approval shall be granted solely for the practice of body art pursuant to these regulations, and the following types of Body Art Studio permits shall be issued: tattoo, body piercing, and microblading.

Body artist means any person who performs body art.

Body artist permit means the authorization granted by the board of health to the body artist to perform body art. Such permit is the property of the board of health.

Body piercing means puncturing or penetrating the skin or mucosa of a client for the purpose of inserting jewelry or other adornment into the body for non-medical purposes; body piercing includes ear piercing, except when ear piercing procedure is performed with a presterilized single-use stud and clasp ear-piercing system (Piercing Gun) conforming to the manufacturer's directions on use and applicable FDA requirements.

Cleaning/clean room means the area in a Body Art Studio used in the sterilization, sanitation or other cleaning of instruments or other equipment used for the practice of body art and shall be separated from any other area in the studio by means of doors, nonabsorbent curtains, or similar approved partition extending from floor to ceiling or a height of eight feet.

Client means an individual upon whom one or more body art procedures are to be performed.

Contaminated means the presence or the reasonably anticipated presence of blood, other potentially infectious materials, or potentially harmful chemicals on an item or surface.

Contaminated waste means any liquid or semi-liquid blood or other potentially infectious material; contaminated items that would release blood or other potentially infectious material in a liquid or semi-liquid state if compressed; items on which there is dried blood or other potentially infectious material, and which are capable of releasing these materials during handling; sharps and any wastes containing blood or other potentially infectious materials.

Convention means a large meeting of people who gather to talk about their shared work or other interests or to make decisions as a group or to perform body art procedures, such as an industry trade show.

Cosmetic tattoo means a tattoo, by someone other than a licensed physician, which includes but is not limited to microblading of the eyebrow, lips, and other parts of the body for beauty marks, hair imitation, or areola repigmentation. This term includes any procedures whether referred to as but not limited to, microderma pigmentation, micropigment implantation, micro-needling with the use of pigment or any other similar procedure and for the purpose of this Chapter has the same meaning as "tattoo."

Critical violation means a violation of this Chapter which poses a serious hazard to health and safety. Critical violations shall include but not limited to the following:

- (a) Autoclave does not meet minimum time, pressure, or temperature requirements, or written standard operation procedures are not established or approved by the Health Authority;
- (b) Lack of a negative spore test on a minimum frequency of every 40 hours of operation of the autoclave but not less than on a monthly basis;
- (c) Non-disposable tubes and needles are not sterilized, packaging has been compromised or contaminated, or expiration date has been exceeded;
- (d) Work area is not equipped as required or is not stocked;
- (e) Reuse of single use articles;
- (f) Sterile instruments are not properly handled to prevent contamination;
- (g) Body artists with exposed infectious lesions on hands and arms not restricted from body art procedures;
- (h) Body artists and employees not practicing proper cleanliness and good hygienic practices;
- (i) Water supply not approved, hot and cold running water under pressure not available, or written emergency procedure for water not established before or approved for a studio operating during an interruption of water;

- (j) Cross connection allowing back-siphonage present in plumbing system; (k) Hand washing facilities not available or accessible for body artists and employees;
- (l) Toxic items not properly stored, labeled, or used;
- (m) Prohibited procedures performed within the studio; and
- (n) Non-certified artist performing procedures.

Currently licensed health care professional includes, but is not limited to, licensed physicians, registered nurses (RN), licensed practical nurses (LPN), and licensed emergency medical technicians.

Decontamination means the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

Department means the Georgia Department of Public Health or its agents.

Disinfection means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

Easily cleanable means that surfaces are readily accessible and made of such materials and finish and so fabricated to be smooth and non-absorbent such that residue may be effectively removed by normal cleaning methods.

Ear piercing means the puncturing of the lobe of the ear with a pre-sterilized single-use stud-and clasp ear piercing system following manufacturer's instructions. Under no circumstance shall ear piercing studs and clasp be used anywhere on the body other than the lobe of the ear unless otherwise specified by the manufacturer.

EPA means the United States Environmental Protection Agency.

EPD means the Georgia Department of Natural Resources, Environmental Protection Division.

Equipment means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other items used in connection with the operation of a Body Art Studio.

FDA means the United States Food and Drug Administration.

Germicidal solution means any solution which destroys microorganisms and is so labeled.

Gloves means medical grade disposable single use gloves labeled for surgical or examination purposes. Vinyl gloves are not allowed to be used to perform body art procedures.

Guest body artist means a visiting body artist, tattooist, body piercer, or microblader, not certified by the Department possessing a guest body artist permit issued by the Health Authority to perform body art in a permitted Body Art Studio.

Guest body artist permit means a seven-day permit by the Health Authority which allows a person to practice body art as a tattoo artist, body piercer, or microblader, in accordance with this Chapter while under the direct supervision of a body artist holding a valid Body Artist Certification in the same category.

Handwash facilities means an installed sink/lavatory providing an adequate supply of potable hot and cold running water under pressure, through a mixing valve or combination faucet, used solely for washing hands, arms, or other portions of the body. The facility shall include a soap dispenser, soap, and single use disposable towels in a covered dispenser.

Handwashing sink means a lavatory or plumbing fixture especially placed for use in personal hygiene and designed for the washing of the hands in the facility, including an automatic handwashing facility.

Health Authority means the local County Board of Health.

Hot water means water that attains and maintains a minimum temperature of 100°F.

Imminent health hazard means any condition, deficiency, or practice which, if not corrected, is very likely to result in disease transmission, serious injury, or loss of life to any person. If an imminent health hazard exists because of an emergency such as a fire, flood, interruption of electrical or water service for two or more hours, sewage malfunction, misuse of poisonous or toxic materials, onset of an apparent bloodborne illness outbreak, serious injury, gross unsanitary occurrence or condition, or other circumstances that may endanger public health, then operations must be immediately discontinued, and the Health Authority must be notified.

Instruments means hand pieces, needles, needle bars, and other instruments that may come in contact with a client's body or may be exposed to bodily fluids during any body art procedure.

ISO means the International Standards Organization.

Jewelry means any ornament used in any body art procedure which is inserted into a newly pierced area and meets the following minimum requirements:

- (a) Steel that is ASTM F138 compliant or ISO 5832-1 compliant. [Note: The EEC Nickel Directive is a regulation that requires a low rate of nickel release for all materials used for costume or fine jewelry, belt buckles, watches, or other metallic accessories with direct skin contact. It does not specify nor prove that a material is safe to wear in the body; therefore, compliance with this directive alone is not sufficient for meeting the APP initial jewelry standards.]
- (b) Steel that is ISO 10993-6, 10993-10 and/or 10993-11 compliant.
- (c) Unalloyed titanium that is ASTM F67 or ISO 5832-2 compliant.
- (d) Alloyed Titanium (Ti6Al4V ELI) that is ASTM F136 compliant or ISO 5832-3 compliant.
- (e) Alloyed Titanium (Ti6Al7Nb ELI) that is ASTM F1295 compliant or ISO 5832- 11 compliant.
- (f) Polytetrafluoroethylene (PTFE) that is ASTM F754 compliant.
- (g) Any polymer or plastic material that is ISO 10993-6, 10993-10 or 10993-11 compliant and/or meets the United States Pharmacopeia (USP) Class VI material classification.
- (h) Solid 14 karat or higher yellow, white, or rose gold that is nickel and cadmium free.
- (i) Gold jewelry used for initial piercing may not be:
 - 1. plated, unless using materials approved by this standard over solid 14 karat or higher yellow, white, or rose gold that is 14k or higher, or white rhodium.
 - 2. Gold-filled
 - 3. Gold overlay/vermeil
- (j) Solid unalloyed or alloyed platinum that is cadmium, nickel, and lead free.
- (k) Unalloyed Niobium (Nb) that is ASTM B392 compliant. This includes but is not limited to:
 - 1. Commercial grade 2 Niobium
 - 2. Commercial grade 4 Niobium that contains 1% Zirconium
- (l) Glass that is lead free. This includes but is not limited to:
 - 1. Fused quartz
 - 2. Borosilicate
 - 3. Soda-lime
- (m) All threaded or press-fit jewelry used for initial piercing must have internal tapping (no threads on exterior of posts and barbells).

(n) For body jewelry purposes, surfaces and ends must be smooth and free of nicks, scratches, burrs, stamps, hallmarks, polishing compounds, and other potentially harmful residues

(o) Metals must have a consistent mirror finish on surfaces that frequently come in contact with tissue.

(p) All jewelry used for initial piercing on people above the age of twelve must be ASTM F2999 compliant.

(q) All jewelry used for initial piercing on people age twelve and under must be ASTM F2923 compliant.

(r) Copies of the jewelry manufacturer's documentation, which verify compliance with standards, must be available for inspection on request

Major structural modifications means modifications in which the resulting structure differs significantly from what was originally approved by the Health Authority at the time of the Health Authority's issuance of the permit, including, but not limited to changes involving the addition, removal, or relocation of structurally existing walls, openings, floor or counters; or modifications to plumbing, mechanical, or electrical components other than decorative fixtures. It does not include minor cosmetic changes such as painting, moving equipment for detailed cleaning, detailed cleaning of physical facilities, replacing carpeting in the lobby area, or repairing damage to walls, floors, and ceilings.

Microblading of the eyebrow means a form of cosmetic tattoo artistry where ink is deposited superficially in the upper three layers of the epidermis using a handheld or machine powered tool made up of needles known as a microblade to improve or create eyebrow definition, to cover gaps of lost or missing hair, to extend the natural eyebrow pattern, or to create a full construction if the eyebrows have little to no hair.

Minor means an individual under the age of eighteen.

NSF means the National Sanitation Foundation.

Occupational exposure means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of a body artist's or employee's duties.

OSHA means the Occupational Safety and Health Administration.

Other potentially infectious material means the following human body fluids: semen, vaginal secretions, saliva, and any other body fluid visibly contaminated with blood.

Owner means a partnership, corporation, association, business entity, or person or group of persons which/who own, maintain, and control the body art studio and who are legally responsible for the operation of the body art studio.

Parlor means the actual room of the body art studio where the body artist performs procedures.

Permit means Health Authority approval in writing authorizing the permit holder to operate a Body Art Studio for the purpose of engaging in the practice or business of body art procedures.

Permit holder means the partnership, corporation, association, or the person or group of persons who maintain and control the Body Art Studio and personnel, and who are legally responsible for the operation of the studio.

Person means an individual, any form of business or social organization or any other nongovernmental legal entity, including but not limited to corporations, partnerships, limited liability companies, associations, trusts, or unincorporated organizations.

Personal protective equipment means specialized clothing or equipment, such as gloves or lap cloth, worn by a body artist or employee for protection against a hazard. General work clothes not intended to function as protection against a hazard are not considered to be personal protective equipment.

Physician or osteopath means an individual licensed to practice medicine in Georgia pursuant to OCGA Chapter 34 Title 43.

Pierce or piercing means body piercing.

Potable water means water that is from an approved water system meeting Georgia Safe Drinking Water Standards.

Proof of age means any government issued State Driver's License, Military ID, Passport or US Passport Card, or State-Issued ID Card that describes the individual as eighteen years of age or older as applicable, contains a photograph and appears to be valid.

Safe materials means articles manufactured for the specific purpose of body art procedures which are unlikely to cause injury or disease under proper use and care.

Sanitary means clean and free of agents of infection or disease.

Sanitized means the application of an EPA registered sanitizer on a cleaned surface by a process that provides sufficient concentration of chemicals for enough time to reduce the microorganism level, including pathogens, to a safe level on instruments and equipment in accordance with the label instructions.

Sharps means any discarded article that may cause punctures or cuts to the skin.

Sharps container means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal that is labeled with the International Biohazard Symbol and specifically made for the disposal of sharps.

Single-use or single-service means disposable products or items that are intended for one-time, one-person use and are properly disposed of by appropriate measures after use on each client. Single-use items include but are not limited to cotton swabs or balls, single-use instruments, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, stencils, ink cups, and protective gloves.

Solid waste means refuse, garbage, trash, rubbish, and any other item which could cause an unsanitary condition or undesirable health and safety conditions.

Spore means a dormant, non-reproductive body able to survive adverse environmental conditions including high temperatures, dryness, and lack of nourishment for long periods of time. Under the proper conditions, the spore may revert to an actively multiplying form of the bacteria, fungi, or protozoa.

Spore test means a biological monitoring process in which resistant spore growth on test media is processed in a studio's autoclave to verify that it is functioning properly. A third-party culturing service must be engaged for this process to provide documentation serving as a tangible record and legal document verifying the autoclave's ability to achieve proper sterilization.

Standard precautions means a set of guidelines and controls, published by the Center for Disease Control (CDC) as "Guidelines for Prevention of Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Health-Care and Public-Safety Workers" in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol. 38, No. S-6; "Recommendation for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures," in MMWR, July 12, 1991, Vol. 40, No. RR-8; and "Recommendations for Prevention and Control of HCV Infection and HCV Related Chronic Disease" in MMWR, October 16, 1998, Vol. 47, No. RR-19. These methods of infection control require the employer and the employee to assume that all human blood and specified human body fluids are infectious for human immunodeficiency virus (HIV), and other blood borne pathogens. Precautions include, but are not limited to, hand washing, gloving, personal protective equipment, injury prevention, and proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products. Standard precautions include universal precautions. In the event that the CDC or other primary reference or regulatory authority publishes materials or amends regulations applicable to this definition, this definition shall be deemed amended to include the latest versions of these documents, regulations, and recommendations.

Sterilization or *sterilize* means the use of a physical or chemical procedure by which all forms of microbial life, including bacteria, viruses, spores, and fungi are destroyed including highly resistant bacterial endospores. This is achieved by holding in a commercial, Class B, Class S, or other medical grade autoclave according to manufacturer's instructions as approved by the Health Authority.

Sterilization indicator means a tape, strip, bag, or other device designed to change color to indicate that sterilization temperature has been achieved during the sterilization procedure.

Sterilizer means an autoclave certified to meet generally accepted medical standards. See Autoclave.

Tattoo means to mark or color the skin by pricking in, piercing, or implanting indelible pigments or dyes under the skin or mucosa and includes the definition of tattoo as defined in O.C.G.A. § 31-40-1(1) and as may hereafter be amended. The term "tattoo" also includes all forms of cosmetic tattooing.

Temporary Body Art Studio means any location, place, facility, or business for which a permit has been granted to practice body art by the Health Authority for no more than a period of seven consecutive days in connection with conventions or industry trade shows.

Temporary Body Artist means any person not certified by the Department, who performs body art in a temporary Body Art Studio who is responsible for complying with applicable provisions of these regulations. The permit to practice body art by the Health Authority is granted for no more than a period of seven consecutive days only for the purpose of product demonstration in connection with conventions or industry trade shows.

Temporary Body Artist Permit means the issuance of a seven-day permit by the Health Authority which allows a person to practice body art as a tattoo artist, body piercer, or microblader, in accordance with this Chapter for the purpose of product demonstration in connection with conventions or industry trade shows.

Ultrasonic cleaning unit means a device approved by the Health Authority with a lid, physically large enough to fully submerge instruments in liquid, which removes foreign matter from the instruments by means of high energy and high frequency oscillations transmitted through the contained liquid.

Universal precautions, also known as *standard precautions*, means treating all blood and body fluids as if they contain bloodborne pathogens and taking proper precautions to prevent the spread of any bloodborne pathogens.

Wash means cleansing the skin with warm water and antibacterial soap and drying with single-use towels.

Waste means solid waste, sewage, blood and body fluids or other waste resulting from the operation of a Body Art Studio.

Work area or *workstation* means an area where clients receive body art from an individual body artist.

Sec. 12-513. Scope of rules.

- (a) All permits issued under this article shall constitute a mere privilege to conduct the business so authorized during the term of the permit only and subject to all terms and conditions imposed by the board of health, the department, and state law.
- (b) The requirements of this article shall be in addition to all other licensing, taxing, regulatory provisions of local, state, or federal law and shall not authorize violations of said other applicable laws.

Sec. 12-514. Body art studio—Owner.

- (1) The owner shall be responsible for compliance with the requirements in O.C.G.A. tit. 31, Ch. 40, with any applicable administrative rules and regulations of the department, and with the applicable rules of the board of health, including, but not limited to, all applicable statutes and rules and regulations regarding disclosure of ownership.

- (2) Prior to being granted a body art studio permit, the body art studio owner shall adopt and submit to the board of health a written statement of policies and procedures of the body art studio showing compliance with the following:
 - (a) No person under the age of 18 shall perform body art procedures on individuals unless under the direct on-site supervision of a physician or osteopath licensed under O.C.G.A. tit. 43, ch. 34.
 - (b) Body artists shall not be under the influence of alcohol and/or drugs while performing body art procedures.
 - (c) No person shall perform body art procedures on an individual who is or reasonably appears to be under the influence of alcohol, drugs or other stimulants or depressants or is of unsound mind or body.
 - (d) No animals of any kind shall be allowed in a body art studio except service animals used by persons with legally recognized disabilities.
 - (e) No tattoo procedure shall be performed on a person under the age of 18 except by a physician or osteopath licensed under Chapter 34 of Title 43 of the Official Code of Georgia Annotated, or a technician acting under the direct supervision of such physician or osteopath with the written consent of a parent or guardian.
 - (f) No body piercing procedure shall be performed on a person under the age of 18 without the written consent of a parent or guardian. The parent or guardian must be present when the piercing procedure is performed.
 - (g) No tattoo procedure shall be performed on any person within one inch of any part of the eye socket of such person.
- (3) The temporary Body Art Studios shall meet the requirements of this Chapter. In addition, the following will be required:
 - (i) A convenient handwashing facility must be located within 30 feet of each work or demonstration area for body artist handwashing. In the absence of a hand wash station meeting the requirements of this Chapter, this facility shall consist of, at least, a catch bucket, a pressurized or gravity fed, hands-free container filled with potable water, liquid antimicrobial hand soap, and individual paper towels at the service site.
 - (ii) Only single-use, disposable, pre-sterilized supplies may be used.

Sec. 12-515. Same—Permit.

- (a) Body Art Studio permits.
 - (1) No person shall operate a Body Art Studio without first obtaining a Body Art Studio permit in accordance with the timeframes specified in these rules. Upon the effective date of this Chapter, existing Body Art Studios shall have one year to obtain and display a valid Department of Public Health Body Art Studio permit issued by the Health Authority. This deadline may be extended for all applicants upon public notice by the Department on its website.
 - (2) Permits shall be issued by the Health Authority on forms prescribed by the Department and shall designate one or more specialties which may be practiced in the studio: tattooing, piercing, or microblading. The Health Authority may authorize an electronic signature method for signing prescribed forms.
 - (3) Permits shall only be issued to a single permit holder operating at a single location. A permit shall not be transferable from one place to another, or from one person to another.

- (4) An applicant for a Body Art Studio permit shall provide written evidence of satisfactory compliance with the provisions of this Chapter and any other applicable laws and regulations. The permit holder shall be responsible for maintaining compliance with the requirements of this Chapter and any other applicable laws and regulations.
 - (5) The permit shall be displayed near the front entrance of the studio within fifteen feet of the front or primary public door and between five feet and seven feet from the floor, and in an area where it can be read at a distance of one foot away or, if for some reason this is impractical, in an area approved by the Health Authority.
 - (6) The permit shall expire when the Body Art Studio ceases to operate, relocates, or has a change of ownership. For purposes of this subsection, a "change of ownership" means the transfer of a 50% or greater interest in the studio to a person or entity not currently holding an interest.
 - (7) An operating permit is not transferable from one studio to another.
- (b) Body Art Studio Permit Holder Responsibilities. Upon acceptance of the permit issued by the Health Authority, in order to retain the permit, the permit holder shall:
- (1) Ensure compliance with the provisions of this Chapter, including the conditions of any variance granted by the Department, and allow inspections by representatives of the Health Authority during hours of operation;
 - (2) Immediately discontinue operations and notify the Health Authority if an imminent health hazard may exist; and
 - (3) Replace existing facilities and equipment that do not comply with this Chapter if:
 - (i) The Health Authority directs the replacement because the facilities and equipment constitute a public health hazard or no longer comply with the criteria upon which the facilities and equipment were accepted; or
 - (ii) The facilities and equipment require replacement due to wear and tear in the normal course of operation.
- (c) A copy of the most current version of this Chapter must be in the studio at all times.
- (d) A temporary Body Art Studio permit may be issued for body art services provided outside of a permitted location for the purpose of product demonstration in connection with body art conventions or industry trade shows.

Sec. 12-516. Same—Application for permit.

- (a) Applications
- (1) An application for a Body Art Studio must be submitted to the Health Authority no less than fourteen days prior to the start of construction or major structural modifications.
 - (2) The applicant shall certify in its application the names and exact duties of the employees and body artists who will be responsible for carrying out the rules and policies adopted by the permit holder. The following information shall be included for each such person:
 - (i) Valid driver's license or Government issued ID;

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- (ii) Date of birth (DOB);
 - (iii) Home address;
 - (iv) Telephone numbers; and
 - (v) Department-issued Body Artist Certification of all artists who will practice in the studio.
- (3) Each application for a permit shall be accompanied by an 8 ½" x 11" or larger page containing a detailed, to-scale floor plan of the Body Art Studio. Such plan shall show the accurate placement of each of the following: windows, doors, chairs, tables, sinks, restrooms, waiting area, and all equipment placement whether affixed or not for clients or staff, and shall include room measurements.
 - (4) Specification sheets for all equipment to be in the studio shall be provided as determined by the Health Authority. Studios using all commercially purchased, individually packaged, sterile, single-use, disposable jewelry and instruments shall provide adequate manufacturer documentation to avoid requirements for an ultrasonic cleaner and autoclave.
 - (5) The ownership of the studio shall be fully disclosed in its application for a permit. The individual owners shall be listed, if a sole proprietorship or partnership; the members, if a limited liability company; and the shareholders, if a corporation. No permit shall be issued if any person with an ownership interest in the proposed studio is under eighteen years old, has previously had a body art permit or certification revoked, or is currently the subject of disciplinary proceedings related to body art chapter enforcement.
 - (6) The applicant shall show that it has demonstrated compliance with zoning and other local requirements regarding proper location and establishment of Body Art Studios, including any applicable building, fire safety, plumbing, mechanical and electrical codes.
- (b) Temporary Body Art Permit Application
- (1) A temporary Body Art Studio permit may be obtained after submitting an application that contains the name of the body artists, location, the operating days, hours of operation of the temporary studio, and the plans or description of the temporary studio. The applicant will provide information related to solid waste, biomedical waste, and sharps disposal.
 - (2) A temporary Body Art Studio permits will not be issued unless the applicant demonstrates to the Health Authority successful compliance with all the requirements of this Chapter. This includes education, disclosure, consent, minimum design standards, and furnishing and fixtures requirements.
 - (3) The application for a permit must be submitted for review by the Health Authority at least thirty days prior to the event and all applicable fees must be paid before a permit will be issued.
 - (4) The following criteria pertain to permits for temporary Body Art Studios:
 - (i) No permit may be valid for more than seven consecutive days.
 - (ii) An applicant shall not receive more than two seven-day permits during a thirty-day period.
 - (iii) A permit shall not be transferable from one place to another, or from one person to another.
 - (iv) A permit shall be posted in a prominent and conspicuous place as determined by the Health Authority so clients can readily observe it.
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Sec. 12-517. Same—Issuance of permits; fees.

- (a) The board of health environmental health section may issue a body art studio permit to an owner after determining that the studio is in compliance with the requirements of Chapter 40 of Title 31 of the Official Code of Georgia, with any applicable administrative rules and regulations of the department of human resources, and with this article.
- (b) A body art studio shall submit an application for a new body art studio permit when any of the following conditions exist:
 - (1) The studio is remodeled, renovated, or expanded;
 - (2) There is a change in the legal ownership of the body art studio; or
 - (3) An existing facility is moved or relocated.
- (c) Body art studio permits shall automatically expire on June 30 of each year.
- (d) Prior to the issuance of a body art studio permit, the owner must pay the applicable permit fee. Body art studio permit fees shall not be prorated except that an owner who submits an application for a body art studio permit on January 1 or later shall only be required to pay half of the body art studio permit fee.
- (e) The Health Authority shall issue a Body Art Studio permit after:
 - 1. Receipt of a completed application;
 - 2. Payment of applicable fees;
 - 3. Plan review approval; and
 - 4. An inspection of the proposed studio which reveals that it is in compliance with requirements of this Chapter.
- (f) Before being granted a permit, each Body Art Studio shall develop a written statement of policies and standard operating procedures that address:
 - 1. Sterilization of instruments and equipment and Emergency Sterilization Procedures;
 - 2. Body Artist and Employee Health;
 - 3. Body Artist and Employee Drug and Alcohol Use;
 - 4. Sanitizing areas and equipment between use;
 - 5. Disposal of waste;
 - 6. Record keeping;
 - 7. Client screening;
 - 8. Aftercare;
 - 9. Exposure control plan;
 - 10. Emergency plan for accidents that addresses first aid procedures; and
 - 11. Water Interruption Plan

Sec. 12-518. Same—Application to existing businesses.

The provisions of this article shall be applicable to all body art studios whether the studios were established before or after the effective date of the ordinance from which this article is derived. Any body art studio in business on the effective date of the ordinance from which this article is derived shall comply with all requirements of this article within six months of said effective date.

Sec. 12-519. Minimum floor plan requirements.

- (a) The body art studio shall be constructed, arranged, and maintained so as to provide adequately for the health and safety of its customers and staff.
- (b) The body art studio shall be constructed in a manner to allow the customer receiving the procedure adequate privacy from observers. The parlor shall be separate from the waiting area.
- (c) Each parlor shall have a minimum of 45 square feet of floor space.
- (d) Insects, vermin, and/or rodents shall not be present in any part of the body art studio. Effective measures shall be taken by the body art studio owner to prevent the breeding or presence on the premises of insects, vermin, and/or rodents.
- (e) The body art studio shall have adequate mechanical ventilation in compliance with current state and local building codes.
- (f) Walls and ceilings shall be painted or covered in a manner which allows for easy and effective cleaning. All paint and coverings shall be light in color.
- (g) Parlor floors shall be constructed of nonabsorbent material which will allow for effective cleaning. Floors in the parlor areas shall not be covered by carpet or wood.
- (h) A clean and sanitary toilet and hand washing facility shall be made accessible to customers; however, it shall be separate from the parlor.
- (i) Each parlor shall be equipped with at least one sink providing hot and cold water under pressure through a mixing valve with no aerator, and with foot or wrist actuated controls, for the use of the body artists for washing their hands and preparing customers for body art procedures. This area shall be provided with dispensed soap, an antibacterial solution, dispensed single-use towels, and individual hand brushes for each body artist.
- (j) An equipment washing sink shall be provided in the studio, distinct from the hand sinks, and shall be located in the equipment handling and assembly area. This sink shall meet National Safety Foundation (NSF) standards.
- (k) Each parlor shall be equipped with an artificial light source equivalent to at least 20 footcandles three feet off the floor. Body art procedure areas and equipment handling and assembly areas shall be provided with 100 footcandles at the level where the procedure is performed.
- (l) Parlors shall not be used as corridors for access to other rooms.
- (m) A water heater capable of heating water to 100 degrees Fahrenheit shall be provided. The size and capacity of such water heater shall be subject to the approval of the board of health.

Sec. 12-520. Furnishings and fixtures.

- (a) Furnishings of the body art studio shall be maintained in sanitary condition and shall be intact and functional. The studio shall be kept clean, neat, and free of litter and rubbish.

- (b) Cabinets for the storage of instruments, dyes, pigments, single-use articles, carbon, stencils, jewelry, studs, and other supplies shall be provided for each body artist and shall be designed, manufactured, and maintained in a sanitary manner so as to protect contents from contamination.
- (c) All surfaces in the work area that could potentially be contaminated during a procedure must be non-porous to allow for proper cleaning. This includes but is not limited to worktables, chair mats and bases, shelving, and counters.
- (d) Worktables and chairs shall be provided for each body artist workstation.
 - (1) All exposed surfaces of all worktables and chairs shall be constructed of material which is smooth, nonabsorbent, corrosive resistant, and easily sanitized.
 - (2) All exposed surfaces of worktables and chairs shall be sanitized with an EPA registered disinfectant approved by the Health Authority after each use and between clients.

Sec. 12-521. Supplies.

- (a) Bulk single-use articles shall be commercially packaged and handled to protect them from contamination. These articles shall be stored in an area separate from the work area and toilet facilities.
- (b) All materials applied to human skin, including, but not limited to, ink, stencils, and single-use piercing needles shall be from single-use containers and shall be disposed of after each use.
- (c) Jewelry supplies used in a body art studio shall be made of implant grade high quality stainless steel, gold, platinum, titanium, niobium, or dense low porosity plastic. The jewelry shall also be smooth surfaced and scratch free.
- (d) Only single-use sterile gauze and single-use antibacterial ointment dispensers shall be used.
- (e) Single-use items shall not be used on more than one client for any reason.
- (f) Cabinets and closed, sealable containers for the storage of instruments, pigments, single use articles such as gloves, ink caps, carbon, or stencils, shall be provided for each body artist and shall be maintained in a sanitary manner which protects them from contamination.
- (g) Minimum supplies of a studio. Each workstation is to be equipped or stocked with enough of the following items:
 - (1) Body Tattooing Studios shall have packaged, single use, pre-sterilized needle assembly with bar and sterilized needle tubes;
 - (2) Body Piercing Studios shall have packaged, single-use, pre-sterilized needles, sterilized needle tubes, sterilized forceps, and sterilized hemostats; single-use pens or equivalent instruments. Piercing Studios may sterilize equipment at point of use if they have a cassette autoclave.
 - (3) Extra packages of disposable towels other than the package that is being used;
 - (4) Extra boxes of medical grade disposable gloves other than the box being used; and
 - (5) An extra supply of bandages, ointment or gel, and antimicrobial soap.

Authority: O.C.G.A. § 31-40-5.

Sec. 12-522. Sterilization.

- (a) An ultrasonic cleaning unit and operational Class B or S medical grade or other approved medical-grade autoclave is required and shall be provided in each Body Art Studio unless the use of pre-sterilized items and equipment or single-use items has been approved by the Health Authority.
- (b) Ultrasonic cleaning units used for cleaning instruments shall be clearly labeled "biohazardous" and shall be operated in accordance with the manufacturer's recommendation.

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- (c) The ultrasonic cleaning unit and medical-grade autoclave shall be used and maintained according to manufacturer's specifications. Each ultrasonic cleaning unit and medical-grade autoclave shall be emptied and thoroughly cleaned and disinfected as per manufacturer's recommendations. Ultrasonic cleaning unit and medical-grade autoclave maintenance records must be maintained for two years and be made available upon request.
 - (d) Used non-disposable instruments shall be kept in a separate puncture-resistant container and soaked in a protein-dissolving detergent-enzyme cleaner until cleaned. The solution shall be changed as recommended by the solution manufacturer. The cleaning method shall include the following:
 - (1) Employees and body artists shall use personal protective equipment, protecting their eyes, nose, mouth, and hands while cleaning instruments and follow manufacturer's safety precautions for any chemicals used. Instruments shall be completely disassembled and pre-scrubbed prior to being placed into an ultrasonic cleaning unit. The ultrasonic unit must be sealed and covered when in use to protect from aerosolization.
 - (2) After removal from the ultrasonic cleaning unit, rinsed in clean water and air dried.
 - (3) Prior to being placed in the autoclave, all equipment shall be bagged, labeled as to its contents, initialed, dated and sealed. If multiple autoclaves are in use, the autoclave used must be designated on the packaging.
 - (4) Instruments shall be packed individually in sterilization packs and sterilized in a medicalgrade autoclave. All sterilized packs shall contain either a sterilization indicator or internal temperature indicator and marked with the date of sterilization. Sterilized instruments may be stored for use up to one year, as long as the integrity of the packaging has not been compromised.
 - (5) Each autoclave bag must be used in accordance with the manufacturer's recommendations and may hold no more than one individual item. A piercing set may be bagged together.
 - (e) After sterilization, the packaged instruments shall be stored in a clean dry cabinet or other tightly covered container reserved and labeled for storage of sterile instruments.
 - (f) If a sterilized package has been breached or allowed to get wet, the instruments must be repackaged and sterilized again before use.
 - (g) A log of sterilization procedures shall be maintained near the sterilizing equipment. Included in the log, shall be type of load, quantity of load, temperature, pressure, and length of sterilizing time.
 - (h) Spore tests shall be used at a minimum frequency of every 40 hours of operation of the autoclave but not less than on a monthly basis unless the manufacturer specifies more frequent monitoring. Records of the results must be kept for a minimum of three years. An independent commercial testing laboratory contracted by the permit owner or body artist, or both shall perform biological spore testing of the autoclave. A provision shall be included in the contract with the commercial testing laboratory requiring the body art studio to notify the Health Authority of any failure of the autoclave to eradicate all living organisms, including spores.
 - (i) Upon notification of a positive microbiological monitoring report, the autoclave shall be immediately checked for proper use and function and the permit owner shall cease use of the autoclave immediately upon receipt of the positive report. Any items remaining bagged after sterilization must be reprocessed and sterilized by a medical-grade autoclave approved for use prior to return to service. A negative biological test and passing a Class 5 integrating indicator must be achieved before the autoclave can be used again and the studio is reopened. The studio shall have the option to obtain a properly functioning sterilizer with a negative biological report in order to remain open or if the studio has more than one autoclave in operation, they may be given approval to remain open. The Body Art Studio's standard operation procedure should include an emergency plan should an autoclave failure or malfunction occur.
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- (j) Any item or instrument used for body art that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.

Sec. 12-523. Disinfection of workplace.

- (a) Each body art studio shall be kept clean and sanitary.
- (b) The owner shall develop and implement a cleaning schedule that includes appropriate methods of decontamination, plus any tasks or procedures to be performed daily. This written schedule shall be based on the types of surfaces to be cleaned, the types of possible contamination present, the tasks or procedures to be performed, and their location within the body art studio. The owner shall maintain a log of all scheduled cleaning. This log shall be available for review by properly identified representatives of the board of health during normal operation hours. Violation of proper maintenance and documentation thereof will be grounds for immediate closure and suspension of the owner's body art studio permit.
- (c) All work surfaces shall be disinfected with an EPA approved disinfectant at the beginning of each work day, after completion of body art procedures on each individual, and at the end of each work day.
- (d) All protective coverings such as plastic wrap and aluminum foil shall be removed after each body art procedure and replaced with unused protective coverings.
- (e) Reusable receptacles such as bins, pails, and cans that have the likelihood of becoming contaminated shall be decontaminated on a daily basis with a current EPA approval disinfectant. When contamination is visible, receptacles shall be cleaned and decontaminated immediately.

Sec. 12-524. Disposal of waste.

- (a) All disposable instruments are considered biohazardous and must be disposed of as biohazardous material. All biohazardous waste must be disposed of in accordance with all applicable local, state, and federal laws, rules, and ordinances regarding biohazardous waste. Needles, razors, and other sharp instruments shall be placed in puncture-resistant, closed containers immediately after use and shall be stored in closed cabinets or drawers at the end of each workday.
- (b) Needles shall not be purposely bent, broken, or otherwise manipulated.
- (c) Sharps waste shall be safely discarded in a rigid and puncture-resistant waste container that is leakproof on the sides and bottom with a self-closing lid. These containers shall be labeled with the international biohazard symbol and the word "BIOHAZARD." Sharps waste shall be removed and disposed of by a company that will dispose of it in accordance with all applicable local, state, and federal laws, rules, and ordinances regarding biohazardous waste.
- (d) Biohazardous non-sharps waste shall be discarded in a biohazard bag. Waste shall be removed and disposed of by a company that will dispose of it in accordance with all applicable local, state, and federal laws, rules, and ordinances regarding biohazardous waste.
- (e) Non-biohazardous disposable waste shall be placed in lined, easily cleanable containers with tight-fitting lids to prevent leakage or spillage.
- (f) Non-biohazardous disposable waste shall be handled, stored, and disposed of so as to minimize direct exposure of personnel to waste materials.
- (g) Self-closing waste containers lined with plastic bags manufactured specifically for waste containers shall be located within each parlor and restroom and shall be emptied at least once per day into a commercially approved dumpster. This dumpster must be picked up and emptied by a commercial contractor at least once per week.

Sec. 12-525. Client files.

- (a) Every Body Art Studio shall require that each client complete an application, client evaluation and informed consent form approved by the Health Authority prior to having any body art activity performed upon or to their body. All records required by this Rule may be kept in digital or print form.
- (b) The application shall contain a minimum of the following:
 - (1) Name;
 - (2) Date of birth;
 - (3) Copy of government issued identification (ID);
 - (4) In the case of piercings for a minor client, the parent or legal guardian's government issued ID, proof of parentage or legal guardianship through a certified copy of a birth certificate or court order of guardianship respectively, state-issued photo ID or other Health Authority approved ID for the minor client, and the written consent to conduct the contemplated Body Art activity to be performed upon the minor client;
 - (5) A brief description and location of the Body Art procedure to be performed;
 - (6) The phone number of the Health Authority and instructions for the client, or in the case of a minor client, the minor client and parent or legal guardian, to contact the Health Authority with any complaint, question or concern regarding safety, sanitization, or sterilization procedures;
 - (7) The name and certification number of the Body Artist who is to conduct the Body Art on the client or minor client;
 - (8) Signature of the client or, in the case of a minor client, the signature of the client's parent or legal guardian signed in the presence of the Body Artist;
 - (9) A statement by the client attesting that he or she is not under the influence of alcohol or drugs;
 - (10) The signature of the Body Artist; and
 - (11) The dates of all signatures.
- (c) The Body Art Studio shall complete a client evaluation to ensure that the client inform the Body Artist of any known chronic medical or communicable conditions, including, but not limited to the following: (a) History of diabetes or any disorder or medication that affects the neurological or immune system in fighting infection; (b) Bloodborne conditions such as Hepatitis B, Hepatitis C, HIV; (c) History of hemophilia or any other blood clotting abnormalities; (d) History of skin disease, skin lesions, or skin sensitivities to soap, disinfectants, etc.; (e) History of allergies or adverse reactions to pigments, dyes, or other skin sensitivities; (f) History of epilepsy, seizures, fainting or narcolepsy; (g) The taking of medications such as aspirin or other anticoagulants (such as warfarin, Xarelto™, Plavix, Eliquis™, etc.) which thin the blood and or interfere with blood clotting; (h) History of or suspicion of adverse reaction to latex or products containing latex; and (i) History of keloid formation. (j) If the client is pregnant or has been pregnant in the last three (3) months; and, (k) If the client has eaten in the last four (4) hours.
- (d) The body artist must tell the client to consult a physician prior to the procedure if they have any concerns related to the evaluation questions outlined in (c).
- (e) The Body Artist shall inform the client, verbally and in writing that the health conditions outlined in (3) may increase health risks associated with receiving a body art procedure.
- (f) If the client refuses to disclose the information in (3) of this subsection, then the Body Artist shall require the client to sign a form stating that the client was asked to provide the information and refused.

- (g) The client must sign an informed consent form that includes but not limited to the following: (a) Client is voluntarily obtaining services of their own free will and volition; (b) Client has had the opportunity to read and understand the documents presented to them; (c) Client has the ability to ask questions about the procedure; and (d) Client has received and understands written and verbal aftercare.
- (h) For each client, proper records of identification, an application, client evaluation, and informed consent form shall be kept, in digital or print form, and retained for a minimum of three years. Records must be kept on premises for a minimum of one year. All three years of records must be available to the Department or Health Authority upon request. The files must be stored in a manner that prohibits access from unauthorized personnel.

Sec. 12-526. Body art studio inspections.

- (a) The premises of any body art studio and all records required to be maintained under this article shall be available for review and examination by properly identified representatives of the board of health during normal operation hours for the purpose of making inspections to determine compliance with these rules.
- (b) The owner shall be responsible for having an employee with knowledge of the studio's records on duty at the body art studio during all hours of operation.
- (c) Studio inspections shall be performed at least two times annually. Additional studio inspections shall be performed as often as necessary for the enforcement of this article. Any violation of this article will require a re-inspection of the body art studio to determine whether the violation has been corrected. Each re-inspection will carry a re-inspection fee.
- (d) A copy of the most current inspection report shall be posted in public view, in an un-obscured manner, at eye level five foot six inches within 15 feet of the main door. The inspection report shall be approachable to within one foot.
- (e) Representatives of the Health Authority, after proper identification, shall be permitted to enter any Body Art Studio or operation at any time during business hours for the purpose of making inspections and reviewing of pertinent records to determine compliance with this Chapter. The permit holder is responsible for ensuring that at least one person on site is authorized and able to provide access to all rooms, facilities, and records of the Body Art Studio, and who can demonstrate that there is sufficient daily oversight of employees, body artists and perform routine monitoring of operations.
- (f) Representatives of the Health Authority who conduct inspections of Body Art Studios must complete an OSHA compliant Bloodborne Pathogens/ Universal Precautions training, pass a written exam developed by the Department, and comply with other training requirements established by the Department.
- (g) Inspection results - Reporting and Scoring.
 - (1) Inspection results for Body Art Studios shall be recorded on standard forms provided by the Department.
 - (2) The scoring system shall include a weighted point value for each requirement in which critical items are assigned values of five points, with non-critical violations having assigned values of either one or two points.
- (h) The rating score shall be the total of the weighted point values for all violations subtracted from one hundred.
 - (1) Correction of imminent health hazards shall be corrected immediately. Critical violations shall be corrected within seventy-two hours, and non-critical violations within ten calendar days.
 - (2) Upon declaration of an imminent health hazard which cannot be immediately corrected, the local Health Authority shall issue an order requiring the studio to immediately cease operations until authorized to reopen.

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- (3) Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the Health Authority may agree to or specify a longer time frame, not to exceed ten calendar days after the inspection, for the permit holder to correct violations.
 - (4) Failure to correct these violations to the satisfaction of the Health Authority or the Department may result in such emergency action including enforcement actions pursuant to O.C.G.A. § 31-5-2 and 31-5-9(a). (5) In the case of temporary Body Art Studios, all critical violations shall be corrected immediately, or provisions must be made to satisfy the violation until a complete correction can be made within twenty-four hours. If critical violations are not corrected within twenty-four hours, the studio shall immediately cease operations until authorized to resume by the Health Authority. Upon declaration of an imminent health hazard which cannot be immediately corrected, the Health Authority shall issue an order requiring the studio to immediately cease operations until authorized to reopen by the Health Authority.
 - (i) Follow up inspections when required will be performed within the time or as determined by the Health Authority.
 - (j) Inspection Frequency.
 - (1) The Health Authority shall conduct one or more construction inspections for newly constructed or major structurally modified studios to verify that the Body Art Studio is constructed and equipped in accordance with the approved plans and specifications and is in compliance with law and this Chapter. In addition, the Health Authority may conduct one or more preoperational inspections to verify compliance with the construction and equipment requirements of this Chapter at the time of a change in the permit holder of an existing Body Art Studio.
 - (2) An initial inspection will be conducted in a studio prior to the body art permit being issued.
 - (3) To allow the permit holder of the Body Art Studio sufficient time to fully train body artists, employees and to ensure the studio has implemented all written procedures, the first routine inspection will be conducted within sixty days after the opening of the studio; and it will mark the beginning of the studio's compliance history with this Chapter.
 - (4) After the first routine inspection, studios maintaining an "A" or "B" score shall be inspected based on the minimum inspection frequency established by this Rule.
 - (5) Studios that receive a "C" or "U" score will have at least one additional routine inspection added in a twelve-month period and may have more inspections at the discretion of the Health Authority.
 - (6) Follow-up inspections may be conducted at any time at the discretion of the Health Authority but shall be conducted within ten days after a studio receives a grade "U".
 - (k) Grading Inspections. Inspections will receive a letter grade based on the numerical score as follows: (a) The letter grade "A" means that the majority of the requirements of this Chapter have been met and is applied to a score of 90 to 100. (b) The letter grade "B" means satisfactory compliance and is applied to a score of 80 to 89. (c) The letter grade "C" means marginal compliance and is applied to a score of 70 to 79. (d) The letter grade "U" means unsatisfactory compliance and is applied to a score of 69 or less. (9) Informal Follow-up Inspection. If a follow-up inspection cannot be conducted by the Health Authority, then an informal follow-up may be performed to confirm correction of the violations that were cited on the routine inspection that were not corrected at the time of the inspection. On an informal follow-up inspection, an inspection report addendum will be completed, documenting the violations that have been corrected. It will be noted on the addendum that this was an informal follow-up inspection, and the studio will keep the same grade that was earned on the previous routine inspection. The addendum will be made available by the Body Art Studio to the public upon request. (10) Upon the completion of an inspection, the person in charge of the studio shall sign the inspection report form. The Health Authority shall inform the person in charge that: (a) The person in charge's signature shall not necessarily indicate agreement with the findings noted on the inspection. (b)
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Refusal to sign an acknowledgment of receipt will not affect the permit holder's obligation to correct the violations noted in the inspection report within the time frames specified, and the refusal to sign an acknowledgment of receipt will be noted in the inspection report and conveyed to the Health Authority's historical record for the Body Art Studio. (11) Failure to make timely corrections to the satisfaction of the Health Authority or the Department may subject the Body Art Studio to suspension or revocation of its permit. (12) The Health Authority may approve a compliance schedule that extends beyond the time limits specified in this Rule if a schedule of compliance is submitted by the permit holder and no imminent health hazard exists or will result from allowing an extended schedule for compliance. (13) Voluntary Closure. A Body Art Studio that is graded with two critical violations or is graded as a "U" on two consecutive inspections or is graded as a "U" and does not earn at least a grade of "C" within ten days of receiving the "U" or does not correct requires violations within seventy-two hours (if allowed) of receiving an inspection report may be requested to voluntarily close until all violations are corrected. Authority: O.C.G.A. §§ 31-40-3; 31-40-6.

Sec. 12-527. Personnel.

- (a) Body artists shall obtain and maintain current certification in emergency first-aid, CPR, sterilization, blood borne pathogen, and sanitary procedures from currently licensed agencies except where the body artist is a currently licensed health care professional. All certifications must be renewed at a minimum of every two years unless a more frequent time period is specified by the licensing agencies.
- (b) No person shall practice body art procedures without first obtaining a Body Artist Certification from the Department in accordance with the timeframes specified in these rules. Upon the effective date of this Chapter, as stated in Section 511-3-8-.03(4), existing Body Artists shall have one year to obtain and display a valid certificate issued by the Department. This deadline may be extended for all applicants upon public notice by the Department on its website.
- (c) An applicant for a Body Artist Certification must be at least eighteen years of age and shall demonstrate to the Department successful compliance with all education, disclosure, consent, and fee requirements of this Chapter. An applicant shall request certification in one or more of the following areas:
 - (1) Tattooing;
 - (2) Piercing; and/or
 - (3) Microblading.
- (d) Applicants shall submit a completed Department application provided by the Health Authority. The Department may authorize an electronic signature method for signing prescribed forms. As part of the application process, the applicant shall:
 - (1) Pay an exam fee not to exceed \$50.00 to the Health Authority;
 - (2) Pay Department Certification fees; and
 - (3) Complete and pass a Department-approved exam on this Chapter.
- (e) Initial application for the Body Artist Certification shall include:
 - (1) Name;
 - (2) Date of Birth;
 - (3) Residence address;
 - (4) Mailing address;
 - (5) Phone number;

- (6) Photocopy of a government issued ID;
- (7) Proof of United States Citizenship or lawful residence in the United States.
- (8) Proof of successful completion of an OSHA-compliant Bloodborne Pathogen/Universal Precautions training program and Basic First Aid/CPR classes given or approved by the Department; and
- (9) Valid documentation of a Hepatitis B Virus (HBV) vaccination status including
 - i. Documentation of HBV vaccination; or
 - ii. Laboratory evidence.
- (f) The above certifications must be obtained before each body artist's employment.
- (g) Each body artist must obtain an examination by a currently licensed physician within 12 months prior to the initial application for a body artist permit. Each body artist must obtain from the physician a certificate certifying that the body artist is free of any communicable disease in a communicable stage, including, but not limited to, syphilis, hepatitis B and C, and HIV.
- (h) The owner must maintain a file on all employees who perform body art procedures. Such files shall be available for inspection by properly identified representatives of the board of health during normal operation hours. The file shall include the following:
 - (1) Report of physical examination;
 - (2) Evidence of current emergency first-aid, CPR, sterilization, blood borne pathogen, and sanitation certification; and
 - (3) The home address and home telephone number of each employee.
- (i) The owner of a body art studio shall only hire, employ, or use individuals who have complied with this article.

Sec. 12-528. Body artist—Permit. Delete and add the following:

- (a) Body Artist Permit.
 - (1) No person may perform body art without first obtaining a body artist permit. Body artists shall renew their permit annually.
 - (2) A body artist permit shall not be eligible for renewal unless all requirements of this article are met.
 - (3) The body artist permit shall be displayed in the body artist's parlor.
 - (4) All body artist permits issued pursuant to this article are nontransferable.
 - (5) A body artist permit shall be returned to the board of health if it is suspended or revoked.
 - (6) Proof of current certification in first-aid, CPR, blood borne pathogen training, sanitation, and sterilizer training shall be required prior to the issuance of a body artist permit and shall be maintained in good standing.
- (b) Temporary Body Artist Permit.
 - (1) No body artist shall practice body art at a Temporary Studio without a Temporary Body Artist Permit issued by the Health Authority or Body Artist Certification issued by the Department.
 - (2) The Health Authority may issue a seven-day permit to engage in the practice of body art if the body artist is not currently certified by the Department. Such temporary body artist permit will allow a person to practice body art only in a permitted Temporary Studio under the supervision of the permit holder. Temporary Body Artist Permits will not be issued unless the applicant demonstrates to the

Health Authority successful compliance with all education, disclosure, consent, and requirements of this Chapter. The issuance of a Temporary Body Artist Permit is conditioned upon the following:

- (i) A completed application submitted no less than ten days in advance of the start date of providing services; the Health Authority may authorize an electronic signature method for signing prescribed forms.
- (ii) Documentation that the applicant has received education requirements set by this Chapter;
- (iii) Must be listed on the temporary Body Art Studio permit application where the applicant will perform body art;
- (iv) Payment of all applicable fees as determined by the Health Authority; and
- (v) Documentation of a Hepatitis B Virus (HBV) vaccination completion status including:
 - (a) Documentation of HBV vaccination;
 - (b) Laboratory evidence of immunity or documentation of no response following two full HBV vaccine series;
 - (c) Documentation stating the vaccine is contraindicated for medical reasons, including a dated and signed licensed health care professional's statement specifying the name of the Body Artist applicant or employee and that the vaccine cannot be given; or
 - (d) Signed certificate of vaccination declination of HBV as required by OSHA.

(c) Guest Body Artist Permit.

- (1) No visiting out-of-state body artist shall practice body art without a Guest Body Artist Permit issued by the Health Authority.
- (2) The Health Authority may issue a seven-day permit to engage in the practice of body art. Such guest body artist permit will allow a person to practice body art under the direct supervision of a body artist holding a valid Department issued certification in the same category. The issuance of a Guest Body Artist Permit is conditioned upon the following:
 - (i) A completed application submitted no less than ten days in advance of the start date of providing services; the Health Authority may authorize an electronic signature method for signing prescribed forms.
 - (ii) Documentation that the applicant has received education specified in by this Chapter;
 - (iii) A letter of consent signed by a body artist certified by the Department, a copy of the Body Artist Certification of the sponsoring artist, and a copy of the Body Art Studio permit where the applicant will perform body art;
 - (iv) Payment of all applicable fees as determined by the Health Authority; and

- (v) Documentation of a Hepatitis B Virus (HBV) vaccination completion status including:
 - (a) Documentation of HBV vaccination;
 - (b) Laboratory evidence of immunity or documentation of no response following two full HBV vaccine series;
 - (c) Documentation stating the vaccine is contraindicated for medical reasons, including a dated and signed licensed health care professional's statement specifying the name of the Body Artist applicant or employee and that the vaccine cannot be given; or
 - (d) Signed certificate of vaccination declination of HBV as required by OSHA.
- (3) An applicant shall not receive more than two seven-day Guest Body Artist Permits during a thirty-day period.

Sec. 12-529. Same—Application for permit.

- (a) Each body artist shall submit to the board of health an application for a body artist permit.
- (b) The application for a body artist permit shall be made on forms provided by the board of health.
- (c) Application for a body artist permit shall include the following information concerning the body artist:
 - (1) Full legal name;
 - (2) All aliases;
 - (3) Home address;
 - (4) Gender;
 - (5) Mailing address;
 - (6) Home phone number;
 - (7) Training and/or experience;
 - (8) Evidence of current certification in CPR, first-aid, and blood borne pathogens training, sanitation, and sterilization training completion;
 - (9) Physician report of physical examination.

Sec. 12-530. Same—Issuance permit; fees.

- (a) The board of health environmental health section may issue a body artist permit to an individual after determining that the individual is in compliance with the requirements of O.C.G.A. tit. 31, ch. 40, with any applicable rules and regulations of the department, and with this article.
- (b) A body artist permit shall automatically expire on June 30 of each year.
- (c) At least 30 days prior to the expiration of a body artist permit, the body artist shall submit an application for renewal to the board of health environmental health section and pay the applicable permit fee.
- (d) Prior to the issuance of a body artist permit, the body artist shall pay the applicable permit fee.

- (e) A body artist permit fee shall not be prorated except that an individual who submits an application for a body artist permit on January 1 or later shall only be required to pay half of the body artist permit fee.

Sec. 12-531. Same—Application to existing.

The provisions of this article shall be applicable to all body artists, whether the body artist began performing body art before or after the effective date of the ordinance from which this article is derived.

Sec. 12-532. Prohibited Acts.

- (a) Neither Body Art Studios nor body art procedures shall be allowed in a private residence or other structure used for human habitation, food services, retail sales not directly related to body art, grocery stores, convenience stores, or similar purposes; however, body art operations may take place in completely separate areas of certain businesses deemed safe and appropriate by the Health Authority.
- (b) Body Art Studios shall not be allowed in automobiles, mobile trailers, tents, recreational vehicles, or other non-fixed facilities.
- (c) Implants, 3-D procedures, or other procedures involving insertion of foreign objects completely under the skin.
- (d) Any body art procedure that results in the permanent removal of tissue or that requires medical equipment such as scalpels or dermal punches.
- (e) The use of manipulating needles, sharps, or any other item to serve the purpose of a scalpel is prohibited. (d) Scarification (branding, cutting, or skin peeling), suspension piercing, neck rings, foot binding, corseting, play piercing, and tooth gems/dental bonding are prohibited.
- (f) In accordance with O.C.G.A. Section 16-5-71, no person under the age of eighteen shall be tattooed.
- (g) It shall be unlawful for any person to pierce the body, with the exception of the ear lobes, of any person under the age of eighteen for the purposes of allowing the insertion of earrings, jewelry, or similar objects into the body, unless the body piercing is performed in the presence of the person's parent or legal guardian. The parent or legal guardian must have proper identification and sign a written consent form provided by the Body Art Studio. The consent form must indicate the methods and parts of the minor's body upon which the body piercing procedure is performed. Nipple and genital piercing are prohibited on minors regardless of parental or legal guardian consent.
- (h) With the exception of microblading of the eyebrow, and in accordance with O.C.G.A. Section 16-12-5, it shall be unlawful for any person to perform tattooing or cosmetic micropigmentation procedures within any area within one inch of the nearest part of the eye socket. Such prohibited procedures include but are not limited to tattooing eyeliner.
- (i) No person except a duly licensed physician or a Georgia licensed cosmetic laser practitioner as defined under Chapter 34 Title 43 shall remove or attempt to remove any tattoo.
- (j) Body artists shall not be under the influence of alcohol or drugs that cause drowsiness or other impairment while performing body art procedures.
- (k) Body Art Studios and body artists shall refuse services to any person who appears to be under the influence of alcohol or drugs.
- (l) Live animals shall be excluded from within the studio and adjacent areas under the control of the permit holder. However, this exclusion does not apply to fish in clean, maintained aquariums which are maintained outside of an artist work area. Service animals accompanying disabled persons shall be permitted in the studio.

- (m) The body artist must be free of any open wound that cannot be covered, any infection, or other visible or communicable diseases that can be transmitted as a result of carrying out the body art procedures.
- (n) A body artist shall not conduct any form of body art activity upon any area of a client that evidences the presence of any rash, lesion, or other visible signs of infection.
- (o) Body art procedures not covered within these rules which have the potential for transmitting infectious disease must receive written departmental approval prior to being offered to clients.
- (p) Body art shall only be performed by individuals holding a current Body Artist Certification issued by the Department, a Temporary Body Artist Permit or Guest Body Artist Permit issued by the Health Authority, and only at a location named in a Body Art Studio Permit or a Temporary Body Art Studio Permit.

Authority: O.C.G.A. § 31-40-2.

Sec. 12-533. Sanitation.

- (a) Body artists shall follow standard precautions.
- (b) All hand and/or arm jewelry worn by body artists shall be removed prior to the start of the body art procedure.
- (c) Prior to performing body art on each client, the fingernails and hands of the body artist shall be thoroughly washed and scrubbed with warm water and antibacterial soap, using an individual, single-use surgical scrub. Surgical scrubs are not to be reused. The hands shall then be dried using single-use towels.
- (d) Prior to the start of the body art procedure, the body artist should inspect his hands for hangnails, small cuts, sores, and abrasions. If a cut, sore, or abrasion is detected, a bandage should be applied for added protection before gloving. Fingernails shall be trimmed to ensure that gloves are not punctured.
- (e) Single-use medical-surgical disposable examination gloves shall be worn during the body art procedure. Gloves shall be changed and properly disposed of each time there is an interruption in the procedure, the gloves become torn or punctured, or whenever their integrity has been compromised.
- (f) Each body artist shall wear a clean outer garment, apron, or smock. These items shall be changed after each client.
- (g) Body artists who are experiencing symptoms of illness, including, but not limited to, diarrhea, vomiting, fever, rash, or skin infections, shall refrain from performing body art.
- (h) Adequate numbers of sterilized needles and tubes must be on hand for each body artist for the entire day and/or night of operation.
- (i) Only single-use disposable razors shall be used to shave the area where the body art procedure will be performed.
- (j) All items that come in contact with a client's skin shall be single-use and disposed of after the procedure.
- (k) All fixtures and equipment contaminated with blood shall be cleaned with an approved sanitizer or with a ten percent bleach solution made fresh daily.
- (l) Smoking, eating, or drinking by anyone is prohibited in any parlor where body art procedures are performed.

Sec. 12-534. Dyes and pigments.

- (a) Only single-use containers of dyes and pigments that are currently FDA approved for tattooing of human skin shall be used.
- (b) All dyes and pigments shall be used according to the manufacturer's instructions.

- (c) After tattooing each individual, the remaining unused dye or pigment in the single-use container shall be discarded along with the container into a biohazard container.
- (d) In preparing dyes and pigments to be used by a body artist, only nontoxic sterile single-use materials shall be used.
- (e) All dyes or pigments used in tattooing shall be from commercial professional suppliers specifically manufactured as dyes or pigments only for the tattooing of human skin and shall be used according to the manufacturer's instructions. Products banned or restricted by the Food and Drug Administration are prohibited.
- (f) All ink shall be handled using the following protocol:
 - (1) Bulk containers of ink shall not be used for longer than the manufacturer's expiration date.
 - (2) Inks and pigments can be stored in workstations or in an approved location and must be properly stored to prevent contamination.
 - (3) Containers of ink may only be handled while wearing clean medical grade gloves.
 - (4) The tops of containers of ink must be disinfected prior to dispensing. After dispensing, the containers must be disinfected and immediately returned to their approved storage location before any tattoo procedures begin. (e) All ink must be dispensed into approved single use containers.
- (g) In preparing or mixing of dyes or pigments, only nontoxic materials shall be used. Dyes or pigments shall be mixed and placed in individual single-use containers.
- (h) After tattooing, the remaining unused dye or pigment in the single-use container shall be properly discarded along with the container.
- (i) The Safety Data Sheets of all inks must be available for client review to assess any possible allergic reaction to ingredients.
- (j) Dyes and pigments shall be mixed only with distilled or sterile water.

Authority: O.C.G.A. § 31-40-5.

Sec. 12-535. Tattoo preparation.

- (a) Prior to placing a tattoo design on the client's skin, any jewelry worn by the client that might impede the body art procedure shall be removed.
- (b) The body artist shall apply an antibacterial solution to the skin in the involved area.
- (c) If a paper stencil is used by a body artist for transferring the design to the skin, the stencil shall be single-use and disposable.
- (d) If the design is drawn directly onto the skin it shall be applied with a single-use article only.
- (e) The completed tattoo shall be washed with a single-use towel saturated with an antibacterial solution.
- (f) After the area has dried, a thick layer of antibacterial ointment from a collapsible or plastic tube shall be applied.
- (g) After the application of the antibacterial ointment, a bandage shall be applied to the tattoo using sealed non-sticking pads.

Sec. 12-536. Procedures specific to body piercing.

- (a) Before piercing the skin of a client, any jewelry worn by the client that might impede the procedure shall be removed.

- (b) The body artist shall apply an antibacterial solution to the skin in the involved area prior to the procedure being performed.
- (c) The body artist shall apply an antibacterial ointment to the skin in the involved area after the procedure is performed.

Sec. 12-537. Compliance.

- (a) A body art studio shall operate in compliance with this article and with a valid body art studio permit issued by the board of health.
- (b) A body artist shall perform body art procedures in compliance with this article and with a valid body artist permit issued by the board of health.

Sec. 12-538. Enforcement.

- (a) Any person, firm, or corporation operating a body art studio without a valid permit or performing body art outside of a permitted body art studio shall be guilty of a misdemeanor.
- (b) The administration and enforcement of this Chapter shall be as prescribed in O.C.G.A. Section 31-5-1 et seq. The Health Authority shall have the power and authority to suspend, or revoke body art studio permits for failure to comply with the provisions of this Chapter.
- (c) The Health Authority shall have primary responsibility for the enforcement of this Chapter within its jurisdiction.
- (d) No person or entity shall operate a Body Art Studio or conduct body art activities without a valid permit or certification issued pursuant to this Chapter.
- (e) Suspension or Revocation of Permits. The Health Authority shall have the power and authority to suspend or revoke a permit if the permit owner or its body artists or employees are unwilling or unable to comply with these regulations, the regulations of the local Health Authority, or the provisions of O.C.G.A. Section 31-28-1 et seq.
 - (1) A permit holder shall be presumed unwilling or unable to comply if it refuses to allow the Health Authority to enter upon and inspect the premises of the Body Art Studio at any reasonable time, or if any critical violation is found to be uncorrected upon two consecutive inspections, or upon continuous violation of this Chapter.
 - (2) The revocation of a permit may be appealed to the Department of Public Health in accordance with O.C.G.A. Section 31-5-3 by sending written notice, by certified mail or statutory overnight delivery, addressed to the Department of Public Health, Office of General Counsel, with a copy to the Health Authority official that revoked the permit. Within ten days of receiving the notice, the Health Authority shall provide the Department with a copy of its entire file on the inspections and actions that led to the revocation of the permit. The Department shall schedule a hearing within twenty days of receiving the notice and shall decide the matter upon the arguments of the parties and the administrative record.
- (f) Conditions Warranting Action. The Health Authority may summarily suspend a permit to operate a Body Art Studio if it determines through inspection, or examination of body artists, employees, records, or other means as specified in this Chapter, that an imminent health hazard exists.
- (g) Resumption of Operations. If operations of a Body Art Studio are discontinued due to the existence of an imminent health hazard, voluntary closure, or otherwise according to law, the permit holder shall obtain approval from the Health Authority before resuming operations.

Sec. 12-539. Grounds for denial, suspension, or revocation.

- (a) The Department may deny or revoke the certification of any person for one or more of the following reasons:
 - (1) Failure to comply with this Chapter;
 - (2) A material misrepresentation or omission on any application for certification or renewal;
 - (3) Failure to pay certification or renewal fees;
 - (4) A civil judgement based on conduct related to the Body Art industry; or
 - (5) Such other conduct, as in the opinion of the Department, would render certification of the person a threat to the health or safety of the public.
- (b) The Department may, in its discretion, impose a lesser sanction where the circumstances of the violation do not merit revocation of the certification, including suspension or probation on specific terms.
- (c) Disciplinary Procedure.
 - (1) The Department may, but is not required to, refer information concerning a certified person to the Body Art Advisory Committee, if established. The Committee shall review the evidence and make a recommendation to the Department.
 - (2) The Department shall give written notice of any disciplinary action taken pursuant to this regulation by certified mail or statutory overnight delivery to the last known address of the person or entity. The notice shall set forth the facts which support disciplinary action.
 - (3) Upon request made in writing and received by the DPH Office of General Counsel no later than twenty days after the written notice of disciplinary action is mailed, the Department shall refer the matter to the Georgia Office of Administrative Hearings for hearing in accordance with its rules. The burden of proof shall be on the person or entity seeking the hearing.
 - (4) Effective date of disciplinary action.
 - (i) All disciplinary actions by the Department are effective twenty days after the certified person's receipt of the notice, unless otherwise specified in the notice, or unless the certified person makes a timely request for a hearing.
 - (ii) Upon a written finding set forth in the notice of disciplinary action that the public safety, health, and welfare imperatively require emergency action, the suspension of the certification shall be effective immediately upon issuance of the notice.
 - (5) Upon request for exculpatory, favorable, or arguably favorable information relative to pending allegations involving disciplinary action, the Department shall either furnish such information, indicate that no such information exists, or provide such information to the hearing officer for in camera inspection pursuant to O.C.G.A. § 50-13-18 (d)(2).

Authority: O.C.G.A. §§ 31-40-2; 31-40-3; 31-40-4; 50-13-13; 50-13-18.

Sec. 12-540. Conflict with other laws.

Should any section or provision of this article be in conflict with any other applicable ordinance, rule, regulation, provision, requirement, or law, then the more restrictive ordinance, rule, regulation, provision, requirement, or law shall control.

Sec. 12-541. Body art fees.

The following permit and inspection fees shall apply to body art studios in the City:

Plan Review:	\$275.00
Second Parlor:	\$150.00
Each Additional Parlor:	\$100.00
Permit for One Parlor:	\$400.00
Each Additional Parlor:	\$80.00
Recheck Fee:	\$275.00
Expired Permit: (Permit and Plan Review)	\$675.00
Body Artist:	\$50.00

Sec. 12-542. Minimum Design Standards.

- (a) A studio shall provide work areas separate from observers or visitors. An individual body artist shall not perform body art procedures simultaneously on different clients.
- (b) There shall be adequate floor space for each work area in the studio. At a minimum, an adequate area includes space for all items required by this Chapter, such as a handwashing sink, a waste receptacle, and a sharps container, as well as space for the Body Artist to safely perform body art procedures.
 - (1) Work areas must be separated from lobby and waiting areas by nonabsorbent curtains, knee walls, or other partitions approved by the Health Authority.
 - (2) Floors shall be nonabsorbent and easily cleanable.
 - (3) Work areas shall provide privacy, if desired by the client, by means of nonabsorbent curtains or similar approved partitions.
 - (4) If body art procedures are conducted in an environment where airborne particulates are of concern (including but not limited to hair and nail salons), the body art procedures shall take place behind a floor-to-ceiling partition or in a separate room.
- (c) A Body Art Studio shall have a cleaning room to be used exclusively for the cleaning, disinfection, and sterilization of instruments.
 - (1) The cleaning room shall have a separate stainless-steel instrument sink reserved only for instrument disinfection activities and shall be equipped with hot and cold running water. Sink shall have smooth welds and joints, be free of breaks and open seams, and be easily cleanable.
 - (2) The cleaning room shall be separated from any other area in the studio by means of doors, nonabsorbent curtains, or similar approved partition extending from floor to ceiling or a height of at least eight feet and must be labeled to prevent clients from entering the room.
 - (3) The cleaning room shall be equipped with an ultrasonic cleaning unit and a Class B or S medical grade autoclave or another approved autoclave. The autoclave shall be used to sterilize all non-disposable and reusable body art equipment.
 - (4) The instrument sink, ultrasonic cleaning unit, and autoclave shall each be separated by a minimum distance of forty-eight inches unless using a splashguard approved by the Health Authority.
 - (5) The cleaning room walls, floors, doors, windows, skylight, and other components shall be constructed of smooth, nonabsorbent, durable material and be maintained in good repair.

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- (6) The requirement for a cleaning room with an ultrasonic cleaning unit and autoclave may be waived by the Health Authority if the studio only stores and uses commercially purchased sterile single-use disposable body art tattoo instruments.
 - (d) Hand washing facilities shall be provided within 30 feet of each workstation and must be fully accessible in an unobstructed pathway. Additional hand sinks may be placed at the discretion of the Health Authority if warranted. Hand washing facilities will also be made available in the cleaning rooms. These are in addition to the required sinks in toilet rooms. Studios that are open and operating on the effective date of this Chapter will be required to have one hand wash sink that is available by an unobstructed pathway within thirty feet of each work area not to include any hand wash sinks in toilet rooms.
 - (e) Hand washing sinks and instrument sinks shall be used for those intended purposes only.
 - (f) At least one service sink or one curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and trash cans and for the disposal of service water and similar liquid waste. After the effective date of this Chapter, mop sinks will be required upon renovation to any existing studio or any major plumbing renovation.
 - (g) The use of common towels and cloths for any purpose is prohibited.
 - (h) Sanitary Facilities and Controls.
 - (1) Enough potable water for the needs of the Body Art Studio shall be provided from a public water system, or from an approved nonpublic water system that is constructed, maintained, and operated according to applicable state or local codes as amended.
 - (2) Non-Public Water Supply – Approved Wells.
 - (i) Water from a non-public water system shall follow guidelines established in the Georgia Department of Natural Resources, Environmental Protection Division (EPD) Memorandum of Understanding for Non-Public Water Supplies.
 - (ii) Sampling Report. The most recent sample report for the non-public water system shall be retained on file in the Body Art Studio and results must be forwarded to the Health Authority.
 - (3) Sewage. All sewage, including liquid water, shall be disposed of by a public sewage system or by an approved on-site sewage disposal system.
 - (4) Plumbing. Plumbing shall be sized, installed, and maintained according to law, state and local code. There shall be no cross-connection between the potable water supply and any other water supply or other possible source of contamination.
 - (i) Toilet Facilities.
 - (1) There shall be a minimum of one restroom containing a toilet and a handwash facility readily accessible to any Body Artist or client that does not require passage through a cleaning room and work area with the exception that access through such areas may be allowed if the risk of contamination is determined to be minimal.
 - (2) Toilet rooms. Toilet rooms opening directly into work or client waiting areas shall be completely enclosed and shall have tight-fitting, solid self-closing doors, which shall be closed except during cleaning or maintenance.
 - (3) All toilet rooms shall have sufficient mechanical ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes.
 - (4) Toilet fixtures. Toilet fixtures shall be kept clean and in good repair. A supply of toilet tissue shall always be provided at each toilet. Easily cleanable receptacles with trash liners shall be provided for waste materials. Toilet rooms shall have at least one covered waste receptacle.
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- (j) Handwash Facilities.
- (1) Handwash facilities shall be designed, installed, and maintained according to law, state and local code.
 - (2) Each handwashing sink shall be equipped to provide hot water at a temperature of at least 100°F (38 °C). Hot and cold water shall be tempered by means of a mixing valve or combination faucet. Any self-closing, slow-closing, or metering faucet used shall be designed to provide a flow of water for at least twenty seconds without the need to reactivate the faucet.
 - (3) A soap dispenser and a supply of antiseptic, hand-cleaning soap or detergent shall be available at each handwash facility. A fully covered or enclosed towel dispenser with a supply of single use sanitary towels shall be conveniently located near each handwash facility. Easily cleanable waste receptacles with self-closing lids with hands-free controls shall be conveniently located near the hand washing facilities.
 - (4) Sinks, soap dispensers, paper towel dispensers, and all related fixtures shall be kept clean, in good repair, and supplied at all times.
- (k) Physical Facilities, Floors, Walls, Ceilings, and Attached Equipment: Floors, walls, ceilings, and attached equipment and decorative materials shall be kept clean and maintained in good repair.
- (1) Floors.
 - (i). Floors and floor coverings of all work areas, dressing rooms, locker rooms, toilet rooms and vestibules shall be constructed of smooth, nonabsorbent, hard durable material and maintained in good repair.
 - (ii) The floor and cove base/joint shall be properly sealed.
 - (iii) Carpeting is allowed in the lobby area only and shall be of closely woven construction, properly installed, easily cleanable, and maintained in good repair.
 - (2) Walls and Ceilings.
 - (i) Maintenance. Walls and ceilings, including doors, windows, skylight, and similar closures shall be constructed of durable, easily cleanable material and be maintained clean and in good repair.
 - (ii) Attachments. Light fixtures, vent covers, wall-mounted fans, and similar equipment attached to walls and ceilings shall be easily cleanable and maintained in good repair.
- (l) Lighting.
- (1) Permanently fixed artificial light sources shall be installed to provide at least fifty- foot candles of light on all work area surfaces and at equipment washing work levels.
 - (2) Permanently fixed artificial light sources shall be installed to provide at a distance of thirty inches from the floor at least ten-foot candles of light in all other areas.
- (m) Ventilation. All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes.
- (n) Poisonous or Toxic Materials.
- (1) Materials permitted. There shall be present in the Body Art Studio only those poisonous or toxic materials necessary for maintaining the studio and cleaning or sanitizing equipment, as well as controlling insects and rodents.
 - (2) Labeling of materials. Containers of poisonous or toxic materials shall be prominently and distinctly labeled according to law for easy identification of contents and approved for intended use.
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- (3) Toxic items shall be separated from other materials used in body art procedures by way of a closed cabinet or separate room.
- (4) Spray bottles labeled with contents may be used for the purpose of cleaning but not for body art procedure preparation.

(o) Premises.

- (1) Body Art Studios shall be kept neat, clean, and free of litter and rubbish.
- (2) Only articles necessary for the operation and maintenance of the Body Art Studio shall be stored on or within the studio. Lockers or other designated area will be provided for such personal items as purses, jackets, medications, etc.
- (3) Aisles and working spaces. Aisles and working spaces between units of equipment and walls shall be unobstructed and of sufficient width to permit body artists and employees to perform their duties readily without contamination of equipment or operational surfaces by clothing or personal contact.
- (4) The premises shall be kept in such condition as to prevent the entrance, harborage, or feeding of insects, rodents, or vermin.

(p) Equipment and Instruments.

(1) Materials.

- (i) Multi-use equipment and instruments shall be constructed and repaired with safe materials, including finishing materials; they shall be corrosion-resistant and nonabsorbent; and they shall be smooth, easily cleanable, and durable under conditions of normal use. Single-service articles shall be made from clean, sanitary, and safe materials.

- (ii) Re-use of single-service articles is prohibited.

(2) Design and Fabrication.

- (i) General. All equipment and instruments, including plastic ware, shall be designed, and fabricated for durability under conditions of normal use and shall be resistant to denting, buckling, pitting, and chipping.
 - (a) Body art operational surfaces shall be easily cleanable, smooth, and free of breaks, open seams, cracks, chips, pits, and similar imperfections, as well as free of difficult to clean internal corners and crevices.
 - (b) Sinks and drain boards shall be self-draining.
- (ii) Operational surfaces. Surfaces of equipment not intended as operational surfaces, but which are exposed to splash or debris or which otherwise require frequent cleaning, shall be designed, and fabricated to be smooth, washable, free of unnecessary ledges, projections, or crevices and readily accessible for cleaning. Such surfaces shall be of material and in such repair as to be easily maintained in a clean and sanitary condition.
- (iii) Needles, needle assembly with bar, dyes, or pigments shall be designed and manufactured for the sole purpose of body art.

Authority: O.C.G.A. § 31-40-5.

Sec. 12-543. Solid Waste.

(a) Non-Biomedical Waste Containers.

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- (1) Garbage and refuse shall be kept in durable, easily cleaned containers that do not leak and do not absorb liquids.
 - (2) All outside refuse containers shall be covered and maintained.
 - (3) Containers used in work areas shall be kept covered when not in use. At least one waste receptacle shall be provided in each artist area. Receptacles in the body artist area shall be emptied daily or more if necessary. Solid waste shall be removed from the premises at least weekly or more if necessary.
 - (4) There shall be a sufficient number of containers to hold all the garbage and refuse that may accumulate.
 - (b) Garbage and refuse shall be disposed of at such frequency to prevent the development of odor and the attraction of insects, rodents, or vermin.
 - (c) Biomedical Waste Containment.
 - (1) Disposal of infectious waste such as blood, fluids, used inks, or other liquid waste may be deposited directly into a drain connected to an approved sewer system or on-site sewage system via a sink dedicated to that purpose.
 - (2) Containment of biomedical waste shall be in a manner and location which affords protection from animals, rain, and wind, does not provide a breeding place or a food source for insects and rodents, and minimizes exposure to the public.
 - (3) Biomedical waste shall be segregated by separate containment from other waste at the point of origin.
 - (4) Biomedical waste, except for sharps, shall be placed in containers which are impervious to moisture and have strength sufficient to preclude ripping, tearing, or bursting under normal conditions of use. The containers shall be securely closed so as to prevent leakage or expulsion of solid or liquid wastes during storage, handling, or transport.
 - (5) Sharps shall be contained for storage, transportation, treatment, and subsequent disposal in leak-proof, rigid, puncture-resistant containers which are taped closed or tightly lidded to preclude loss of contents.
 - (i) Rigid containers of discarded sharps and all other disposable containers used for containment of biomedical waste shall be red or orange in color and clearly identified with the universal biohazard symbol or clearly marked with the word "Biohazard."
 - (ii) Biomedical waste contained in disposable containers as prescribed above shall be placed for storage, handling, or transport in disposable or reusable pails, cartons, boxes, drums, or portable bins. The containment system shall have a tight-fitting cover and be kept clean and in good repair. The containers may be of any color and shall be conspicuously labeled with the universal biohazard symbol and the word "Biohazard" on the sides so as to be readily visible from any lateral direction when the container is upright.
 - (iii) Reusable containers used for shipment of biomedical waste shall be thoroughly washed and decontaminated each time they are emptied. Reusable pails, drums, dumpsters, or bins used for containment of biomedical waste shall not be used for other purposes.
 - (iv) Sharps container must be placed within arm's reach and below eye level at their point of use.

Secs. 12-544 to 12-557. Reserved.

ARTICLE XVI. BODY ART STUDIOS AND BODY ARTISTS

Sec. 12-509. Authority.

The legal authority for this article is O.C.G.A. §§ 16-5-71, 16-5-71.1, 16-12-5, 31-3-4, 31-5-1 et seq. and 31-40-1 et seq.

Sec. 12-510. Purpose.

~~The Body Art Studios and Body Artists Rules from which this article is derived are adopted for the purpose of establishing reasonable standards for individuals performing body art procedures and the facilities from which the procedures are provided. Such standards are designed to promote the health and safety of all individuals performing and receiving body art services.~~

The purpose of this Article is to establish reasonable standards for individuals performing body art procedures and for the facilities in which those procedures are provided. If followed, such standards should ensure the health and safety of all individuals performing and receiving these services. They also provide for the permitting and regular inspection of studios wherein Body Art activities are to be performed and contain enforcement provisions including revocation of the certification of any person or permit of any studio deemed in violation of this Article.

Authority: O.C.G.A. § 31-40-1 et seq.

Sec. 12-511. ~~Exemptions~~ Applicability.

- (1) These regulations do not apply to a physician or osteopath licensed under O.C.G.A. Chapter 34 of Title 43, or to a technician acting under the direct supervision of such licensed physician or osteopath.**
- (2) Individuals who pierce only the lobe of the ear (and not the ear cartilage, nose or eyebrows, etc.) with a pre-sterilized single-use stud and clasp ear piercing system are exempt from these regulations, provided that such ear-piercing systems conform to the manufacturer's directions on use and applicable FDA requirements.**
- (3) The Department and the applicable Health Authority retain the authority to investigate consumer complaints and outbreaks relating to the alleged misuse or improper disinfection of ear-piercing systems. (4) These rules shall take effect six months after official posting by the Secretary of State.**

Authority: O.C.G.A. §§ 31-40-1; 31-40-6.

Sec. 12-512. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Antibacterial solution means any solution used to retard the growth of bacteria which is approved for application to human skin and includes all products labeled accordingly as approved by FDA.

***Antimicrobial solution* means any solution capable of killing or used to retard the growth of microorganisms approved for application to human skin, and includes all products labeled accordingly, as**

approved by the FDA; when referring to antimicrobial mouthwash, only those approved for use may be allowed in the studio, such as hydrogen peroxide, alcohol-based solution and others commonly found in hospital or dental settings.

Antiseptic means an agent or substance that will destroy or inhibit the growth and development of infectious microorganisms on human skin or mucous membranes.

ASTM means the American Society for Testing Materials International.

Autoclave means an apparatus (chamber or cassette) for sterilization of equipment utilizing steam pressure at a specific temperature over a period of time per manufacturer's specifications. For the purposes of this Chapter, all chamber and cassette autoclaves shall be Class B, Class S, or other medical grade autoclave as specified by manufacturer for sterilization of body art equipment and jewelry.

Biohazard means any infectious agents or parts thereof presenting a real or potential risk to the wellbeing of human or other species, directly through infection or indirectly through disruption of the environment.

Biomedical waste means the following:

- (a) Pathological waste, which means all recognizable human tissues which are removed during procedures;
- (b) Biological waste, which means blood and blood products, exudates, secretions, suctioning, and other body fluids which contains free liquids and cannot be or are not directly discarded into a municipal sewer system. The term does not include materials, such as wipes or paper towels, containing small amounts of blood or body fluids that would not drip if the material were compressed;
- (c) Sharps, which means any discarded article that may cause punctures or cuts, such as needles and razor blades; and
- (d) Discarded equipment and parts, excluding expendable supplies and materials included in paragraphs (a) through (c) of this subsection, which have not been decontaminated, and which were in contact with infectious agents.

Blood means human blood, human blood components, and products made from human blood.

Bloodborne pathogens means pathogenic microorganisms present in human blood that can cause disease in humans. These pathogens include but are not limited to Hepatitis B virus (HBV), Hepatitis C Virus (HCV), and Human Immunodeficiency virus (HIV).

Board of health means the board of health or its duly authorized representatives.

~~**Body art** means the practice of physical body adornment by the following techniques: body piercing, tattooing, and cosmetic tattooing. The term "body art" does not include, for the purposes of this article, piercing of the outer perimeter or lobe of the ear with pre-sterilized single-use stud and clasp ear piercing systems.~~

Body art means a tattoo or piercing placed on the body of a person for aesthetic or cosmetic purposes. This definition does not include practices considered medical procedures by the Georgia Medical Composite Board, such as implants under the skin, which are prohibited unless such medical procedures are performed by a person licensed by the Georgia Medical Composite Board.

Body artist means any person who performs body art. Such term shall not include a physician or osteopath licensed with a certificate issued by the Georgia Department of Health, or a technician acting under the direct supervision of such licensed physician or osteopath.

Body artist certification means a certification issued by the Department to a specifically identified person who is qualified to engage in the practice of body art in accordance with these regulations and in conjunction with a permitted studio.

Body Art Advisory Committee means a committee that may be established by the Department to provide technical guidance on the practice of body art. If established, the committee shall be composed of one individual from the state environmental health program, one District Environmental Health Director, one County Environmental Health Specialist, one person with infection control training, and two members of the body art profession with current certification.

Body art studio means any permanent building, structure, or suite located in a planned commercial center on a permanent foundation, holding a valid City or county business permit or license, wherein a body artist performs body art, **whether or not for profit.**

~~**Body art studio permit** means the authorization granted by the board of health to the owner to operate a body art studio. Such permit is the property of the board of health.~~

Body Art Studio permit means Health Authority approval in writing authorizing the permit holder to operate a Body Art Studio for the purpose of engaging in the practice or business of body art procedures. Health Authority approval shall be granted solely for the practice of body art pursuant to these regulations, and the following types of Body Art Studio permits shall be issued: tattoo, body piercing, and microblading.

Body artist means any person who performs body art.

Body artist permit means the authorization granted by the board of health to the body artist to perform body art. Such permit is the property of the board of health.

~~**Body piercing** means puncturing or penetrating the skin or mucosa of a person with any sharp instrument and/or the insertion jewelry or other adornment thereto in the opening.~~

Body piercing means puncturing or penetrating the skin or mucosa of a client for the purpose of inserting jewelry or other adornment into the body for non-medical purposes; body piercing includes ear piercing, except when ear piercing procedure is performed with a presterilized single-use stud and clasp ear-piercing system (Piercing Gun) conforming to the manufacturer's directions on use and applicable FDA requirements.

Cleaning/clean room means the area in a Body Art Studio used in the sterilization, sanitation or other cleaning of instruments or other equipment used for the practice of body art and shall be separated from any other area in the studio by means of doors, nonabsorbent curtains, or similar approved partition extending from floor to ceiling or a height of eight feet.

Client means an individual upon whom one or more body art procedures are to be performed.

Contaminated means the presence or the reasonably anticipated presence of blood, other potentially infectious materials, or potentially harmful chemicals on an item or surface.

Contaminated waste means any liquid or semi-liquid blood or other potentially infectious material; contaminated items that would release blood or other potentially infectious material in a liquid or semi-liquid state if compressed; items on which there is dried blood or other potentially infectious material, and which are capable of releasing these materials during handling; sharps and any wastes containing blood or other potentially infectious materials.

Convention means a large meeting of people who gather to talk about their shared work or other interests or to make decisions as a group or to perform body art procedures, such as an industry trade show.

Cosmetic tattoo means a tattoo, by someone other than a licensed physician, which includes but is not limited to microblading of the eyebrow, lips, and other parts of the body for beauty marks, hair imitation, or areola repigmentation. This term includes any procedures whether referred to as but not limited to, microderma pigmentation, micropigment implantation, micro-needling with the use of pigment or any other similar procedure and for the purpose of this Chapter has the same meaning as "tattoo."

~~Cosmetic tattooing means to mark or color the skin by pricking in, piercing, or implanting indelible pigments or dyes under the skin or mucosa. Cosmetic tattooing shall include permanent cosmetics, micropigmentation, permanent color technology, and micropigment implantation.~~

Critical violation means a violation of this Chapter which poses a serious hazard to health and safety. Critical violations shall include but not limited to the following:

- (a) Autoclave does not meet minimum time, pressure, or temperature requirements, or written standard operation procedures are not established or approved by the Health Authority;
- (b) Lack of a negative spore test on a minimum frequency of every 40 hours of operation of the autoclave but not less than on a monthly basis;
- (c) Non-disposable tubes and needles are not sterilized, packaging has been compromised or contaminated, or expiration date has been exceeded;
- (d) Work area is not equipped as required or is not stocked;
- (e) Reuse of single use articles;
- (f) Sterile instruments are not properly handled to prevent contamination;
- (g) Body artists with exposed infectious lesions on hands and arms not restricted from body art procedures;
- (h) Body artists and employees not practicing proper cleanliness and good hygienic practices;
- (i) Water supply not approved, hot and cold running water under pressure not available, or written emergency procedure for water not established before or approved for a studio operating during an interruption of water;
- (j) Cross connection allowing back-siphonage present in plumbing system; (k) Hand washing facilities not available or accessible for body artists and employees;
- (l) Toxic items not properly stored, labeled, or used;
- (m) Prohibited procedures performed within the studio; and
- (n) Non-certified artist performing procedures.

Currently licensed health care professional includes, but is not limited to, licensed physicians, registered nurses (RN), licensed practical nurses (LPN), and licensed emergency medical technicians.

Decontamination means the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

~~Department means the state department of human resources.~~

Department means the Georgia Department of Public Health or its agents.

Disinfection means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

Easily cleanable means that surfaces are readily accessible and made of such materials and finish and so fabricated to be smooth and non-absorbent such that residue may be effectively removed by normal cleaning methods.

Ear piercing means the puncturing of the lobe of the ear with a pre-sterilized single-use stud and clasp ear piercing system following manufacturer's instructions. Under no circumstance shall ear piercing studs and clasp be used anywhere on the body other than the lobe of the ear unless otherwise specified by the manufacturer.

EPA means the United States Environmental Protection Agency.

EPD means the Georgia Department of Natural Resources, Environmental Protection Division.

Equipment means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other items used in connection with the operation of a Body Art Studio.

FDA means the United States Food and Drug Administration.

Germicidal solution means any solution which destroys microorganisms and is so labeled.

Gloves means medical grade disposable single use gloves labeled for surgical or examination purposes. Vinyl gloves are not allowed to be used to perform body art procedures.

Guest body artist means a visiting body artist, tattooist, body piercer, or microblader, not certified by the Department possessing a guest body artist permit issued by the Health Authority to perform body art in a permitted Body Art Studio.

Guest body artist permit means a seven-day permit by the Health Authority which allows a person to practice body art as a tattoo artist, body piercer, or microblader, in accordance with this Chapter while under the direct supervision of a body artist holding a valid Body Artist Certification in the same category.

Handwash facilities means an installed sink/lavatory providing an adequate supply of potable hot and cold running water under pressure, through a mixing valve or combination faucet, used solely for washing hands, arms, or other portions of the body. The facility shall include a soap dispenser, soap, and single use disposable towels in a covered dispenser.

Handwashing sink means a lavatory or plumbing fixture especially placed for use in personal hygiene and designed for the washing of the hands in the facility, including an automatic handwashing facility.

Health Authority means the local County Board of Health.

Hot water means water that attains and maintains a minimum temperature of 100°F.

Imminent health hazard means any condition, deficiency, or practice which, if not corrected, is very likely to result in disease transmission, serious injury, or loss of life to any person. If an imminent health hazard exists because of an emergency such as a fire, flood, interruption of electrical or water service for two or more hours, sewage malfunction, misuse of poisonous or toxic materials, onset of an apparent bloodborne illness outbreak, serious injury, gross unsanitary occurrence or condition, or other circumstances that may endanger public health, then operations must be immediately discontinued, and the Health Authority must be notified.

Instruments means hand pieces, needles, needle bars, and other instruments that may come in contact with a client's body or may be exposed to bodily fluids during any body art procedure.

ISO means the International Standards Organization.

Jewelry means any ornament used in any body art procedure which is inserted into a newly pierced area and meets the following minimum requirements:

- (a) Steel that is ASTM F138 compliant or ISO 5832-1 compliant. [Note: The EEC Nickel Directive is a regulation that requires a low rate of nickel release for all materials used for costume or fine jewelry, belt buckles, watches, or other metallic accessories with direct skin contact. It does not specify nor prove that a material is safe to wear in the body; therefore, compliance with this directive alone is not sufficient for meeting the APP initial jewelry standards.]
- (b) Steel that is ISO 10993-6, 10993-10 and/or 10993-11 compliant.
- (c) Unalloyed titanium that is ASTM F67 or ISO 5832-2 compliant.
- (d) Alloyed Titanium (Ti6Al4V ELI) that is ASTM F136 compliant or ISO 5832-3 compliant.

- (e) Alloyed Titanium (Ti6Al7Nb ELI) that is ASTM F1295 compliant or ISO 5832- 11 compliant.
- (f) Polytetrafluoroethylene (PTFE) that is ASTM F754 compliant.
- (g) Any polymer or plastic material that is ISO 10993-6, 10993-10 or 10993-11 compliant and/or meets the United States Pharmacopeia (USP) Class VI material classification.
- (h) Solid 14 karat or higher yellow, white, or rose gold that is nickel and cadmium free.
- (i) Gold jewelry used for initial piercing may not be:
1. plated, unless using materials approved by this standard over solid 14 karat or higher yellow, white, or rose gold that is 14k or higher, or white rhodium.
 2. Gold-filled
 3. Gold overlay/vermeil
- (j) Solid unalloyed or alloyed platinum that is cadmium, nickel, and lead free.
- (k) Unalloyed Niobium (Nb) that is ASTM B392 compliant. This includes but is not limited to:
1. Commercial grade 2 Niobium
 2. Commercial grade 4 Niobium that contains 1% Zirconium
- (l) Glass that is lead free. This includes but is not limited to:
1. Fused quartz
 2. Borosilicate
 3. Soda-lime
- (m) All threaded or press-fit jewelry used for initial piercing must have internal tapping (no threads on exterior of posts and barbells).
- (n) For body jewelry purposes, surfaces and ends must be smooth and free of nicks, scratches, burrs, stamps, hallmarks, polishing compounds, and other potentially harmful residues
- (o) Metals must have a consistent mirror finish on surfaces that frequently come in contact with tissue.
- (p) All jewelry used for initial piercing on people above the age of twelve must be ASTM F2999 compliant.
- (q) All jewelry used for initial piercing on people age twelve and under must be ASTM F2923 compliant.
- (r) Copies of the jewelry manufacturer's documentation, which verify compliance with standards, must be available for inspection on request

Major structural modifications means modifications in which the resulting structure differs significantly from what was originally approved by the Health Authority at the time of the Health Authority's issuance of the permit, including, but not limited to changes involving the addition, removal, or relocation of structurally existing walls, openings, floor or counters; or modifications to plumbing, mechanical, or electrical components other than decorative fixtures. It does not include minor cosmetic changes such as painting, moving equipment for detailed cleaning, detailed cleaning of physical facilities, replacing carpeting in the lobby area, or repairing damage to walls, floors, and ceilings.

Microblading of the eyebrow means a form of cosmetic tattoo artistry where ink is deposited superficially in the upper three layers of the epidermis using a handheld or machine powered tool made up of needles known as a microblade to improve or create eyebrow definition, to cover gaps of lost or missing hair, to extend the natural eyebrow pattern, or to create a full construction if the eyebrows have little to no hair.

Minor means an individual under the age of eighteen.

NSF means the National Sanitation Foundation.

Occupational exposure means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of a body artist's or employee's duties.

OSHA means the Occupational Safety and Health Administration.

Other potentially infectious material means the following human body fluids: semen, vaginal secretions, saliva, and any other body fluid visibly contaminated with blood.

Owner means a partnership, corporation, association, business entity, or person or group of persons which/who own, maintain, and control the body art studio and who are legally responsible for the operation of the body art studio.

Parlor means the actual room of the body art studio where the body artist performs procedures.

Permit means Health Authority approval in writing authorizing the permit holder to operate a Body Art Studio for the purpose of engaging in the practice or business of body art procedures..

Permit holder means the partnership, corporation, association, or the person or group of persons who maintain and control the Body Art Studio and personnel, and who are legally responsible for the operation of the studio.

Person means an individual, any form of business or social organization or any other nongovernmental legal entity, including but not limited to corporations, partnerships, limited liability companies, associations, trusts, or unincorporated organizations.

Personal protective equipment means specialized clothing or equipment, such as gloves or lap cloth, worn by a body artist or employee for protection against a hazard. General work clothes not intended to function as protection against a hazard are not considered to be personal protective equipment.

Physician or osteopath means an individual licensed to practice medicine in Georgia pursuant to OCGA Chapter 34 Title 43.

Pierce or piercing means body piercing.

Potable water means water that is from an approved water system meeting Georgia Safe Drinking Water Standards.

Proof of age means any government issued State Driver's License, Military ID, Passport or US Passport Card, or State-Issued ID Card that describes the individual as eighteen years of age or older as applicable, contains a photograph and appears to be valid.

Safe materials means articles manufactured for the specific purpose of body art procedures which are unlikely to cause injury or disease under proper use and care.

Sanitary means clean and free of agents of infection or disease.

~~**Sanitized** means effective antibacterial treatment by a process that provides a sufficient concentration of chemicals for enough time to reduce the bacteria count, including pathogens, to a safe level on equipment.~~

Sanitized means the application of an EPA registered sanitizer on a cleaned surface by a process that provides sufficient concentration of chemicals for enough time to reduce the microorganism level, including pathogens, to a safe level on instruments and equipment in accordance with the label instructions.

Sharps means any discarded article that may cause punctures or cuts to the skin.

Sharps container means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal that is labeled with the International Biohazard Symbol and specifically made for the disposal of sharps.

Single-use or single-service means disposable products or items that are intended for one-time, one-person use and are properly disposed of by appropriate measures after use on each client. Single-use items include but are not limited to cotton swabs or balls, single-use instruments, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, stencils, ink cups, and protective gloves.

Solid waste means refuse, garbage, trash, rubbish, and any other item which could cause an unsanitary condition or undesirable health and safety conditions.

Spore means a dormant, non-reproductive body able to survive adverse environmental conditions including high temperatures, dryness, and lack of nourishment for long periods of time. Under the proper conditions, the spore may revert to an actively multiplying form of the bacteria, fungi, or protozoa.

Spore test means a biological monitoring process in which resistant spore growth on test media is processed in a studio's autoclave to verify that it is functioning properly. A third-party culturing service must be engaged for this process to provide documentation serving as a tangible record and legal document verifying the autoclave's ability to achieve proper sterilization.

Standard precautions means a set of guidelines and controls, published by the Center for Disease Control (CDC) as "Guidelines for Prevention of Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Health-Care and Public-Safety Workers" in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol. 38, No. S-6; "Recommendation for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures," in MMWR, July 12, 1991, Vol. 40, No. RR-8; and "Recommendations for Prevention and Control of HCV Infection and HCV Related Chronic Disease" in MMWR, October 16, 1998, Vol. 47, No. RR-19. These methods of infection control require the employer and the employee to assume that all human blood and specified human body fluids are infectious for human immunodeficiency virus (HIV), and other blood borne pathogens. Precautions include, but are not limited to, hand washing, gloving, personal protective equipment, injury prevention, and proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products. Standard precautions include universal precautions. In the event that the CDC or other primary reference or regulatory authority publishes materials or amends regulations applicable to this definition, this definition shall be deemed amended to include the latest versions of these documents, regulations, and recommendations.

~~**Sterilization** means holding an instrument in an autoclave for 15 minutes at 15 pounds pressure at a temperature of 273 degrees Fahrenheit or 121 degrees Celsius.~~

Sterilization or sterilize means the use of a physical or chemical procedure by which all forms of microbial life, including bacteria, viruses, spores, and fungi are destroyed including highly resistant bacterial endospores. This is achieved by holding in a commercial, Class B, Class S, or other medical grade autoclave according to manufacturer's instructions as approved by the Health Authority.

Sterilization indicator means a tape, strip, bag, or other device designed to change color to indicate that sterilization temperature has been achieved during the sterilization procedure.

Sterilizer means an autoclave certified to meet generally accepted medical standards. See Autoclave.

~~**Sterilizer** means an autoclave certified to meet medical standards.~~

~~**Sterilizer indicator** means a tape, strip, or other device designed to change color to indicate that sterilization temperature has been achieved during the sterilization procedure.~~

Tattoo means to mark or color the skin by pricking in, piercing, or implanting indelible pigments or dyes under the skin or mucosa and includes the definition of tattoo as defined in O.C.G.A. § 31-40-1(1) and as may hereafter be amended. The term "tattoo" also includes all forms of cosmetic tattooing.

Temporary Body Art Studio means any location, place, facility, or business for which a permit has been granted to practice body art by the Health Authority for no more than a period of seven consecutive days in connection with conventions or industry trade shows.

Temporary Body Artist means any person not certified by the Department, who performs body art in a temporary Body Art Studio who is responsible for complying with applicable provisions of these regulations. The permit to practice body art by the Health Authority is granted for no more than a period of seven consecutive days only for the purpose of product demonstration in connection with conventions or industry trade shows.

Temporary Body Artist Permit means the issuance of a seven-day permit by the Health Authority which allows a person to practice body art as a tattoo artist, body piercer, or microblader, in accordance with this Chapter for the purpose of product demonstration in connection with conventions or industry trade shows.

Ultrasonic cleaning unit means a device approved by the Health Authority with a lid, physically large enough to fully submerge instruments in liquid, which removes foreign matter from the instruments by means of high energy and high frequency oscillations transmitted through the contained liquid.

Universal precautions, also known as *standard precautions*, means treating all blood and body fluids as if they contain bloodborne pathogens and taking proper precautions to prevent the spread of any bloodborne pathogens.

Wash means cleansing the skin with warm water and antibacterial soap and drying with single-use towels.

Waste means solid waste, sewage, blood and body fluids or other waste resulting from the operation of a Body Art Studio.

Work area or workstation means an area where clients receive body art from an individual body artist.

Sec. 12-513. Scope of rules.

- (a) All permits issued under this article shall constitute a mere privilege to conduct the business so authorized during the term of the permit only and subject to all terms and conditions imposed by the board of health, the department, and state law.
- (b) The requirements of this article shall be in addition to all other licensing, taxing, regulatory provisions of local, state, or federal law and shall not authorize violations of said other applicable laws.

Sec. 12-514. Body art studio—Owner.

- (1) The owner shall be responsible for compliance with the requirements in O.C.G.A. tit. 31, ch. 40, with any applicable administrative rules and regulations of the department, and with the applicable rules of the board of health, including, but not limited to, all applicable statutes and rules and regulations regarding disclosure of ownership.
- (2) Prior to being granted a body art studio permit, the body art studio owner shall adopt and submit to the board of health a written statement of policies and procedures of the body art studio showing compliance with the following:
 - (a) No person under the age of 18 shall perform body art procedures on individuals unless under the direct on-site supervision of a physician or osteopath licensed under O.C.G.A. tit. 43, ch. 34.
 - (b) Body artists shall not be under the influence of alcohol and/or drugs while performing body art procedures.
 - (c) No person shall perform body art procedures on an individual who is or reasonably appears to be under the influence of alcohol, drugs or other stimulants or depressants or is of unsound mind or body.
 - (d) No animals of any kind shall be allowed in a body art studio except service animals used by persons with legally recognized disabilities.
 - (e) No tattoo procedure shall be performed on a person under the age of 18 except by a physician or osteopath licensed under Chapter 34 of Title 43 of the Official Code of Georgia Annotated, or a

technician acting under the direct supervision of such physician or osteopath with the written consent of a parent or guardian.

- (f) No body piercing procedure shall be performed on a person under the age of 18 without the written consent of a parent or guardian. The parent or guardian must be present when the piercing procedure is performed.
- (g) No tattoo procedure shall be performed on any person within one inch of any part of the eye socket of such person.

(3) The temporary Body Art Studios shall meet the requirements of this Chapter. In addition, the following will be required:

- (i) A convenient handwashing facility must be located within 30 feet of each work or demonstration area for body artist handwashing. In the absence of a hand wash station meeting the requirements of this Chapter, this facility shall consist of, at least, a catch bucket, a pressurized or gravity fed, hands-free container filled with potable water, liquid antimicrobial hand soap, and individual paper towels at the service site.**
- (ii) Only single-use, disposable, pre-sterilized supplies may be used.**

Sec. 12-515. Same—Permit.

- ~~(a) The owner of each body art studio shall obtain a valid body art studio permit from the board of health environmental health section prior to beginning operation. Body art studios shall renew their permit annually in accordance with section 12-516.~~
- ~~(b) The permit is the property of the board of health.~~
- ~~(c) To be eligible for a new body art studio permit or a renewal permit, a body art studio must be in compliance with all of the requirements of this article.~~
- ~~(d) It shall be unlawful for any person to practice body art procedures unless such procedures are performed in a body art studio operating under a valid body art studio permit issued by the board of health environmental health section.~~
- ~~(e) The body art studio permit shall be displayed on the premises in a conspicuous place in public view at all times. Permits shall not be defaced or altered in any manner. A body art studio shall not post a reproduction of a permit unless the board of health has marked it "Duplicate."~~
- ~~(f) All body art studio permits issued pursuant to this article are nontransferable.~~
- ~~(g) A body art studio permit shall be returned to the board of health environmental health section if it is suspended or revoked.~~

(a) Body Art Studio permits.

- (1) No person shall operate a Body Art Studio without first obtaining a Body Art Studio permit in accordance with the timeframes specified in these rules. Upon the effective date of this Chapter, existing Body Art Studios shall have one year to obtain and display a valid Department of Public Health Body Art Studio permit issued by the Health Authority. This deadline may be extended for all applicants upon public notice by the Department on its website.**
- (2) Permits shall be issued by the Health Authority on forms prescribed by the Department and shall designate one or more specialties which may be practiced in the studio: tattooing, piercing, or microblading. The Health Authority may authorize an electronic signature method for signing prescribed forms.**

- (3) Permits shall only be issued to a single permit holder operating at a single location. A permit shall not be transferable from one place to another, or from one person to another.
 - (4) An applicant for a Body Art Studio permit shall provide written evidence of satisfactory compliance with the provisions of this Chapter and any other applicable laws and regulations. The permit holder shall be responsible for maintaining compliance with the requirements of this Chapter and any other applicable laws and regulations.
 - (5) The permit shall be displayed near the front entrance of the studio within fifteen feet of the front or primary public door and between five feet and seven feet from the floor, and in an area where it can be read at a distance of one foot away or, if for some reason this is impractical, in an area approved by the Health Authority.
 - (6) The permit shall expire when the Body Art Studio ceases to operate, relocates, or has a change of ownership. For purposes of this subsection, a "change of ownership" means the transfer of a 50% or greater interest in the studio to a person or entity not currently holding an interest.
 - (7) An operating permit is not transferable from one studio to another.
- (b) **Body Art Studio Permit Holder Responsibilities.** Upon acceptance of the permit issued by the Health Authority, in order to retain the permit, the permit holder shall:
- (1) Ensure compliance with the provisions of this Chapter, including the conditions of any variance granted by the Department, and allow inspections by representatives of the Health Authority during hours of operation;
 - (2) Immediately discontinue operations and notify the Health Authority if an imminent health hazard may exist; and
 - (3) Replace existing facilities and equipment that do not comply with this Chapter if:
 - (i) The Health Authority directs the replacement because the facilities and equipment constitute a public health hazard or no longer comply with the criteria upon which the facilities and equipment were accepted; or
 - (ii) The facilities and equipment require replacement due to wear and tear in the normal course of operation.
- (c) A copy of the most current version of this Chapter must be in the studio at all times.
- (d) A temporary Body Art Studio permit may be issued for body art services provided outside of a permitted location for the purpose of product demonstration in connection with body art conventions or industry trade shows.

Sec. 12-516. Same—Application for permit.

- ~~(a) The application for a body art studio permit or for the renewal of a body art studio permit shall be made on forms provided by the board of health environmental health section.~~
- ~~(b) Any application for a new body art studio permit or for the renewal of a body art studio permit shall be sworn to by the applicant as true, correct, and complete before a notary public or other officer authorized to administer oaths.~~
- ~~(c) Applications for a new permit.~~

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- ~~(1) At least 30 days prior to the anticipated date of opening, the owner of a new body art studio shall submit an application to the board of health environmental health section for a body art studio permit to operate under this article.~~
- ~~(2) The application for a new body art studio permit shall include:~~
- ~~a. A quarter inch per foot scale drawing of the floor plan of the body art studio and a drawing of associated details shown at 1½ inch per foot scale, signed by a registered engineer or architect. Such drawing shall show the accurate placement of each of the following:~~
 - ~~1. Hand sinks;~~
 - ~~2. Bathroom;~~
 - ~~3. First-Aid kits;~~
 - ~~4. Waiting area;~~
 - ~~5. Windows;~~
 - ~~6. Doors;~~
 - ~~7. Tables;~~
 - ~~8. Chairs;~~
 - ~~9. Room measurements;~~
 - ~~10. Equipment;~~
 - ~~b. A zoning certification obtained from the appropriate jurisdiction. The applicant shall comply with all applicable zoning, building, safety, fire, and other local codes and requirements;~~
 - ~~c. A copy of the certificate of occupancy for the studio;~~
 - ~~d. A complete description of all body art services which will be provided in the body art studio;~~
 - ~~e. The full or legal name under which the body art studio is conducted;~~
 - ~~f. The address of the body art studio;~~
 - ~~g. If the owner leases the location, the name and current address of the landlord;~~
 - ~~h. The name and home address of the owner; if the owner of the body art studio is a partnership, the names and addresses of all partners; if the owner is a corporation, the date and place of incorporation and the name and address of its registered agent in the state; or if the owner is any other type of association, the names of the principals of the association;~~
 - ~~i. A list containing the full names and home addresses of all employees and staff who will be working in the body art studio;~~
 - ~~j. A copy of the written statement of policies and procedures of the body art studio in accordance with section 12-514;~~
 - ~~k. An acknowledgement signed by the owner acknowledging that the owner has read and understands this article; and~~
 - ~~l. Such other information as may be deemed necessary by the board of health.~~
- ~~(3) The applicant shall submit a nonrefundable plan review fee as set by the board of health and approved by the county board of commissioners.~~
- ~~(d) Applications for renewal.~~
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- ~~(1) At least 30 days prior to the expiration of a body art studio permit, the owner shall submit an application to the board of health environmental health section for renewal of the body art studio permit.~~
- ~~(2) The application for the renewal of a body art studio permit shall include:~~
 - ~~a. A complete description of all body art services that will be provided at the studio;~~
 - ~~b. The full or legal name under which the body art studio is operated;~~
 - ~~c. The address of the body art studio;~~
 - ~~d. If the owner leases the location, the name and current address of the landlord;~~
 - ~~e. The name and current home address of the owner; if the owner of the body art studio is a partnership, the names and addresses of all partners; if the owner is a corporation, the date and place of incorporation and the name and address of its registered agent in the state; or if the owner is any other type of association, the names of the principals of the association;~~
 - ~~f. An updated list containing the full names and home addresses of all current employees and staff who will be working in the body art studio;~~
 - ~~g. A copy of the written statement of policies and procedures of the body art studio in accordance with section 12-514;~~
 - ~~h. An acknowledgement signed by the owner acknowledging that the owner has read and understands this article; and~~
 - ~~i. Such other information as may be deemed necessary by the board of health.~~

(a) Applications

- (1) An application for a Body Art Studio must be submitted to the Health Authority no less than fourteen days prior to the start of construction or major structural modifications.**
- (2) The applicant shall certify in its application the names and exact duties of the employees and body artists who will be responsible for carrying out the rules and policies adopted by the permit holder. The following information shall be included for each such person:**
 - (i) Valid driver's license or Government issued ID;**
 - (ii) Date of birth (DOB);**
 - (iii) Home address;**
 - (iv) Telephone numbers; and**
 - (v) Department-issued Body Artist Certification of all artists who will practice in the studio.**
- (3) Each application for a permit shall be accompanied by an 8 ½" x 11" or larger page containing a detailed, to-scale floor plan of the Body Art Studio. Such plan shall show the accurate placement of each of the following: windows, doors, chairs, tables, sinks, restrooms, waiting area, and all equipment placement whether affixed or not for clients or staff, and shall include room measurements.**
- (4) Specification sheets for all equipment to be in the studio shall be provided as determined by the Health Authority. Studios using all commercially purchased, individually packaged, sterile, single-use,**

disposable jewelry and instruments shall provide adequate manufacturer documentation to avoid requirements for an ultrasonic cleaner and autoclave.

- (5) The ownership of the studio shall be fully disclosed in its application for a permit. The individual owners shall be listed, if a sole proprietorship or partnership; the members, if a limited liability company; and the shareholders, if a corporation. No permit shall be issued if any person with an ownership interest in the proposed studio is under eighteen years old, has previously had a body art permit or certification revoked, or is currently the subject of disciplinary proceedings related to body art chapter enforcement.
- (6) The applicant shall show that it has demonstrated compliance with zoning and other local requirements regarding proper location and establishment of Body Art Studios, including any applicable building, fire safety, plumbing, mechanical and electrical codes.

(b) Temporary Body Art Permit Application

- (1) A temporary Body Art Studio permit may be obtained after submitting an application that contains the name of the body artists, location, the operating days, hours of operation of the temporary studio, and the plans or description of the temporary studio. The applicant will provide information related to solid waste, biomedical waste, and sharps disposal.
- (2) A temporary Body Art Studio permits will not be issued unless the applicant demonstrates to the Health Authority successful compliance with all the requirements of this Chapter. This includes education, disclosure, consent, minimum design standards, and furnishing and fixtures requirements.
- (3) The application for a permit must be submitted for review by the Health Authority at least thirty days prior to the event and all applicable fees must be paid before a permit will be issued.
- (4) The following criteria pertain to permits for temporary Body Art Studios:
 - (i) No permit may be valid for more than seven consecutive days.
 - (ii) An applicant shall not receive more than two seven-day permits during a thirty-day period.
 - (iii) A permit shall not be transferable from one place to another, or from one person to another.
 - (iv) A permit shall be posted in a prominent and conspicuous place as determined by the Health Authority so clients can readily observe it.

Sec. 12-517. Same—Issuance of permits; fees.

- (a) The board of health environmental health section may issue a body art studio permit to an owner after determining that the studio is in compliance with the requirements of Chapter 40 of Title 31 of the Official Code of Georgia, with any applicable administrative rules and regulations of the department of human resources, and with this article.
- (b) A body art studio shall submit an application for a new body art studio permit when any of the following conditions exist:
 - (1) The studio is remodeled, renovated, or expanded;
 - (2) There is a change in the legal ownership of the body art studio; or

- (3) An existing facility is moved or relocated.
- (c) Body art studio permits shall automatically expire on June 30 of each year.
- (d) Prior to the issuance of a body art studio permit, the owner must pay the applicable permit fee. Body art studio permit fees shall not be prorated except that an owner who submits an application for a body art studio permit on January 1 or later shall only be required to pay half of the body art studio permit fee.
- (Res. of 8-3-2006, § 9)
- (e) The Health Authority shall issue a Body Art Studio permit after:**
- 1. Receipt of a completed application;**
 - 2. Payment of applicable fees;**
 - 3. Plan review approval; and**
 - 4. An inspection of the proposed studio which reveals that it is in compliance with requirements of this Chapter.**
- (f) Before being granted a permit, each Body Art Studio shall develop a written statement of policies and standard operating procedures that address:**
- 1. Sterilization of instruments and equipment and Emergency Sterilization Procedures;**
 - 2. Body Artist and Employee Health;**
 - 3. Body Artist and Employee Drug and Alcohol Use;**
 - 4. Sanitizing areas and equipment between use;**
 - 5. Disposal of waste;**
 - 6. Record keeping;**
 - 7. Client screening;**
 - 8. Aftercare;**
 - 9. Exposure control plan;**
 - 10. Emergency plan for accidents that addresses first aid procedures; and**
 - 11. Water Interruption Plan**

Sec. 12-518. Same—Application to existing businesses.

The provisions of this article shall be applicable to all body art studios whether the studios were established before or after the effective date of the ordinance from which this article is derived. Any body art studio in business on the effective date of the ordinance from which this article is derived shall comply with all requirements of this article within six months of said effective date.

Sec. 12-519. Minimum floor plan requirements.

- (a) The body art studio shall be constructed, arranged, and maintained so as to provide adequately for the health and safety of its customers and staff.
- (b) The body art studio shall be constructed in a manner to allow the customer receiving the procedure adequate privacy from observers. The parlor shall be separate from the waiting area.
- (c) Each parlor shall have a minimum of 45 square feet of floor space.
- (d) Insects, vermin, and/or rodents shall not be present in any part of the body art studio. Effective measures shall be taken by the body art studio owner to prevent the breeding or presence on the premises of insects, vermin, and/or rodents.
- (e) The body art studio shall have adequate mechanical ventilation in compliance with current state and local building codes.
- (f) Walls and ceilings shall be painted or covered in a manner which allows for easy and effective cleaning. All paint and coverings shall be light in color.
- (g) Parlor floors shall be constructed of nonabsorbent material which will allow for effective cleaning. Floors in the parlor areas shall not be covered by carpet or wood.
- (h) A clean and sanitary toilet and hand washing facility shall be made accessible to customers; however, it shall be separate from the parlor.
- (i) Each parlor shall be equipped with at least one sink providing hot and cold water under pressure through a mixing valve with no aerator, and with foot or wrist actuated controls, for the use of the body artists for washing their hands and preparing customers for body art procedures. This area shall be provided with dispensed soap, an antibacterial solution, dispensed single-use towels, and individual hand brushes for each body artist.
- (j) An equipment washing sink shall be provided in the studio, distinct from the hand sinks, and shall be located in the equipment handling and assembly area. This sink shall meet National Safety Foundation (NSF) standards.
- (k) Each parlor shall be equipped with an artificial light source equivalent to at least 20 footcandles three feet off the floor. Body art procedure areas and equipment handling and assembly areas shall be provided with 100 footcandles at the level where the procedure is performed.
- (l) Parlors shall not be used as corridors for access to other rooms.
- (m) A water heater capable of heating water to 100 degrees Fahrenheit shall be provided. The size and capacity of such water heater shall be subject to the approval of the board of health.

Sec. 12-520. Furnishings and fixtures.

- (a) Furnishings of the body art studio shall be maintained in sanitary condition and shall be intact and functional. The studio shall be kept clean, neat, and free of litter and rubbish.**
- (b) Cabinets for the storage of instruments, dyes, pigments, single-use articles, carbon, stencils, jewelry, studs, and other supplies shall be provided for each body artist and shall be designed, manufactured, and maintained in a sanitary manner so as to protect contents from contamination.**
- ~~(c) Worktables and chairs shall be provided for each body artist.~~
 - ~~(1) Surfaces of all worktables and chairs shall be constructed of material which is smooth, light colored, nonporous, nonabsorbent, corrosion resistant, and easily sanitized.~~
 - ~~(2) Worktables and chairs shall be sanitized with a bactericidal solution after each procedure.~~

- (c) All surfaces in the work area that could potentially be contaminated during a procedure must be non-porous to allow for proper cleaning. This includes but is not limited to worktables, chair mats and bases, shelving, and counters.
- (d) Worktables and chairs shall be provided for each body artist workstation.
 - (1) All exposed surfaces of all worktables and chairs shall be constructed of material which is smooth, nonabsorbent, corrosive resistant, and easily sanitized.
 - (2) All exposed surfaces of worktables and chairs shall be sanitized with an EPA registered disinfectant approved by the Health Authority after each use and between clients.

Sec. 12-521. Supplies.

- ~~(a) Single-use supplies shall be commercially packaged and handled to protect them from contamination. These supplies shall be stored in an area separate from chemical supplies and toilet facilities.~~
- (a) Bulk single-use articles shall be commercially packaged and handled to protect them from contamination. These articles shall be stored in an area separate from the work area and toilet facilities.**
- (b) All materials applied to human skin, including, but not limited to, ink, stencils, and single-use piercing needles shall be from single-use containers and shall be disposed of after each use.
- (c) Jewelry supplies used in a body art studio shall be made of implant grade high quality stainless steel, gold, platinum, titanium, niobium, or dense low porosity plastic. The jewelry shall also be smooth surfaced and scratch free.
- (d) Only single-use sterile gauze and single-use antibacterial ointment dispensers shall be used.
- (e) Single-use items shall not be used on more than one client for any reason.
- (f) Cabinets and closed, sealable containers for the storage of instruments, pigments, single use articles such as gloves, ink caps, carbon, or stencils, shall be provided for each body artist and shall be maintained in a sanitary manner which protects them from contamination.**
- (g) Minimum supplies of a studio. Each workstation is to be equipped or stocked with enough of the following items:**
 - (1) Body Tattooing Studios shall have packaged, single use, pre-sterilized needle assembly with bar and sterilized needle tubes;**
 - (2) Body Piercing Studios shall have packaged, single-use, pre-sterilized needles, sterilized needle tubes, sterilized forceps, and sterilized hemostats; single-use pens or equivalent instruments. Piercing Studios may sterilize equipment at point of use if they have a cassette autoclave.**
 - (3) Extra packages of disposable towels other than the package that is being used;**
 - (4) Extra boxes of medical grade disposable gloves other than the box being used; and**
 - (5) An extra supply of bandages, ointment or gel, and antimicrobial soap.**

Authority: O.C.G.A. § 31-40-5.

Sec. 12-522. Sterilization.

- ~~(a) Instrument cleaning.~~
 - ~~(1) All non single-use, non-disposable instruments shall be properly cleaned and sterilized after each use by following the manufacturer's recommendations prior to packaging and sterilization.~~
 - ~~(2) Employees shall wear heavy-duty, multi-use, waterproof gloves while cleaning instruments.~~
 - ~~(3) Used instruments shall be soaked in an EPA approved disinfectant until cleaning can be performed. The solution shall be changed as recommended by the solution manufacturer.~~

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- ~~(4) Instruments shall be disassembled for cleaning.~~
 - ~~(5) All instrument components shall be cleaned, either manually or in an ultrasonic cleaner, using the appropriate cleaning agent specific to the type of cleaning performed.~~
 - ~~(b) Instrument packaging.~~
 - ~~(1) Employees shall wear clean gloves while packaging or wrapping instruments.~~
 - ~~(2) Instruments shall be wrapped or packaged with a sterilizer indicator on each package.~~
 - ~~(3) All packages shall be labeled with the time and date of sterilization. Packages will no longer be considered sterile six months after the date of sterilization.~~
 - ~~(c) Instrument sterilization.~~
 - ~~(1) The sterilizer shall be designed and labeled as a medical instrument sterilizer.~~
 - ~~(2) The operator's manual for the sterilizer shall be available on the premises, and the sterilizer shall be operated according to the manufacturer's recommendations.~~
 - ~~(3) The sterilizer shall be cleaned and maintained according to the manufacturer's recommendations.~~
 - ~~(4) A sterilizer load log shall be maintained for the studio and made available for inspection by properly identified representatives of the board of health during normal operation hours. The log shall be kept for a minimum of one year. The log shall contain the following documentation for each load:~~
 - ~~a. Description of instruments contained in the load;~~
 - ~~b. Date of sterilization, and time if more than one load is processed in a single day;~~
 - ~~c. Sterilizer cycle time and temperature;~~
 - ~~d. Indication of proper sterilization of instruments, as indicated by the appropriate color change of the sterilizer indicator on each package. The indicator used shall be compatible with the sterilization process being used; and~~
 - ~~e. Action taken when appropriate color indicator change did not occur.~~
 - ~~(d) Sterilization monitoring.~~
 - ~~(1) Sterilizer monitoring shall be performed at least once every two months (unless more frequent monitoring is specified by the manufacturer) by using a commercial biological monitoring (spore) system.~~
 - ~~(2) All biological indicators shall be analyzed by a laboratory that operates under FDA guidelines and is independent of the studio with reports sent to the studio and the board of health environmental health section.~~
 - ~~(3) Biological indicator test results shall be maintained on the premises for a minimum of one year and must be available for inspection by properly identified representatives of the board of health during normal operation hours.~~
 - ~~(4) Upon notification of a positive microbiological monitoring report, the sterilizer shall be immediately checked for proper use and function. The studio will cease operations immediately upon receipt of a positive microbiological report. Three consecutive biological tests shall be performed before the studio is reopened. All three tests must be negative. The studio shall have the option to purchase and install a new sterilizer in order to reopen prior to the receipt of the test results on the previous sterilizer.~~
 - ~~(e) Instrument storage.~~
 - ~~(1) Hands shall be washed and gloved prior to handling sterilized instruments.~~
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- ~~(2) After sterilization, the instruments shall be stored in a dry, clean area reserved for storage of sterilized instruments.~~
- ~~(f) Single-use items. If the body art studio operates using only pre-sterilized instruments and supplies, a sterilizer is not required.~~
- ~~(a) An ultrasonic cleaning unit and operational Class B or S medical grade or other approved medical-grade autoclave is required and shall be provided in each Body Art Studio unless the use of pre-sterilized items and equipment or single-use items has been approved by the Health Authority.~~
 - ~~(b) Ultrasonic cleaning units used for cleaning instruments shall be clearly labeled "biohazardous" and shall be operated in accordance with the manufacturer's recommendation.~~
 - ~~(c) The ultrasonic cleaning unit and medical-grade autoclave shall be used and maintained according to manufacturer's specifications. Each ultrasonic cleaning unit and medical-grade autoclave shall be emptied and thoroughly cleaned and disinfected as per manufacturer's recommendations. Ultrasonic cleaning unit and medical-grade autoclave maintenance records must be maintained for two years and be made available upon request.~~
 - ~~(d) Used non-disposable instruments shall be kept in a separate puncture-resistant container and soaked in a protein-dissolving detergent-enzyme cleaner until cleaned. The solution shall be changed as recommended by the solution manufacturer. The cleaning method shall include the following:

 - ~~(1) Employees and body artists shall use personal protective equipment, protecting their eyes, nose, mouth, and hands while cleaning instruments and follow manufacturer's safety precautions for any chemicals used. Instruments shall be completely disassembled and pre-scrubbed prior to being placed into an ultrasonic cleaning unit. The ultrasonic unit must be sealed and covered when in use to protect from aerosolization.~~
 - ~~(2) After removal from the ultrasonic cleaning unit, rinsed in clean water and air dried.~~
 - ~~(3) Prior to being placed in the autoclave, all equipment shall be bagged, labeled as to its contents, initialed, dated and sealed. If multiple autoclaves are in use, the autoclave used must be designated on the packaging.~~
 - ~~(4) Instruments shall be packed individually in sterilization packs and sterilized in a medicalgrade autoclave. All sterilized packs shall contain either a sterilization indicator or internal temperature indicator and marked with the date of sterilization. Sterilized instruments may be stored for use up to one year, as long as the integrity of the packaging has not been compromised.~~
 - ~~(5) Each autoclave bag must be used in accordance with the manufacturer's recommendations and may hold no more than one individual item. A piercing set may be bagged together.~~~~
 - ~~(e) After sterilization, the packaged instruments shall be stored in a clean dry cabinet or other tightly covered container reserved and labeled for storage of sterile instruments.~~
 - ~~(f) If a sterilized package has been breached or allowed to get wet, the instruments must be repackaged and sterilized again before use.~~
 - ~~(g) A log of sterilization procedures shall be maintained near the sterilizing equipment. Included in the log, shall be type of load, quantity of load, temperature, pressure, and length of sterilizing time.~~
 - ~~(h) Spore tests shall be used at a minimum frequency of every 40 hours of operation of the autoclave but not less than on a monthly basis unless the manufacturer specifies more frequent monitoring. Records of the results must be kept for a minimum of three years. An independent commercial testing laboratory contracted by the permit owner or body artist, or both shall perform biological spore testing of the autoclave. A provision shall be included in the contract with the commercial testing laboratory requiring the body art studio to notify the Health Authority of any failure of the autoclave to eradicate all living organisms, including spores.~~
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- (i) Upon notification of a positive microbiological monitoring report, the autoclave shall be immediately checked for proper use and function and the permit owner shall cease use of the autoclave immediately upon receipt of the positive report. Any items remaining bagged after sterilization must be reprocessed and sterilized by a medical-grade autoclave approved for use prior to return to service. A negative biological test and passing a Class 5 integrating indicator must be achieved before the autoclave can be used again and the studio is reopened. The studio shall have the option to obtain a properly functioning sterilizer with a negative biological report in order to remain open or if the studio has more than one autoclave in operation, they may be given approval to remain open. The Body Art Studio's standard operation procedure should include an emergency plan should an autoclave failure or malfunction occur.
- (j) Any item or instrument used for body art that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.

Sec. 12-523. Disinfection of workplace.

- (a) Each body art studio shall be kept clean and sanitary.
- (b) The owner shall develop and implement a cleaning schedule that includes appropriate methods of decontamination, plus any tasks or procedures to be performed daily. This written schedule shall be based on the types of surfaces to be cleaned, the types of possible contamination present, the tasks or procedures to be performed, and their location within the body art studio. The owner shall maintain a log of all scheduled cleaning. This log shall be available for review by properly identified representatives of the board of health during normal operation hours. Violation of proper maintenance and documentation thereof will be grounds for immediate closure and suspension of the owner's body art studio permit.
- (c) All work surfaces shall be disinfected with an EPA approved disinfectant at the beginning of each work day, after completion of body art procedures on each individual, and at the end of each work day.
- (d) All protective coverings such as plastic wrap and aluminum foil shall be removed after each body art procedure and replaced with unused protective coverings.
- (e) Reusable receptacles such as bins, pails, and cans that have the likelihood of becoming contaminated shall be decontaminated on a daily basis with a current EPA approved disinfectant. When contamination is visible, receptacles shall be cleaned and decontaminated immediately.

Sec. 12-524. Disposal of waste.

- (a) All disposable instruments are considered biohazardous and must be disposed of as biohazardous material. All biohazardous waste must be disposed of in accordance with all applicable local, state, and federal laws, rules, and ordinances regarding biohazardous waste. Needles, razors, and other sharp instruments shall be placed in puncture-resistant, closed containers immediately after use and shall be stored in closed cabinets or drawers at the end of each workday.
- (b) Needles shall not be purposely bent, broken, or otherwise manipulated.
- (c) Sharps waste shall be safely discarded in a rigid and puncture-resistant waste container that is leakproof on the sides and bottom with a self-closing lid. These containers shall be labeled with the international biohazard symbol and the word "BIOHAZARD." Sharps waste shall be removed and disposed of by a company that will dispose of it in accordance with all applicable local, state, and federal laws, rules, and ordinances regarding biohazardous waste.
- (d) Biohazardous non-sharps waste shall be discarded in a biohazard bag. Waste shall be removed and disposed of by a company that will dispose of it in accordance with all applicable local, state, and federal laws, rules, and ordinances regarding biohazardous waste.

- (e) Non-biohazardous disposable waste shall be placed in lined, easily cleanable containers with tight-fitting lids to prevent leakage or spillage.
- (f) Non-biohazardous disposable waste shall be handled, stored, and disposed of so as to minimize direct exposure of personnel to waste materials.
- (g) Self-closing waste containers lined with plastic bags manufactured specifically for waste containers shall be located within each parlor and restroom and shall be emptied at least once per day into a commercially approved dumpster. This dumpster must be picked up and emptied by a commercial contractor at least once per week.

Sec. 12-525. Client files.

- ~~(a) The owner shall maintain a detailed client file of the body art procedures administered to each client.~~
- ~~(b) The client file shall be created prior to any body art procedure being performed and shall reflect the client's name and signature, address, proof of age, body art procedure performed, date, design, its precise location upon the body, and the name of the body artist or body artists performing or assisting in the procedure. The client file shall also describe whether any complications or incidents arose during the procedure and detail what action was taken to resolve the incident. A copy of a valid state issued photo ID must be obtained from the client and maintained with the client's file.~~
- ~~(c) Each client shall be provided with an informed consent statement that fully explains the procedure and each client shall be required to sign the informed consent statement prior to receiving any body art procedure. The informed consent statement signed by the client shall be maintained by the owner in the client file, with a copy given to the client.~~
- ~~(d) A disclaimer of liability form promulgated by the board shall also be signed by the client prior to receiving any body art procedure. A copy of the disclaimer of liability signed by the client shall be maintained by the owner in the client file, with a copy given to the client.~~
- ~~(e) The client file shall contain a signed and dated statement by the client attesting that he is not under the influence of alcohol and/or drugs at the time the body art procedure is performed.~~
- ~~(f) The client file shall contain a signed and dated statement by the client attesting that he has received, read, and understood a copy of the after care procedures advising the client on proper subsequent care of the body art.~~
- (a) Every Body Art Studio shall require that each client complete an application, client evaluation and informed consent form approved by the Health Authority prior to having any body art activity performed upon or to their body. All records required by this Rule may be kept in digital or print form.
- (b) The application shall contain a minimum of the following:
 - (1) Name;
 - (2) Date of birth;
 - (3) Copy of government issued identification (ID);
 - (4) In the case of piercings for a minor client, the parent or legal guardian's government issued ID, proof of parentage or legal guardianship through a certified copy of a birth certificate or court order of guardianship respectively, state-issued photo ID or other Health Authority approved ID for the minor client, and the written consent to conduct the contemplated Body Art activity to be performed upon the minor client;
 - (5) A brief description and location of the Body Art procedure to be performed;

- (6) The phone number of the Health Authority and instructions for the client, or in the case of a minor client, the minor client and parent or legal guardian, to contact the Health Authority with any complaint, question or concern regarding safety, sanitization, or sterilization procedures;
 - (7) The name and certification number of the Body Artist who is to conduct the Body Art on the client or minor client;
 - (8) Signature of the client or, in the case of a minor client, the signature of the client's parent or legal guardian signed in the presence of the Body Artist;
 - (9) A statement by the client attesting that he or she is not under the influence of alcohol or drugs;
 - (10) The signature of the Body Artist; and
 - (11) The dates of all signatures.
- (c) The Body Art Studio shall complete a client evaluation to ensure that the client inform the Body Artist of any known chronic medical or communicable conditions, including, but not limited to the following: (a) History of diabetes or any disorder or medication that affects the neurological or immune system in fighting infection; (b) Bloodborne conditions such as Hepatitis B, Hepatitis C, HIV; (c) History of hemophilia or any other blood clotting abnormalities; (d) History of skin disease, skin lesions, or skin sensitivities to soap, disinfectants, etc.; (e) History of allergies or adverse reactions to pigments, dyes, or other skin sensitivities; (f) History of epilepsy, seizures, fainting or narcolepsy; (g) The taking of medications such as aspirin or other anticoagulants (such as warfarin, Xarelto™, Plavix, Eliquis™, etc.) which thin the blood and or interfere with blood clotting; (h) History of or suspicion of adverse reaction to latex or products containing latex; and (i) History of keloid formation. (j) If the client is pregnant or has been pregnant in the last three (3) months; and, (k) If the client has eaten in the last four (4) hours.
 - (d) The body artist must tell the client to consult a physician prior to the procedure if they have any concerns related to the evaluation questions outlined in (c).
 - (e) The Body Artist shall inform the client, verbally and in writing that the health conditions outlined in (3) may increase health risks associated with receiving a body art procedure.
 - (f) If the client refuses to disclose the information in (3) of this subsection, then the Body Artist shall require the client to sign a form stating that the client was asked to provide the information and refused.
 - (g) The client must sign an informed consent form that includes but not limited to the following: (a) Client is voluntarily obtaining services of their own free will and volition; (b) Client has had the opportunity to read and understand the documents presented to them; (c) Client has the ability to ask questions about the procedure; and (d) Client has received and understands written and verbal aftercare.
 - (h) For each client, proper records of identification, an application, client evaluation, and informed consent form shall be kept, in digital or print form, and retained for a minimum of three years. Records must be kept on premises for a minimum of one year. All three years of records must be available to the Department or Health Authority upon request. The files must be stored in a manner that prohibits access from unauthorized personnel.

Sec. 12-526. Body art studio inspections.

- (a) The premises of any body art studio and all records required to be maintained under this article shall be available for review and examination by properly identified representatives of the board of health during normal operation hours for the purpose of making inspections to determine compliance with these rules.
- (b) The owner shall be responsible for having an employee with knowledge of the studio's records on duty at the body art studio during all hours of operation.

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- (c) Studio inspections shall be performed at least two times annually. Additional studio inspections shall be performed as often as necessary for the enforcement of this article. Any violation of this article will require a re-inspection of the body art studio to determine whether the violation has been corrected. Each re-inspection will carry a re-inspection fee.
 - (d) A copy of the most current inspection report shall be posted in public view, in an un-obscured manner, at eye level five foot six inches within 15 feet of the main door. The inspection report shall be approachable to within one foot.
 - (e) Representatives of the Health Authority, after proper identification, shall be permitted to enter any Body Art Studio or operation at any time during business hours for the purpose of making inspections and reviewing of pertinent records to determine compliance with this Chapter. The permit holder is responsible for ensuring that at least one person on site is authorized and able to provide access to all rooms, facilities, and records of the Body Art Studio, and who can demonstrate that there is sufficient daily oversight of employees, body artists and perform routine monitoring of operations.
 - (f) Representatives of the Health Authority who conduct inspections of Body Art Studios must complete an OSHA compliant Bloodborne Pathogens/ Universal Precautions training, pass a written exam developed by the Department, and comply with other training requirements established by the Department.
 - (g) Inspection results - Reporting and Scoring.
 - (1) Inspection results for Body Art Studios shall be recorded on standard forms provided by the Department.
 - (2) The scoring system shall include a weighted point value for each requirement in which critical items are assigned values of five points, with non-critical violations having assigned values of either one or two points.
 - (h) The rating score shall be the total of the weighted point values for all violations subtracted from one hundred.
 - (1) Correction of imminent health hazards shall be corrected immediately. Critical violations shall be corrected within seventy-two hours, and non-critical violations within ten calendar days.
 - (2) Upon declaration of an imminent health hazard which cannot be immediately corrected, the local Health Authority shall issue an order requiring the studio to immediately cease operations until authorized to reopen.
 - (3) Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the Health Authority may agree to or specify a longer time frame, not to exceed ten calendar days after the inspection, for the permit holder to correct violations.
 - (4) Failure to correct these violations to the satisfaction of the Health Authority or the Department may result in such emergency action including enforcement actions pursuant to O.C.G.A. § 31-5-2 and 31-5-9(a). (5) In the case of temporary Body Art Studios, all critical violations shall be corrected immediately, or provisions must be made to satisfy the violation until a complete correction can be made within twenty-four hours. If critical violations are not corrected within twenty-four hours, the studio shall immediately cease operations until authorized to resume by the Health Authority. Upon declaration of an imminent health hazard which cannot be immediately corrected, the Health Authority shall issue an order requiring the studio to immediately cease operations until authorized to reopen by the Health Authority.
 - (i) Follow up inspections when required will be performed within the time or as determined by the Health Authority.
 - (j) Inspection Frequency.
 - (1) The Health Authority shall conduct one or more construction inspections for newly constructed or major structurally modified studios to verify that the Body Art Studio is constructed and equipped in
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accordance with the approved plans and specifications and is in compliance with law and this Chapter. In addition, the Health Authority may conduct one or more preoperational inspections to verify compliance with the construction and equipment requirements of this Chapter at the time of a change in the permit holder of an existing Body Art Studio.

- (2) An initial inspection will be conducted in a studio prior to the body art permit being issued.
 - (3) To allow the permit holder of the Body Art Studio sufficient time to fully train body artists, employees and to ensure the studio has implemented all written procedures, the first routine inspection will be conducted within sixty days after the opening of the studio; and it will mark the beginning of the studio's compliance history with this Chapter.
 - (4) After the first routine inspection, studios maintaining an "A" or "B" score shall be inspected based on the minimum inspection frequency established by this Rule.
 - (5) Studios that receive a "C" or "U" score will have at least one additional routine inspection added in a twelve-month period and may have more inspections at the discretion of the Health Authority.
 - (6) Follow-up inspections may be conducted at any time at the discretion of the Health Authority but shall be conducted within ten days after a studio receives a grade "U".
- (k) Grading Inspections. Inspections will receive a letter grade based on the numerical score as follows: (a) The letter grade "A" means that the majority of the requirements of this Chapter have been met and is applied to a score of 90 to 100. (b) The letter grade "B" means satisfactory compliance and is applied to a score of 80 to 89. (c) The letter grade "C" means marginal compliance and is applied to a score of 70 to 79. (d) The letter grade "U" means unsatisfactory compliance and is applied to a score of 69 or less. (9) Informal Follow-up Inspection. If a follow-up inspection cannot be conducted by the Health Authority, then an informal follow-up may be performed to confirm correction of the violations that were cited on the routine inspection that were not corrected at the time of the inspection. On an informal follow-up inspection, an inspection report addendum will be completed, documenting the violations that have been corrected. It will be noted on the addendum that this was an informal follow-up inspection, and the studio will keep the same grade that was earned on the previous routine inspection. The addendum will be made available by the Body Art Studio to the public upon request. (10) Upon the completion of an inspection, the person in charge of the studio shall sign the inspection report form. The Health Authority shall inform the person in charge that: (a) The person in charge's signature shall not necessarily indicate agreement with the findings noted on the inspection. (b) Refusal to sign an acknowledgment of receipt will not affect the permit holder's obligation to correct the violations noted in the inspection report within the time frames specified, and the refusal to sign an acknowledgment of receipt will be noted in the inspection report and conveyed to the Health Authority's historical record for the Body Art Studio. (11) Failure to make timely corrections to the satisfaction of the Health Authority or the Department may subject the Body Art Studio to suspension or revocation of its permit. (12) The Health Authority may approve a compliance schedule that extends beyond the time limits specified in this Rule if a schedule of compliance is submitted by the permit holder and no imminent health hazard exists or will result from allowing an extended schedule for compliance. (13) Voluntary Closure. A Body Art Studio that is graded with two critical violations or is graded as a "U" on two consecutive inspections or is graded as a "U" and does not earn at least a grade of "C" within ten days of receiving the "U" or does not correct requires violations within seventy-two hours (if allowed) of receiving an inspection report may be requested to voluntarily close until all violations are corrected. Authority: O.C.G.A. §§ 31-40-3; 31-40-6.

Sec. 12-527. Personnel.

- (a) Body artists shall obtain and maintain current certification in emergency first-aid, CPR, sterilization, blood borne pathogen, and sanitary procedures from currently licensed agencies except where the body artist is a

currently licensed health care professional. All certifications must be renewed at a minimum of every two years unless a more frequent time period is specified by the licensing agencies.

- (b) **No person shall practice body art procedures without first obtaining a Body Artist Certification from the Department in accordance with the timeframes specified in these rules. Upon the effective date of this Chapter, as stated in Section 511-3-8-.03(4), existing Body Artists shall have one year to obtain and display a valid certificate issued by the Department. This deadline may be extended for all applicants upon public notice by the Department on its website.**
- (c) **An applicant for a Body Artist Certification must be at least eighteen years of age and shall demonstrate to the Department successful compliance with all education, disclosure, consent, and fee requirements of this Chapter. An applicant shall request certification in one or more of the following areas:**
 - (1) **Tattooing;**
 - (2) **Piercing; and/or**
 - (3) **Microblading.**
- (d) **Applicants shall submit a completed Department application provided by the Health Authority. The Department may authorize an electronic signature method for signing prescribed forms. As part of the application process, the applicant shall:**
 - (1) **Pay an exam fee not to exceed \$50.00 to the Health Authority;**
 - (2) **Pay Department Certification fees; and**
 - (3) **Complete and pass a Department-approved exam on this Chapter.**
- (e) **Initial application for the Body Artist Certification shall include:**
 - (1) **Name;**
 - (2) **Date of Birth;**
 - (3) **Residence address;**
 - (4) **Mailing address;**
 - (5) **Phone number;**
 - (6) **Photocopy of a government issued ID;**
 - (7) **Proof of United States Citizenship or lawful residence in the United States.**
 - (8) **Proof of successful completion of an OSHA-compliant Bloodborne Pathogen/Universal Precautions training program and Basic First Aid/CPR classes given or approved by the Department; and**
 - (9) **Valid documentation of a Hepatitis B Virus (HBV) vaccination status including**
 - i. Documentation of HBV vaccination; or**
 - ii. Laboratory evidence.**
- (f) **The above certifications must be obtained before each body artist's employment.**
- (g) **Each body artist must obtain an examination by a currently licensed physician within 12 months prior to the initial application for a body artist permit. Each body artist must obtain from the physician a certificate certifying that the body artist is free of any communicable disease in a communicable stage, including, but not limited to, syphilis, hepatitis B and C, and HIV.**

- (h) The owner must maintain a file on all employees who perform body art procedures. Such files shall be available for inspection by properly identified representatives of the board of health during normal operation hours. The file shall include the following:
- (1) Report of physical examination;
 - (2) Evidence of current emergency first-aid, CPR, sterilization, blood borne pathogen, and sanitation certification; and
 - (3) The home address and home telephone number of each employee.
- (i) The owner of a body art studio shall only hire, employ, or use individuals who have complied with this article.

Sec. 12-528. Body artist—Permit. Delete and add the following:

(a) Body Artist Permit.

- (1) No person may perform body art without first obtaining a body artist permit. Body artists shall renew their permit annually.
- (2) A body artist permit shall not be eligible for renewal unless all requirements of this article are met.
- (3) The body artist permit shall be displayed in the body artist's parlor.
- (4) All body artist permits issued pursuant to this article are nontransferable.
- (5) A body artist permit shall be returned to the board of health if it is suspended or revoked.
- (6) Proof of current certification in first-aid, CPR, blood borne pathogen training, sanitation, and sterilizer training shall be required prior to the issuance of a body artist permit and shall be maintained in good standing.

(b) Temporary Body Artist Permit.

- (1) **No body artist shall practice body art at a Temporary Studio without a Temporary Body Artist Permit issued by the Health Authority or Body Artist Certification issued by the Department.**
- (2) **The Health Authority may issue a seven-day permit to engage in the practice of body art if the body artist is not currently certified by the Department. Such temporary body artist permit will allow a person to practice body art only in a permitted Temporary Studio under the supervision of the permit holder. Temporary Body Artist Permits will not be issued unless the applicant demonstrates to the Health Authority successful compliance with all education, disclosure, consent, and requirements of this Chapter. The issuance of a Temporary Body Artist Permit is conditioned upon the following:**
 - (i) **A completed application submitted no less than ten days in advance of the start date of providing services; the Health Authority may authorize an electronic signature method for signing prescribed forms.**
 - (ii) **Documentation that the applicant has received education requirements set by this Chapter;**
 - (iii) **Must be listed on the temporary Body Art Studio permit application where the applicant will perform body art;**
 - (iv) **Payment of all applicable fees as determined by the Health Authority; and**
 - (v) **Documentation of a Hepatitis B Virus (HBV) vaccination completion status including:**
 - (a) **Documentation of HBV vaccination;**

- (b) Laboratory evidence of immunity or documentation of no response following two full HBV vaccine series;
 - (c) Documentation stating the vaccine is contraindicated for medical reasons, including a dated and signed licensed health care professional's statement specifying the name of the Body Artist applicant or employee and that the vaccine cannot be given; or
 - (d) Signed certificate of vaccination declination of HBV as required by OSHA.
- (c) **Guest Body Artist Permit.**
 - (1) No visiting out-of-state body artist shall practice body art without a Guest Body Artist Permit issued by the Health Authority.
 - (2) The Health Authority may issue a seven-day permit to engage in the practice of body art. Such guest body artist permit will allow a person to practice body art under the direct supervision of a body artist holding a valid Department issued certification in the same category. The issuance of a Guest Body Artist Permit is conditioned upon the following:
 - (i) A completed application submitted no less than ten days in advance of the start date of providing services; the Health Authority may authorize an electronic signature method for signing prescribed forms.
 - (ii) Documentation that the applicant has received education specified in by this Chapter;
 - (iii) A letter of consent signed by a body artist certified by the Department, a copy of the Body Artist Certification of the sponsoring artist, and a copy of the Body Art Studio permit where the applicant will perform body art;
 - (iv) Payment of all applicable fees as determined by the Health Authority; and
 - (v) Documentation of a Hepatitis B Virus (HBV) vaccination completion status including:
 - (a) Documentation of HBV vaccination;
 - (b) Laboratory evidence of immunity or documentation of no response following two full HBV vaccine series;
 - (c) Documentation stating the vaccine is contraindicated for medical reasons, including a dated and signed licensed health care professional's statement specifying the name of the Body Artist applicant or employee and that the vaccine cannot be given; or
 - (d) Signed certificate of vaccination declination of HBV as required by OSHA.
 - (3) An applicant shall not receive more than two seven-day Guest Body Artist Permits during a thirty-day period.

Sec. 12-529. Same—Application for permit.

- (a) Each body artist shall submit to the board of health an application for a body artist permit.
- (b) The application for a body artist permit shall be made on forms provided by the board of health.

- (c) Application for a body artist permit shall include the following information concerning the body artist:
- (1) Full legal name;
 - (2) All aliases;
 - (3) Home address;
 - (4) Gender;
 - (5) Mailing address;
 - (6) Home phone number;
 - (7) Training and/or experience;
 - (8) Evidence of current certification in CPR, first-aid, and blood borne pathogens training, sanitation, and sterilization training completion;
 - (9) Physician report of physical examination.

Sec. 12-530. Same—Issuance permit; fees.

- (a) The board of health environmental health section may issue a body artist permit to an individual after determining that the individual is in compliance with the requirements of O.C.G.A. tit. 31, ch. 40, with any applicable rules and regulations of the department, and with this article.
- (b) A body artist permit shall automatically expire on June 30 of each year.
- (c) At least 30 days prior to the expiration of a body artist permit, the body artist shall submit an application for renewal to the board of health environmental health section and pay the applicable permit fee.
- (d) Prior to the issuance of a body artist permit, the body artist shall pay the applicable permit fee.
- (e) A body artist permit fee shall not be prorated except that an individual who submits an application for a body artist permit on January 1 or later shall only be required to pay half of the body artist permit fee.

Sec. 12-531. Same—Application to existing.

The provisions of this article shall be applicable to all body artists, whether the body artist began performing body art before or after the effective date of the ordinance from which this article is derived.

Sec. 12-532. Prohibited Acts.

- ~~(a) No person shall tattoo the body of an individual who is under 18 years of age, unless the person performing the tattoo procedure is a physician or osteopath licensed under O.C.G.A. tit. 43, ch. 34, or a technician acting under the direct supervision of such licensed physician or osteopath in compliance with O.C.G.A. tit. 31, ch. 9.~~
- ~~(b) No person shall pierce the body, with the exception of the ear lobes, of any person under the age of 18 for the purpose of allowing the insertion of earrings, jewelry, or similar objects into the body, unless the minor's legal parent, custodian, or guardian with proper identification is present and signs a written consent form provided by the body art studio. The consent form must indicate the methods and part of the minor's body upon which the body art procedure is performed.~~
- ~~(c) No person shall tattoo the body of any person within any area within one inch of the nearest part of the eye socket of such person.~~
- ~~(d) No person shall obtain the services provided in a body art studio by misrepresentation of age in any place where body art procedures are performed.~~

~~(Res. of 8-3-2006, § 24)~~

- (a) Neither Body Art Studios nor body art procedures shall be allowed in a private residence or other structure used for human habitation, food services, retail sales not directly related to body art, grocery stores, convenience stores, or similar purposes; however, body art operations may take place in completely separate areas of certain businesses deemed safe and appropriate by the Health Authority.
- (b) Body Art Studios shall not be allowed in automobiles, mobile trailers, tents, recreational vehicles, or other non-fixed facilities.
- (c) Implants, 3-D procedures, or other procedures involving insertion of foreign objects completely under the skin.
- (d) Any body art procedure that results in the permanent removal of tissue or that requires medical equipment such as scalpels or dermal punches.
- (e) The use of manipulating needles, sharps, or any other item to serve the purpose of a scalpel is prohibited.
- (d) Scarification (branding, cutting, or skin peeling), suspension piercing, neck rings, foot binding, corseting, play piercing, and tooth gems/dental bonding are prohibited.
- (f) In accordance with O.C.G.A. Section 16-5-71, no person under the age of eighteen shall be tattooed.
- (g) It shall be unlawful for any person to pierce the body, with the exception of the ear lobes, of any person under the age of eighteen for the purposes of allowing the insertion of earrings, jewelry, or similar objects into the body, unless the body piercing is performed in the presence of the person's parent or legal guardian. The parent or legal guardian must have proper identification and sign a written consent form provided by the Body Art Studio. The consent form must indicate the methods and parts of the minor's body upon which the body piercing procedure is performed. Nipple and genital piercing are prohibited on minors regardless of parental or legal guardian consent.
- (h) With the exception of microblading of the eyebrow, and in accordance with O.C.G.A. Section 16-12-5, it shall be unlawful for any person to perform tattooing or cosmetic micropigmentation procedures within any area within one inch of the nearest part of the eye socket. Such prohibited procedures include but are not limited to tattooing eyeliner.
- (i) No person except a duly licensed physician or a Georgia licensed cosmetic laser practitioner as defined under Chapter 34 Title 43 shall remove or attempt to remove any tattoo.
- (j) Body artists shall not be under the influence of alcohol or drugs that cause drowsiness or other impairment while performing body art procedures.
- (k) Body Art Studios and body artists shall refuse services to any person who appears to be under the influence of alcohol or drugs.
- (l) Live animals shall be excluded from within the studio and adjacent areas under the control of the permit holder. However, this exclusion does not apply to fish in clean, maintained aquariums which are maintained outside of an artist work area. Service animals accompanying disabled persons shall be permitted in the studio.
- (m) The body artist must be free of any open wound that cannot be covered, any infection, or other visible or communicable diseases that can be transmitted as a result of carrying out the body art procedures.
- (n) A body artist shall not conduct any form of body art activity upon any area of a client that evidences the presence of any rash, lesion, or other visible signs of infection.
- (o) Body art procedures not covered within these rules which have the potential for transmitting infectious disease must receive written departmental approval prior to being offered to clients.

- (p) Body art shall only be performed by individuals holding a current Body Artist Certification issued by the Department, a Temporary Body Artist Permit or Guest Body Artist Permit issued by the Health Authority, and only at a location named in a Body Art Studio Permit or a Temporary Body Art Studio Permit.**

Authority: O.C.G.A. § 31-40-2.

Sec. 12-533. Sanitation.

- (a) Body artists shall follow standard precautions.
- (b) All hand and/or arm jewelry worn by body artists shall be removed prior to the start of the body art procedure.
- (c) Prior to performing body art on each client, the fingernails and hands of the body artist shall be thoroughly washed and scrubbed with warm water and antibacterial soap, using an individual, single-use surgical scrub. Surgical scrubs are not to be reused. The hands shall then be dried using single-use towels.
- (d) Prior to the start of the body art procedure, the body artist should inspect his hands for hangnails, small cuts, sores, and abrasions. If a cut, sore, or abrasion is detected, a bandage should be applied for added protection before gloving. Fingernails shall be trimmed to ensure that gloves are not punctured.
- (e) Single-use medical-surgical disposable examination gloves shall be worn during the body art procedure. Gloves shall be changed and properly disposed of each time there is an interruption in the procedure, the gloves become torn or punctured, or whenever their integrity has been compromised.
- (f) Each body artist shall wear a clean outer garment, apron, or smock. These items shall be changed after each client.
- (g) Body artists who are experiencing symptoms of illness, including, but not limited to, diarrhea, vomiting, fever, rash, or skin infections, shall refrain from performing body art.
- (h) Adequate numbers of sterilized needles and tubes must be on hand for each body artist for the entire day and/or night of operation.
- (i) Only single-use disposable razors shall be used to shave the area where the body art procedure will be performed.
- (j) All items that come in contact with a client's skin shall be single-use and disposed of after the procedure.
- (k) All fixtures and equipment contaminated with blood shall be cleaned with an approved sanitizer or with a ten percent bleach solution made fresh daily.
- (l) Smoking, eating, or drinking by anyone is prohibited in any parlor where body art procedures are performed.

Sec. 12-534. Dyes and pigments.

- (a) Only single-use containers of dyes and pigments that are currently FDA approved for tattooing of human skin shall be used.
- (b) All dyes and pigments shall be used according to the manufacturer's instructions.
- (c) After tattooing each individual, the remaining unused dye or pigment in the single-use container shall be discarded along with the container into a biohazard container.
- (d) In preparing dyes and pigments to be used by a body artist, only nontoxic sterile single-use materials shall be used.
- (e) All dyes or pigments used in tattooing shall be from commercial professional suppliers specifically manufactured as dyes or pigments only for the tattooing of human skin and shall be used according to the**

manufacturer's instructions. Products banned or restricted by the Food and Drug Administration are prohibited.

(f) All ink shall be handled using the following protocol:

- (1) Bulk containers of ink shall not be used for longer than the manufacturer's expiration date.**
 - (2) Inks and pigments can be stored in workstations or in an approved location and must be properly stored to prevent contamination.**
 - (3) Containers of ink may only be handled while wearing clean medical grade gloves.**
 - (4) The tops of containers of ink must be disinfected prior to dispensing. After dispensing, the containers must be disinfected and immediately returned to their approved storage location before any tattoo procedures begin. (e) All ink must be dispensed into approved single use containers.**
- (g) In preparing or mixing of dyes or pigments, only nontoxic materials shall be used. Dyes or pigments shall be mixed and placed in individual single-use containers.**
- (h) After tattooing, the remaining unused dye or pigment in the single-use container shall be properly discarded along with the container.**
- (i) The Safety Data Sheets of all inks must be available for client review to assess any possible allergic reaction to ingredients.**
- (j) Dyes and pigments shall be mixed only with distilled or sterile water.**

Authority: O.C.G.A. § 31-40-5.

Sec. 12-535. Tattoo preparation.

- (a) Prior to placing a tattoo design on the client's skin, any jewelry worn by the client that might impede the body art procedure shall be removed.**
- (b) The body artist shall apply an antibacterial solution to the skin in the involved area.**
- (c) If a paper stencil is used by a body artist for transferring the design to the skin, the stencil shall be single-use and disposable.**
- (d) If the design is drawn directly onto the skin it shall be applied with a single-use article only.**
- (e) The completed tattoo shall be washed with a single-use towel saturated with an antibacterial solution.**
- (f) After the area has dried, a thick layer of antibacterial ointment from a collapsible or plastic tube shall be applied.**
- (g) After the application of the antibacterial ointment, a bandage shall be applied to the tattoo using sealed non-sticking pads.**

Sec. 12-536. Procedures specific to body piercing.

- (a) Before piercing the skin of a client, any jewelry worn by the client that might impede the procedure shall be removed.**
- (b) The body artist shall apply an antibacterial solution to the skin in the involved area prior to the procedure being performed.**
- (c) The body artist shall apply an antibacterial ointment to the skin in the involved area after the procedure is performed.**

Sec. 12-537. Compliance.

- (a) A body art studio shall operate in compliance with this article and with a valid body art studio permit issued by the board of health.
- (b) A body artist shall perform body art procedures in compliance with this article and with a valid body artist permit issued by the board of health.

Sec. 12-538. Enforcement.

- ~~(a) The board of health shall have the power and authority to deny, suspend or revoke any permit issued under this article for failure to comply with the provisions thereof. When an application for a permit is denied or the permit previously granted is suspended or revoked, the applicant or holder thereof shall be afforded notice and hearing in accordance with O.C.G.A. tit. 31, ch. 5, art. 1 and the board of health enforcement rules. In lieu of a hearing and upon correction of all violations, the permit holder may request an inspection to reinstate the permit.~~
- ~~(b) This article, upon adoption by the board of commissioners, shall be enforced by the board of health as a duly adopted ordinance of the county. Any person violating any provision of this article shall be guilty of violating a duly adopted ordinance, and upon conviction shall be punished by a fine not to exceed \$1,000.00, and/or by confinement in the county jail for a total term not to exceed 60 days, or both.~~
- ~~(c) The court shall have the power and authority to place any person found guilty of a violation of this article on probation and to suspend or modify any fine or sentence. As a condition of such suspension, the court may require payment of restitution or impose other punishment allowed by law.~~
- ~~(d) The board of health is also empowered to institute appropriate proceedings in a court of competent jurisdiction for the purpose of enjoining a violation of any applicable provision of O.C.G.A. tit. 31, ch. 40, of the rules and regulations of the department, or the rules of the county board of health.~~
- (a) Any person, firm, or corporation operating a body art studio without a valid permit or performing body art outside of a permitted body art studio shall be guilty of a misdemeanor.
- (b) The administration and enforcement of this Chapter shall be as prescribed in O.C.G.A. Section 31-5-1 et seq. The Health Authority shall have the power and authority to suspend, or revoke body art studio permits for failure to comply with the provisions of this Chapter.
- (c) The Health Authority shall have primary responsibility for the enforcement of this Chapter within its jurisdiction.
- (d) No person or entity shall operate a Body Art Studio or conduct body art activities without a valid permit or certification issued pursuant to this Chapter.
- (e) Suspension or Revocation of Permits. The Health Authority shall have the power and authority to suspend or revoke a permit if the permit owner or its body artists or employees are unwilling or unable to comply with these regulations, the regulations of the local Health Authority, or the provisions of O.C.G.A. Section 31-28-1 et seq.
 - (1) A permit holder shall be presumed unwilling or unable to comply if it refuses to allow the Health Authority to enter upon and inspect the premises of the Body Art Studio at any reasonable time, or if any critical violation is found to be uncorrected upon two consecutive inspections, or upon continuous violation of this Chapter.
 - (2) The revocation of a permit may be appealed to the Department of Public Health in accordance with O.C.G.A. Section 31-5-3 by sending written notice, by certified mail or statutory overnight delivery,

addressed to the Department of Public Health, Office of General Counsel, with a copy to the Health Authority official that revoked the permit. Within ten days of receiving the notice, the Health Authority shall provide the Department with a copy of its entire file on the inspections and actions that led to the revocation of the permit. The Department shall schedule a hearing within twenty days of receiving the notice and shall decide the matter upon the arguments of the parties and the administrative record.

- (f) **Conditions Warranting Action.** The Health Authority may summarily suspend a permit to operate a Body Art Studio if it determines through inspection, or examination of body artists, employees, records, or other means as specified in this Chapter, that an imminent health hazard exists.
- (f) **Resumption of Operations.** If operations of a Body Art Studio are discontinued due to the existence of an imminent health hazard, voluntary closure, or otherwise according to law, the permit holder shall obtain approval from the Health Authority before resuming operations.

Sec. 12-539. Grounds for denial, suspension, or revocation.

- ~~(a) The permit of body art studio may be denied, suspended, or revoked upon one or more of the following grounds:~~
 - ~~(1) Failure of the permit holder to maintain initial requirements for obtaining the permit;~~
 - ~~(2) The owner allows or permits any person who does not have a valid body artist permit to perform a body art procedure in the body art studio;~~
 - ~~(3) The original application, or renewal thereof, contains materially false information; or the applicant has deliberately sought to falsify information contained therein;~~
 - ~~(4) Failure of the owner to actively supervise and monitor the conduct of the employees, customers and others on the premises in order to protect the health, safety and welfare of the general public and the customers; or~~
 - ~~(5) The owner or the owner's employees associated with the body art studio have allowed to occur or have engaged in a violation of any part of this article.~~
- ~~(b) The permit of a body artist may be denied, suspended, or revoked upon one or more of the following grounds:~~
 - ~~(1) Failure of the body artist to maintain initial requirements for obtaining the body artist permit;~~
 - ~~(2) The body artist has violated any of the provisions of this article; or~~
 - ~~(3) The original application, or renewal thereof, contains materially false information; or the body artist has deliberately sought to falsify information contained therein.~~
- (a) The Department may deny or revoke the certification of any person for one or more of the following reasons:**
 - (1) Failure to comply with this Chapter;**
 - (2) A material misrepresentation or omission on any application for certification or renewal;**
 - (3) Failure to pay certification or renewal fees;**
 - (4) A civil judgement based on conduct related to the Body Art industry; or**
 - (5) Such other conduct, as in the opinion of the Department, would render certification of the person a threat to the health or safety of the public.**
- (b) The Department may, in its discretion, impose a lesser sanction where the circumstances of the violation do not merit revocation of the certification, including suspension or probation on specific terms.**

(c) Disciplinary Procedure.

- (1) The Department may, but is not required to, refer information concerning a certified person to the Body Art Advisory Committee, if established. The Committee shall review the evidence and make a recommendation to the Department.
- (2) The Department shall give written notice of any disciplinary action taken pursuant to this regulation by certified mail or statutory overnight delivery to the last known address of the person or entity. The notice shall set forth the facts which support disciplinary action.
- (3) Upon request made in writing and received by the DPH Office of General Counsel no later than twenty days after the written notice of disciplinary action is mailed, the Department shall refer the matter to the Georgia Office of Administrative Hearings for hearing in accordance with its rules. The burden of proof shall be on the person or entity seeking the hearing.
- (4) Effective date of disciplinary action.
 - (i) All disciplinary actions by the Department are effective twenty days after the certified person's receipt of the notice, unless otherwise specified in the notice, or unless the certified person makes a timely request for a hearing.
 - (ii) Upon a written finding set forth in the notice of disciplinary action that the public safety, health, and welfare imperatively require emergency action, the suspension of the certification shall be effective immediately upon issuance of the notice.
- (5) Upon request for exculpatory, favorable, or arguably favorable information relative to pending allegations involving disciplinary action, the Department shall either furnish such information, indicate that no such information exists, or provide such information to the hearing officer for in camera inspection pursuant to O.C.G.A. § 50-13-18 (d)(2).

Authority: O.C.G.A. §§ 31-40-2; 31-40-3; 31-40-4; 50-13-13; 50-13-18.

Sec. 12-540. Conflict with other laws.

Should any section or provision of this article be in conflict with any other applicable ordinance, rule, regulation, provision, requirement, or law, then the more restrictive ordinance, rule, regulation, provision, requirement, or law shall control.

Sec. 12-541. Body art fees.

The following permit and inspection fees shall apply to body art studios in the City:

Plan Review:	\$275.00
Second Parlor:	\$150.00
Each Additional Parlor:	\$100.00
Permit for One Parlor:	\$400.00
Each Additional Parlor:	\$80.00
Recheck Fee:	\$275.00
Expired Permit: (Permit and Plan Review)	\$675.00
Body Artist:	\$50.00

Sec. 12-542. Minimum Design Standards.

- (a) A studio shall provide work areas separate from observers or visitors. An individual body artist shall not perform body art procedures simultaneously on different clients.
- (b) There shall be adequate floor space for each work area in the studio. At a minimum, an adequate area includes space for all items required by this Chapter, such as a handwashing sink, a waste receptacle, and a sharps container, as well as space for the Body Artist to safely perform body art procedures.
 - (1) Work areas must be separated from lobby and waiting areas by nonabsorbent curtains, knee walls, or other partitions approved by the Health Authority.
 - (2) Floors shall be nonabsorbent and easily cleanable.
 - (3) Work areas shall provide privacy, if desired by the client, by means of nonabsorbent curtains or similar approved partitions.
 - (4) If body art procedures are conducted in an environment where airborne particulates are of concern (including but not limited to hair and nail salons), the body art procedures shall take place behind a floor-to-ceiling partition or in a separate room.
- (c) A Body Art Studio shall have a cleaning room to be used exclusively for the cleaning, disinfection, and sterilization of instruments.
 - (1) The cleaning room shall have a separate stainless-steel instrument sink reserved only for instrument disinfection activities and shall be equipped with hot and cold running water. Sink shall have smooth welds and joints, be free of breaks and open seams, and be easily cleanable.
 - (2) The cleaning room shall be separated from any other area in the studio by means of doors, nonabsorbent curtains, or similar approved partition extending from floor to ceiling or a height of at least eight feet and must be labeled to prevent clients from entering the room.
 - (3) The cleaning room shall be equipped with an ultrasonic cleaning unit and a Class B or S medical grade autoclave or another approved autoclave. The autoclave shall be used to sterilize all non-disposable and reusable body art equipment.
 - (4) The instrument sink, ultrasonic cleaning unit, and autoclave shall each be separated by a minimum distance of forty-eight inches unless using a splashguard approved by the Health Authority.
 - (5) The cleaning room walls, floors, doors, windows, skylight, and other components shall be constructed of smooth, nonabsorbent, durable material and be maintained in good repair.
 - (6) The requirement for a cleaning room with an ultrasonic cleaning unit and autoclave may be waived by the Health Authority if the studio only stores and uses commercially purchased sterile single-use disposable body art tattoo instruments.
- (d) Hand washing facilities shall be provided within 30 feet of each workstation and must be fully accessible in an unobstructed pathway. Additional hand sinks may be placed at the discretion of the Health Authority if warranted. Hand washing facilities will also be made available in the cleaning rooms. These are in addition to the required sinks in toilet rooms. Studios that are open and operating on the effective date of this Chapter will be required to have one hand wash sink that is available by an unobstructed pathway within thirty feet of each work area not to include any hand wash sinks in toilet rooms.
- (e) Hand washing sinks and instrument sinks shall be used for those intended purposes only.
- (f) At least one service sink or one curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and trash cans and for the

disposal of service water and similar liquid waste. After the effective date of this Chapter, mop sinks will be required upon renovation to any existing studio or any major plumbing renovation.

(g) The use of common towels and cloths for any purpose is prohibited.

(h) Sanitary Facilities and Controls.

- (1) Enough potable water for the needs of the Body Art Studio shall be provided from a public water system, or from an approved nonpublic water system that is constructed, maintained, and operated according to applicable state or local codes as amended.
- (2) Non-Public Water Supply – Approved Wells.
 - (i) Water from a non-public water system shall follow guidelines established in the Georgia Department of Natural Resources, Environmental Protection Division (EPD) Memorandum of Understanding for Non-Public Water Supplies.
 - (ii) Sampling Report. The most recent sample report for the non-public water system shall be retained on file in the Body Art Studio and results must be forwarded to the Health Authority.
- (3) Sewage. All sewage, including liquid water, shall be disposed of by a public sewage system or by an approved on-site sewage disposal system.
- (4) Plumbing. Plumbing shall be sized, installed, and maintained according to law, state and local code. There shall be no cross-connection between the potable water supply and any other water supply or other possible source of contamination.

(i) Toilet Facilities.

- (1) There shall be a minimum of one restroom containing a toilet and a handwash facility readily accessible to any Body Artist or client that does not require passage through a cleaning room and work area with the exception that access through such areas may be allowed if the risk of contamination is determined to be minimal.
- (2) Toilet rooms. Toilet rooms opening directly into work or client waiting areas shall be completely enclosed and shall have tight-fitting, solid self-closing doors, which shall be closed except during cleaning or maintenance.
- (3) All toilet rooms shall have sufficient mechanical ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes.
- (4) Toilet fixtures. Toilet fixtures shall be kept clean and in good repair. A supply of toilet tissue shall always be provided at each toilet. Easily cleanable receptacles with trash liners shall be provided for waste materials. Toilet rooms shall have at least one covered waste receptacle.

(j) Handwash Facilities.

- (1) Handwash facilities shall be designed, installed, and maintained according to law, state and local code.
- (2) Each handwashing sink shall be equipped to provide hot water at a temperature of at least 100°F (38 °C). Hot and cold water shall be tempered by means of a mixing valve or combination faucet. Any self-closing, slow-closing, or metering faucet used shall be designed to provide a flow of water for at least twenty seconds without the need to reactivate the faucet.
- (3) A soap dispenser and a supply of antiseptic, hand-cleaning soap or detergent shall be available at each handwash facility. A fully covered or enclosed towel dispenser with a supply of single use sanitary towels shall be conveniently located near each handwash facility. Easily cleanable waste receptacles with self-closing lids with hands-free controls shall be conveniently located near the hand washing facilities.

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- (4) Sinks, soap dispensers, paper towel dispensers, and all related fixtures shall be kept clean, in good repair, and supplied at all times.
- (k) Physical Facilities, Floors, Walls, Ceilings, and Attached Equipment: Floors, walls, ceilings, and attached equipment and decorative materials shall be kept clean and maintained in good repair.
- (1) Floors.
- (i). Floors and floor coverings of all work areas, dressing rooms, locker rooms, toilet rooms and vestibules shall be constructed of smooth, nonabsorbent, hard durable material and maintained in good repair.
 - (ii) The floor and cove base/joint shall be properly sealed.
 - (iii) Carpeting is allowed in the lobby area only and shall be of closely woven construction, properly installed, easily cleanable, and maintained in good repair.
- (2) Walls and Ceilings.
- (i) Maintenance. Walls and ceilings, including doors, windows, skylight, and similar closures shall be constructed of durable, easily cleanable material and be maintained clean and in good repair.
 - (ii) Attachments. Light fixtures, vent covers, wall-mounted fans, and similar equipment attached to walls and ceilings shall be easily cleanable and maintained in good repair.
- (l) Lighting.
- (1) Permanently fixed artificial light sources shall be installed to provide at least fifty- foot candles of light on all work area surfaces and at equipment washing work levels.
 - (2) Permanently fixed artificial light sources shall be installed to provide at a distance of thirty inches from the floor at least ten-foot candles of light in all other areas.
- (m) Ventilation. All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes.
- (n) Poisonous or Toxic Materials.
- (1) Materials permitted. There shall be present in the Body Art Studio only those poisonous or toxic materials necessary for maintaining the studio and cleaning or sanitizing equipment, as well as controlling insects and rodents.
 - (2) Labeling of materials. Containers of poisonous or toxic materials shall be prominently and distinctly labeled according to law for easy identification of contents and approved for intended use.
 - (3) Toxic items shall be separated from other materials used in body art procedures by way of a closed cabinet or separate room.
 - (4) Spray bottles labeled with contents may be used for the purpose of cleaning but not for body art procedure preparation.
- (o) Premises.
- (1) Body Art Studios shall be kept neat, clean, and free of litter and rubbish.
 - (2) Only articles necessary for the operation and maintenance of the Body Art Studio shall be stored on or within the studio. Lockers or other designated area will be provided for such personal items as purses, jackets, medications, etc.
 - (3) Aisles and working spaces. Aisles and working spaces between units of equipment and walls shall be unobstructed and of sufficient width to permit body artists and employees to perform their duties readily without contamination of equipment or operational surfaces by clothing or personal contact.
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- (4) The premises shall be kept in such condition as to prevent the entrance, harborage, or feeding of insects, rodents, or vermin.
- (p) Equipment and Instruments.
- (1) Materials.
- (i) Multi-use equipment and instruments shall be constructed and repaired with safe materials, including finishing materials; they shall be corrosion-resistant and nonabsorbent; and they shall be smooth, easily cleanable, and durable under conditions of normal use. Single-service articles shall be made from clean, sanitary, and safe materials.
- (ii) Re-use of single-service articles is prohibited.
- (2) Design and Fabrication.
- (i) General. All equipment and instruments, including plastic ware, shall be designed, and fabricated for durability under conditions of normal use and shall be resistant to denting, buckling, pitting, and chipping.
- (a) Body art operational surfaces shall be easily cleanable, smooth, and free of breaks, open seams, cracks, chips, pits, and similar imperfections, as well as free of difficult to clean internal corners and crevices.
- (b) Sinks and drain boards shall be self-draining.
- (ii) Operational surfaces. Surfaces of equipment not intended as operational surfaces, but which are exposed to splash or debris or which otherwise require frequent cleaning, shall be designed, and fabricated to be smooth, washable, free of unnecessary ledges, projections, or crevices and readily accessible for cleaning. Such surfaces shall be of material and in such repair as to be easily maintained in a clean and sanitary condition.
- (iii) Needles, needle assembly with bar, dyes, or pigments shall be designed and manufactured for the sole purpose of body art.

Authority: O.C.G.A. § 31-40-5.

Sec. 12-543. Solid Waste.

- (a) Non-Biomedical Waste Containers.
- (1) Garbage and refuse shall be kept in durable, easily cleaned containers that do not leak and do not absorb liquids.
- (2) All outside refuse containers shall be covered and maintained.
- (3) Containers used in work areas shall be kept covered when not in use. At least one waste receptacle shall be provided in each artist area. Receptacles in the body artist area shall be emptied daily or more if necessary. Solid waste shall be removed from the premises at least weekly or more if necessary.
- (4) There shall be a sufficient number of containers to hold all the garbage and refuse that may accumulate.
- (b) Garbage and refuse shall be disposed of at such frequency to prevent the development of odor and the attraction of insects, rodents, or vermin.
- (c) Biomedical Waste Containment.

- (1) Disposal of infectious waste such as blood, fluids, used inks, or other liquid waste may be deposited directly into a drain connected to an approved sewer system or on-site sewage system via a sink dedicated to that purpose.
- (2) Containment of biomedical waste shall be in a manner and location which affords protection from animals, rain, and wind, does not provide a breeding place or a food source for insects and rodents, and minimizes exposure to the public.
- (3) Biomedical waste shall be segregated by separate containment from other waste at the point of origin.
- (4) Biomedical waste, except for sharps, shall be placed in containers which are impervious to moisture and have strength sufficient to preclude ripping, tearing, or bursting under normal conditions of use. The containers shall be securely closed so as to prevent leakage or expulsion of solid or liquid wastes during storage, handling, or transport.
- (5) Sharps shall be contained for storage, transportation, treatment, and subsequent disposal in leak-proof, rigid, puncture-resistant containers which are taped closed or tightly lidded to preclude loss of contents.
 - (i) Rigid containers of discarded sharps and all other disposable containers used for containment of biomedical waste shall be red or orange in color and clearly identified with the universal biohazard symbol or clearly marked with the word "Biohazard."
 - (ii) Biomedical waste contained in disposable containers as prescribed above shall be placed for storage, handling, or transport in disposable or reusable pails, cartons, boxes, drums, or portable bins. The containment system shall have a tight-fitting cover and be kept clean and in good repair. The containers may be of any color and shall be conspicuously labeled with the universal biohazard symbol and the word "Biohazard" on the sides so as to be readily visible from any lateral direction when the container is upright.
 - (iii) Reusable containers used for shipment of biomedical waste shall be thoroughly washed and decontaminated each time they are emptied. Reusable pails, drums, dumpsters, or bins used for containment of biomedical waste shall not be used for other purposes.
 - (iv) Sharps container must be placed within arm's reach and below eye level at their point of use.

Secs ~~12-542~~ 12-544 to 12-557. Reserved.



Guidance on the Transition to Chapter 511-3-8, Rules and Regulations for Body Art

The State Environmental Health Section was asked about the best way to implement the state rules and repeal any county board of health rules and/or ordinances to avoid any issues in adopting these new rules. Specifically, how can we best ensure such repeals do not create either conflicting regulations (county and state), or noncompliance while existing studios and artists obtain permits under the state rules during the 12-month grace period, and what will work best as we phase in new requirements.

In order to facilitate a smooth transition to the new Department Rules, county boards of health can repeal their rules and regulations addressing body art by October 2024 (i.e., 12 months after October 6, 2023, effective date). This will provide counties an extended adjustment period in which to transition to the regulations, allow studios and individuals the 12-month period to obtain permits, and let counties complete their final inspections during this period under their previous rules.

If permits terminate during the period prior to October 2024, studios (and individuals) can obtain local permits/licenses pursuant to the local rules with the understanding that they should be transitioned to the new Body Art Rules by October 2024. Of course, new studios and individuals should be permitted under the new rules and artists would not need a local certification. Counties should work with their county attorneys to ensure the boards of health comply with any local requirements and the boards' bylaws for changing/repealing rules and regulations.

Key Points to Consider During the Transition Period

1. The State rules will go into effect alongside any existing local rules on October 6, 2023.
2. Studios and artists can continue to work under their local permits and licenses until they expire.
3. The Local Health Authority should work with the existing studios and artists on transitioning them to a new studio permit and State artist certification.
4. If an existing studio needs to renew their local studio permit or an artist's needs to renew a license during this time because they need more time to transition to compliance with the new rules, this is allowed.
5. Counties should attempt to transition all their existing studios to comply with the new rules before beginning the process of rescinding their local rules.
6. All local rules should be rescinded by October 6, 2024.
7. Any new studios and artists that apply for permits should be permitted under the new rules and regulations.

TO: Mayor and City Council of the City of Dacula

FROM: Brittni Nix, City Administrator

DATE: September 27, 2023

SUBJECT: Brookton Place Subdivision FFY-2024 LMIG Application

The roads within the Brookton Place subdivision have deteriorated and are experiencing asphalt failures. As such, staff recommends utilizing the FFY-2024 Local Maintenance and Improvement Grant (LMIG) monies (\$82,433.37) to make asphalt pavement improvements to the 1.65 miles of road within the subdivision. Said improvements are anticipated to include 6" deep patch milling sections of asphalt failures, standard 2 1/2" asphalt milling, asphalt repaving, replacing street signage, and restriping. The listed corrections would serve to bridge insufficient subsurface soil conditions while correcting failures in the existing roadway. The OPCC (Opinion of Probable Construction Cost) with 15% contingency totals \$1,089,893.18.

Staff requests a motion from Council to authorize the Mayor to sign and submit the FFY-2024 LMIG Application to the Georgia Department of Transportation for their consideration.

September 22, 2023

Mr. Jeramy Durrence
State Aid Coordinator
Georgia Department of Transportation
District 1 Office of Traffic Operations
1475 Jesse Jewell Pkwy NE, Suite 100
Gainesville, Georgia 30501

RE: LMIG Grant Application
2024 Program

Dear Mr. Durrence:

Please find attached the completed LMIG 2024 Grant Application. The City of Dacula has identified Ben Arron Drive, Sam Calvin Drive, Carly Joanna Court, Peter Josiah Court, James Henry Drive, Winky Bluff, Nathan Timothy Court, Katie Lynne Lane, and Kristi Beth Court in the Brookton Place Subdivision that are in need of Asphalt Pavement Milling and Repaving.

The asphalt pavement improvements project as identified in the application for Brookton Place Subdivision consists of 1.65 miles in length. The City of Dacula plans to start engineering design in October of 2023 and construction around beginning of January 2024.

The status of previous funding for the City of Dacula includes:

- 1) 2021 LMIG Robin Ridge Drive, Tecca Court, and Joey Court Asphalt Paving Improvements / Sidewalk Project. Project is complete.
- 2) 2022 LMIG Brookton Station Subdivision Asphalt Milling and Repaving Improvements / Sidewalk Replacement Project. Project is complete.
- 3) 2023 LMIG Dacula Crossing Subdivision Asphalt Milling and Repaving Improvements. Project is complete.

If you have any questions, or require additional information, please call.

Sincerely,

Honorable Hugh D. King, III
Mayor, City of Dacula

Opinion of Probable Construction Cost

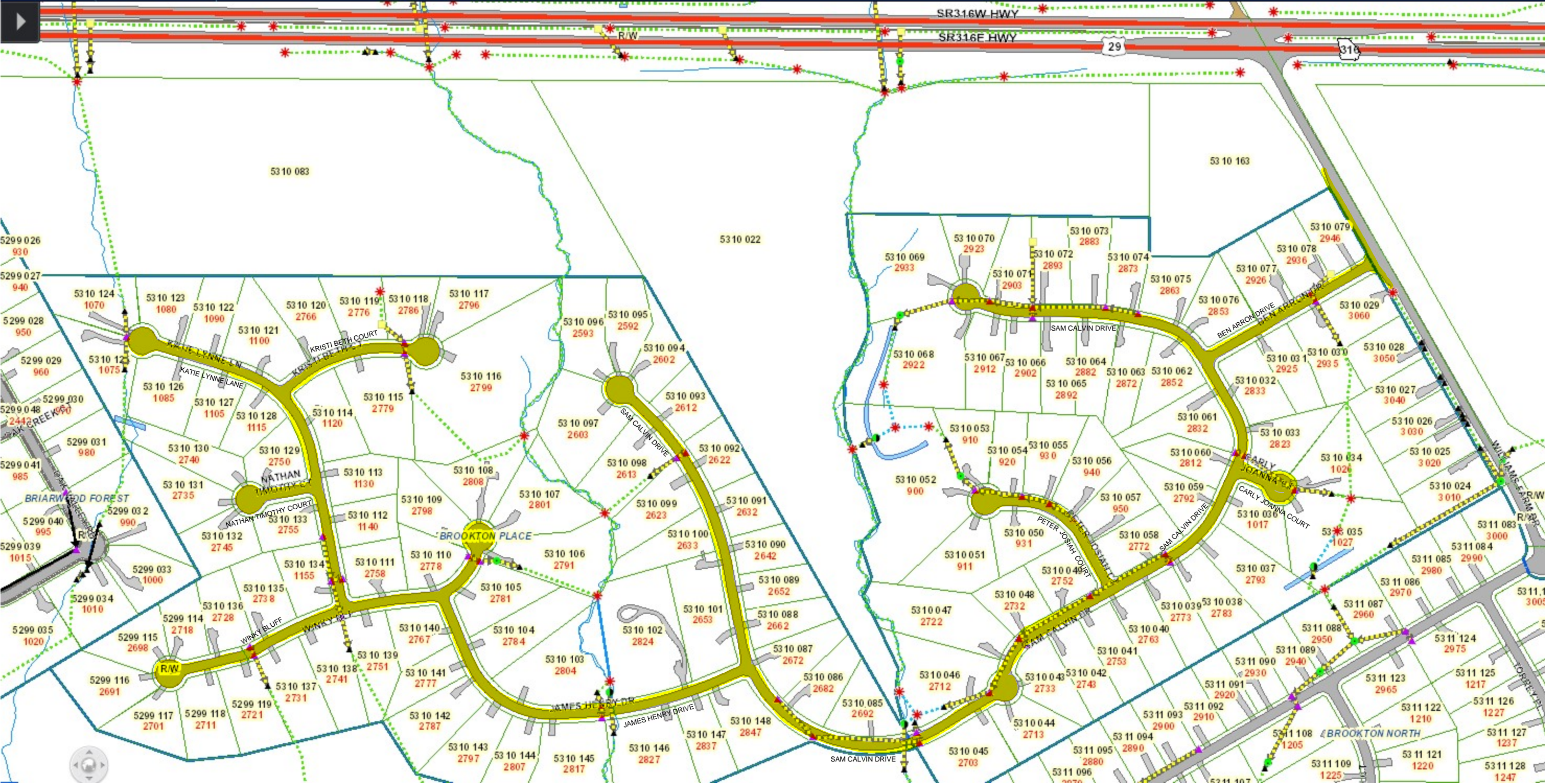
Date:

Septemb

Item 4.

City of Dacula - 2024 LMIG - Brookton Place S/D Milling & Repaving Improvements - Entire Subdivision

Activity		Unit	Labor \$ or LumpSum	Subtotal	Total	Misc Notes
Entire Subdivision					\$ 84,000.00	
Bond and Traffic Control/Signage (Overall Project)	1	Ls	40,000.00	\$ 40,000.00		
Add/Repair/Replace Storm Inlet Paved Inverts	35	Ea	400.00	\$ 14,000.00		*Add/Repair/Replace Storm Inlet paved Inverts for all storm inlets along streets only for entire subdivision.
Clean Out all Storm Pipe System within Subdivision	1	LS	15,000.00	\$ 15,000.00		*Entire Storm System requires cleaning out. Remove all sediment and debris from system and outlet HW's.
CCTV Storm Pipe System after cleaning	1	LS	15,000.00	\$ 15,000.00		*CCTV Entire Storm System to illustrate pipes are clean.
Kristi Beth Court					\$ 43,002.00	* Kristi Beth Ct. - 23' wide ep/ep (435 L.F. +/-)
Asphalt Edge Milling (2-1/2")	1,278	Sy	5.00	\$ 6,390.00		* (1) 76' dia. (ep/ep) End Cul-de-Sac (4,540 sf)
Asphalt Tack Coat	3,240	Sy	0.55	\$ 1,782.00		
Asphalt 'D' Mix (1")	1,620	Sy	10.00	\$ 16,200.00		
Asphalt 'F' Mix Surface Course 9.5 mm (1-1/2")	1,620	Sy	11.50	\$ 18,630.00		
Katie Lynne Lane					\$ 99,130.30	* Katie Lynne Ln. - 23' wide ep/ep (1046 L.F. +/-)
Asphalt Edge Milling (2-1/2")	2,364	Sy	5.00	\$ 11,820.00		* (1) 76' dia. (ep/ep) End Cul-de-Sac (4,540 sf)
Asphalt Tack Coat	6,356	Sy	0.55	\$ 3,495.80		
Asphalt 'D' Mix (1")	3,178	Sy	10.00	\$ 31,780.00		
Asphalt 'F' Mix Surface Course 9.5 mm (1-1/2")	3,178	Sy	11.50	\$ 36,547.00		
Asphalt Deep Patch Milling (4")	413	Sy	7.50	\$ 3,097.50		
Asphalt Deep Patch Filling (4") 19.5 mm	413	Sy	30.00	\$ 12,390.00		
Nathan Timothy Court					\$ 29,757.50	* Nathan Timothy Ct. - 23' wide ep/ep (184 L.F. +/-)
Asphalt Edge Milling (2-1/2")	832	Sy	5.00	\$ 4,160.00		* (1) 76' dia. (ep/ep) End Cul-de-Sac (4,540 sf)
Asphalt Tack Coat	1,950	Sy	0.55	\$ 1,072.50		
Asphalt 'D' Mix (1")	975	Sy	10.00	\$ 9,750.00		
Asphalt 'F' Mix Surface Course 9.5 mm (1-1/2")	975	Sy	11.50	\$ 11,212.50		
Asphalt Deep Patch Milling (4")	95	Sy	7.50	\$ 712.50		
Asphalt Deep Patch Filling (4") 19.5 mm	95	Sy	30.00	\$ 2,850.00		
Winky Bluff					\$ 119,382.00	* Winky Bluff. - 23' wide ep/ep (1002 L.F. +/-)
Asphalt Edge Milling (2-1/2")	2,790	Sy	5.00	\$ 13,950.00		* (2) 76' dia. (ep/ep) End Cul-de-Sacs (9,080 sf)
Asphalt Tack Coat	7,140	Sy	0.55	\$ 3,927.00		
Asphalt 'D' Mix (1")	3,570	Sy	10.00	\$ 35,700.00		
Asphalt 'F' Mix Surface Course 9.5 mm (1-1/2")	3,570	Sy	11.50	\$ 41,055.00		
Asphalt Deep Patch Milling (4")	660	Sy	7.50	\$ 4,950.00		
Asphalt Deep Patch Filling (4") 19.5 mm	660	Sy	30.00	\$ 19,800.00		
James Henry Drive					\$ 98,182.50	* James Henry Drive - 23' wide ep/ep (1154 L.F. +/-)
Asphalt Edge Milling (2-1/2")	2,050	Sy	5.00	\$ 10,250.00		
Asphalt Tack Coat	5,900	Sy	0.55	\$ 3,245.00		
Asphalt 'D' Mix (1")	2,950	Sy	10.00	\$ 29,500.00		
Asphalt 'F' Mix Surface Course 9.5 mm (1-1/2")	2,950	Sy	11.50	\$ 33,925.00		
Asphalt Deep Patch Milling (4")	567	Sy	7.50	\$ 4,252.50		
Asphalt Deep Patch Filling (4") 19.5 mm	567	Sy	30.00	\$ 17,010.00		
Sam Calvin Drive					\$ 339,470.00	* Sam Calvin Dr. - 23' wide ep/ep (3,725 L.F. +/-)
Asphalt Edge Milling (2-1/2")	7,400	Sy	5.00	\$ 37,000.00		* (2) 76' dia. (ep/ep) End Cul-de-Sac (6,800 sf)
Asphalt Tack Coat	20,550	Sy	0.55	\$ 11,302.50		* (1) 76 dia. Eyebrow Cul-de-Sac
Asphalt 'D' Mix (1")	10,275	Sy	10.00	\$ 102,750.00		
Asphalt 'F' Mix Surface Course 9.5 mm (1-1/2")	10,275	Sy	11.50	\$ 118,162.50		
Asphalt Deep Patch Milling (4")	1,778	Sy	7.50	\$ 13,335.00		
Asphalt Deep Patch Filling (4") 19.5 mm	1,778	Sy	30.00	\$ 53,340.00		
Demolish/Remove/Install Curb & Gutter	30	LF	36.00	\$ 1,080.00		
Demolish/Remove/Install SWCB Top	1	EA	2,500.00	\$ 2,500.00		
Peter Josiah Court					\$ 48,793.90	* Peter Josiah Ct. - 23' wide ep/ep (464 L.F. +/-)
Asphalt Edge Milling (2-1/2")	1,200	Sy	5.00	\$ 6,000.00		* (1) 65' dia. (ep/ep) End Cul-de-Sac (3,400 sf)
Asphalt Tack Coat	3,128	Sy	0.55	\$ 1,720.40		
Asphalt 'D' Mix (1")	1,564	Sy	10.00	\$ 15,640.00		
Asphalt 'F' Mix Surface Course 9.5 mm (1-1/2")	1,564	Sy	11.50	\$ 17,986.00		



SCOPE OF PROJECT

The Project location is within the Brookton Place Subdivision located off of Williams Farm Road just east of intersection with Ga. Hwy 316. Brookton Place Subdivision interior streets (23 LF +/- wide from edge of pavement to edge of pavement) are to be milled and repaved which include Ben Arron Drive (553 LF +/-), Sam Calvin Drive (3,725 LF +/-), Carly Joanna Court (123 LF +/-), Peter Josiah Court (464 LF +/-), James Henry Drive (1,154 LF +/-), Winky Bluff (1,002 LF +/-), Nathan Timothy Court (184 LF +/-), Katie Lynne Lane (1,046 LF +/-), and Kristi Beth Court (435 LF +/-). The Scope of the project is to make asphalt pavement improvements along the subdivision streets where asphalt pavement is deteriorating and failing. The City will edge mill the entire subdivision streets and then deep patch mill portions of the street where subgrade issues appear to be present. Once edge milling and deep patch milling operations are complete, then each street will be repaved with new asphalt and centerline crown built up to re-established proper drainage patterns for stormwater to drain to existing curb & gutter and storm inlets. Limits of work include all asphalt pavement within right-of-way of City of Dacula for street identified.

The City is seeking 2024 Local Maintenance & Improvement Grant (LMIG) funds to make asphalt pavement improvements within the Brookton Place Subdivision by milling and repaving the streets, replacing street signage, and restriping existing stop bars. The paving scope will consist of edge milling the existing subdivision streets. Edge Milling will start at 2-1/2" depth at gutter line and then taper to zero out towards the centerline of the road. Once edge milling is complete, the Contractor will perform an additional 4" of Deep Patch Milling to repair alligatored and deteriorating asphalt where marked by the City and it's Engineer. Once milling is complete, deep patch milled areas will receive 4" of 25 mm Superpave Asphalt Binder Course to make flush with the remainder of the existing milled areas. An asphalt tack coat will then be applied over entire existing asphalt pavement prior to installing 1" inch of 'D' Mix Asphalt Binder Course. A second tack coat will be applied over entire surface prior to installing 1-1/2" of 'F' Mix (9.5 mm) Type 2 Asphalt Surface Course. All new pavement repair shall have smooth transition with adjacent existing asphalt intersections, curb & gutter, and driveways. Contractor shall then re-stripe streets to match existing conditions. Finally, new street signs will be installed to replace aging and faded signage.

The design calls for building up crown in centerline of the road to maintain and re-establish cross slopes from centerline to curb & gutter for proper stormwater drainage. Some ancillary curb & gutter, storm drainage structure tops, and driveways aprons will also be replaced. Also includes replacing street signage and restriping as in existing conditions.

The Opinion of probable construction costs for all edge milling, deep patch milling, asphalt repaving, curb & gutter repair, storm drainage structure top repair, signage, and striping is \$1,089,893.18. This project serves 121 homes within the Brookton Place Subdivision.

Memorandum

To: City of Dacula Council and Mayor,
Planning Commission and Members

From: Hayes Taylor, City Planner

Date: September 14, 2023

Subject: 2023-CD-RZ-02

Proposed Zoning: C-3 (Central Business District and Heavy Commercial District)

Existing Zoning: OI (Office-Institutional District)

Size: 0.83 acres

Proposed Use: Animal Hospital & Copy Shop

Applicant: Fransisco Garcia
2528 Pharr Avenue
Dacula, GA, 30019
404-395-2294

Owner: Francisco Garcia
2528 Pharr Avenue
Dacula, Georgia
404-395-2294

Location: 5th District, Land Lot 302A, Parcel 103

Existing Land Use and Zoning:

The subject property is located at 2528 Pharr Avenue, totals 0.8349 acres along Church Street, and is west of the Church Street and Pharr Avenue intersection. The parcel is zoned OI (Office-Institutional District) and is vacant with the exception of perimeter fencing. The parcel adjacent to the north is a non-conforming residential use, zoned OI (Office-Institutional District), and properties adjacent to the south and west are zoned R-1200 (Single-Family Residential District).

The City Council previously approved 2021-CD-VAR-03 on the subject property, which eliminated the buffer requirement for the property to allow for the construction of a copy shop. Pursuant to 2021-CD-VAR-03, the zoning conditions implemented are intended to preserve the neighborhood feel of the area by implementing restrictions on signs, dumpsters, pick-up hours, outdoor storage, security, and parking.

The Future Land Use Map approved in 2019 designates the property and the surrounding area to the north as a Community Mixed-Use district. Abutting the subject parcel to the south is existing residential property designated as a Suburban Density Residential on the Future Land Use Map.

The Proposed Rezoning & Development:

The applicant has requested to rezone the .83-acre property from OI (Office Institutional District) to C-3 (Central Business District and Heavy Commercial District) to construct a 3-suite 6,000 sf commercial building for Dacula Animal Hospital and a copy shop. Per the Zoning Resolution, veterinary clinics and animal hospitals require a C-3 zoning (Article IX, Section 907). Veterinary clinics and animal hospitals require C-3 zoning because typical functions require extended operating hours and produce high noise levels, which can introduce adverse impacts on neighboring residents.

Staff notes that the property is situated on the perimeter of the Community Mixed Activity Use character area and is adjacent to the Suburban Density Residential character area to the South. The Future Land Use map designates the subject property for Community Mixed Activity Use. The Comprehensive Plan notes that in order to shield neighborhoods from commercial traffic, commercial land uses should be concentrated in the “heart” of the Community Mixed Activity Use areas to create an appropriate transition of uses (Dacula Comprehensive Plan, Chapter 7 – Page 7.14). Therefore, the rezoning is in conflict with the Future Land Use Map.

Summary:

The proposed animal hospital increases the land use intensity from the presiding zoning district OI (Office-Institutional District) to C-3 (Central Business District and Heavy Commercial District). The rezoning is not consistent with the City’s Future Land Use Map and conflicts with the land use of adjacent properties by potentially introducing adverse impacts. For these reasons, the Department recommends that the rezoning be denied.

Comprehensive Plan:

The City of Dacula’s 2019 Comprehensive Plan labels the subject property as Community Mixed Activity Use on the Future Land Use Map. Community Mixed Use land uses are defined as “relatively large activity center nodes of commercial, office, and institutional facilities which serve several surrounding neighborhoods” ranging 40,000 to 100,000 square feet or more (The City of Dacula, Georgia 2019 Comprehensive Plan, page 7.14).

The analysis of the application should be made based upon the “Standards Governing Exercise of the Zoning Power” as stated in Section 1702 of the 2000 Zoning Resolution of the City of Dacula.

1. Whether the proposed rezoning request will permit a use that is suitable in view of the use and development of an adjacent and nearby property?

The proposed use is inconsistent with the development pattern in the area as it is adjacent to residential use properties. In addition, the proposed rezoning is inconsistent with the Future Land Use Map. Considering the above, the proposed development is considered unsuitable as proposed.

2. *Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby properties?*

The rezoning could adversely impact the surrounding residential properties.

3. *Whether the property to be affected by the proposed rezoning request has a reasonable economic use as currently zoned?*

Yes, the subject property has reasonable economic use as currently zoned.

4. *Whether the proposed rezoning request will result in a use that will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?*

The proposed use is not expected to increase the burden of use for utilities, or schools. Business-related traffic, such as customers and/or delivery trucks could affect existing streets.

5. *Whether the proposed rezoning request conforms with the policy and intent of the Land Use Plan?*

The City of Dacula's Future Land Use Map designates the property for a Community Mixed-Activity Use Center. As such, the proposed rezoning would not be considered currently suitable at this location.

6. *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning?*

There is a lack of Council precedent for C-3 zoning in the nearby area. The evaluation of appropriate future uses of the property should take into consideration the immediate uses around the area.

Recommendation:

Based on the application, the requested rezoning is recommended for denial. Should the City Council approve the application, the following conditions are recommended:

The Department notes the Planning Commission unanimously recommended denial of the requested rezoning at the Public Hearing on September 25, 2023.

Land Use

1. The property shall only be developed for office and animal hospital/veterinary clinic. Any substantial deviation from the approved concept plan entitled 2528 Pharr Avenue by Grant Shepard & Associates, dated April 15, 2021 and conditions of zoning shall be resubmitted to the Mayor and Council for consideration. The City Administration shall determine what constitutes substantial deviation.

2. No kennel or overnight services will be permitted.
3. No outdoor storage shall be permitted.
4. One ground sign shall be permitted. The ground sign shall be monument-type only with indirect lighting. The ground sign shall be limited to a single monument-type sign with a brick or stacked stone base of at least 2 feet in height. Neon or self-illuminating ground signs shall be prohibited.
5. Parking lot and security lighting shall be directed towards the property to minimize the adverse impact on neighboring properties.
6. All trash dumpsters shall be screened by an enclosure using the same exterior building material as the adjacent occupied buildings. Pickup shall be limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. Dumpster enclosures shall remain closed, locked, and in good repair at all times.
7. Business hours will be limited to 9 a.m. to 6 p.m., Monday through Friday, and 9 a.m. to 2 p.m. on Saturday.
8. No tents, canopies, temporary banners, streamers, or roping decorated flags, tinsel, or other similar material shall be displayed, hung, or strung on the site without appropriate permit(s). No decorative balloons or hot-air balloons shall be displayed on the site.
9. Human sign spinners and/or twirlers shall be prohibited.
10. The elimination of the 50-foot undisturbed buffer requirement on the south and west property lines will be maintained. The existing fence shall be maintained by the property owner and be in good repair at all times.
11. All business activity shall be contained within the primary building.
12. Parking must meet requirements as stated in Article XII of the Zoning Resolution.
13. The owner must provide a 20-foot access easement along the southern property boundary to permit access to existing utilities.
14. Provide fencing along the front, side, and rear property lines. Prior to issuance of a Certificate of Occupancy, any fence located in the front shall be ornamental or decorative and constructed of brick, stone, wood, wrought iron, and/or split rail, and shall not exceed 4 feet in height. Fencing on the rear and side of the property must be constructed of materials approved by the City Administrator prior to permit issuance.
15. Provide a five-foot wide landscape strip outside of the right-of-way along Church Street. The landscape strip shall include at least two understory plants/shrubs every 10 linear feet. The landscape strip shall include boxwoods, viburnum, juniper, murraya, or shrub species useful for noise prevention approved by the City.

Architectural Design

1. The proposed elevation, building materials, and colors shall be approved by the City prior to building permit issuance. The face shall resemble the surrounding residential dwelling with the front and side faces constructed of brick, stone, or stucco with

accents of fiber shake, board, or fiber cement siding. The remainder of the structure shall be constructed of brick, stone, stucco, concrete fiber, or similar material.

2. The front yard shall be sodded.



City of Dacula

P. O. Box 400

Dacula, GA 30019

(770) 962-0055 / Fax (770) 513-2187

Item 5.

REZONING/ CHANGE OF CONDITIONS/ SPECIAL USE PERMIT APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF DACULA, GEORGIA.

(Please Type or Print using BLACK INK)

APPLICANT *	PROPERTY OWNER *
NAME <u>FRANCISCO GARCIA</u>	NAME <u>FRANCISCO GARCIA</u>
ADDRESS <u>2528 PHARR AVENUE</u>	ADDRESS <u>2528 PHARR AVENUE</u>
CITY <u>DACULA</u>	CITY <u>DACULA</u>
STATE <u>GA</u> ZIP <u>30019</u>	STATE <u>GA</u> ZIP <u>30019</u>
PHONE <u>404-395-2294</u> FAX _____	PHONE <u>404-395-2294</u> FAX _____

APPLICANT IS THE:

- ☐ OWNER'S AGENT
☒ PROPERTY OWNER
☐ CONTRACT PURCHASER

CONTACT PERSON FRANCISCO GARCIA

COMPANY NAME _____

ADDRESS _____

PHONE 404-395-2294 FAX _____

EMAIL 77gfrancisco@bellsouth.net

* Include any person having a property interest
and/or a financial interest in any business entity having
property interest (use additional sheets if necessary).

PRESENT ZONING DISTRICT(S) O I REQUESTED ZONING DISTRICT C-3

LAND LOT(S) 302 PARCEL # 5302A103 DISTRICT(S) 5TH ACREAGE 0.8349

PROPOSED DEVELOPMENT OR SPECIAL USE REQUESTED _____

FOR THE USE OF DACULA ANIMAL HOSPITAL, BUILDING#2, SUITE B&C

COPY SHOP, BUILDING#1, SUITE A

RESIDENTIAL DEVELOPMENT:

NO. OF LOTS/DWELLINGS UNITS _____

DWELLING UNIT SIDE (SQ. FT.) _____

NON-RESIDENTIAL DEVELOPMENT:

NO. OF BUILDINGS/LOTS 2

TOTAL GROSS SQ. FEET 6,000

LETTER OF INTENT & LEGAL DESCRIPTION OF PROPERTY

*** PLEASE ATTACH A "LETTER OF INTENT" EXPLAINING WHAT IS PROPOSED and
TYPED "LEGAL DESCRIPTION" OF PROPERTY TO BE AMENDED ***

CASE NUMBER

Note

1. ASPHALTIC CONCRETE PAVEMENT SHALL BE USED FOR THE ENTIRETY OF THIS PROJECT.
2. SUITE A TO HAVE 6 EMPLOYEE SPACES & C TO BE DETERMINED
3. BUILDING TO BE 10' HIGH

Statement of Zoning

ZONING: Office-Institutional District: OI

STRAKES

FRONT: 50'

SIDES: 10'

REAR: 15'

BUILDING HEIGHT MAX: 40'

Lot Coverage (Impervious Area)

PROPOSED BUILDING (EXISTING)

PROPOSED BUILDING (FUTURE)

PROPOSED DRIVEWAY (FUTURE)

PROPOSED DRIVEWAY (FUTURE)

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PROPOSED DRIVEWAY (FUTURE)

Notes

- No overhead doors.
- Approval of these plans does not constitute approval by City of Decatur of any land disturbing activities within wetland areas. It is the responsibility of the property owner to contact appropriate regulatory agency for approval of any wetland area disturbance.
- Notify City of Decatur Inspections 24 hours before beginning of every phase of construction (770-463-7451).
- No Certificate of Occupancy will be issued until all site improvements have been completed.
- No drive-up windows are to be installed.
- High intensity lighting facilities shall be so arranged that the source of any light is concealed from public view and from adjacent residential property and does not interfere with traffic.
- All buffers and tree save areas shall be clearly identified by flagging and/or fencing prior to commencement of any land disturbance.
- No outside storage proposed. This includes supplies, equipment, vehicles, products, etc.
- Signs, location, number, and size are not approved under this building permit. A separate permit is required for each sign.
- All construction to comply with City of Decatur Standards.

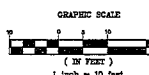
Permit Revision Block:

#1 - Buffer variance will be applied for due to the building enlargement by 10 feet, please refer to revisions clouds on each sheet for updates to the approved plan set.

CDP2019-00146

SITE LAYOUT AND DIMENSION PLAN

LIMITS OF DISTURBANCE 33,441 SQ. FT. OR 0.77 ACRES



DESIGNER INFORMATION

GRANT SHEPHERD & ASSOCIATES, INC.
735 LONGLEAF BOULEVARD, SUITE A
LAWRENCEVILLE, GA 30046
770-418-2823
BY: WILLIAM G. SHEPHERD
WILLIAM.SHEPHERD@GSAENGINEERING.COM
SEAN G. SHEPHERD, J.L.
GRANT.SHEPHERD@GSAENGINEERING.COM

SITE DEVELOPMENT PLAN FOR:
2528 PHARR AVENUE
Dacula, GA
LAND DISTRICT
CITY OF DACULA
GWINNETT COUNTY, GEORGIA

GRANT SHEPHERD & ASSOCIATES
10000 LINDSEY LANE, LAWRENCEVILLE, GEORGIA 30046-4400
770-418-2823
WWW.GSAENGINEERING.COM

SHEET TITLE
SITE LAYOUT

PROJECT NO.

19-06-110

DATE

April 10, 2021

DRAWN BY

WILLIAM G. SHEPHERD

CHECKED BY

SCS & SP

SHEET NO.

C-3.0

Written Description

All that tract or parcel of land lying and being in Land Lot 302 of the 5th District, City of Dacula, Gwinnet County, Georgia and being more particularly described as follows:

Beginning at an iron pin set at the intersection of Land Lot Lines 302, 301 and the southerly right-of-way of Pharr Avenue (40' Right-of-Way A.K.A. Church Street); Thence leaving the right-of-way of Pharr Avenue South 60 Degrees 17 Minutes 57 Seconds West a distance of 203.81 feet to a ½" Rebar Found; Thence North 30 Degrees 45 Minutes 28 Seconds West a distance of 175.53 feet to an Iron Pin Set; Thence North 62 Degrees 00 Minutes 58 Seconds East a distance of 216.24 feet to an Iron Pin Set along the right-of-way of Pharr Avenue; Thence continuing along said right-of-way of Pharr Avenue along the arc of a curve to the right, said curve having a radius of 2,143.90', a chord length of 16.27' and being subtended by a chord bearing of South 26 Degrees 37 Minutes 14 Seconds East a distance of 169.31' to an iron pin set, being the Point of Beginning.

Said tract or parcel containing 36,369 square feet or 0.8349 acres.



Attention: City of Dacula Zoning Committee

Thank you for taking the time to reconsider the zoning for 2528 Pharr Ave. As a small business who has served Dacula for decades, we are invested in preserving the community legacy while advancing in sustainable growth. We believe that relocating Dacula Animal Hospital to the proposed location would provide positive economic impact and much needed services to the surrounding community. It is our dedication to maintain a well ran, ethical and community-minded business that contributes to the Dacula of tomorrow while serving the Dacula of today.

Regards,
Tiffany Leggett



I have been working on this project since September 20, 2016. Unfortunately, covid 19 affected the economy and I was unable to finish the project. Today supporting the community and small businesses, observing that the City of Dacula is growing in a sustainable manner, I ask for your support for the rezoning of the aforementioned property that will provide services and a positive economic impact to our community.

Sincerely,

Francisco Garcia
Property Owner

APPLICANT CERTIFICATION

The undersigned is authorized to make this application and is aware that if an application is denied, no application or re-application affecting the same property shall be acted upon within twelve (12) months from the date of last action unless waived by the City.

Signature of Applicant

Date

Type or Print Name/Title

FRANCISCO GARCIA

Notary Public

Date

**PROPERTY OWNER CERTIFICATION**

The undersigned, or as attached, is the record owner of the property considered in this application and is aware that if an application is denied, no application or re-application affecting the same land shall be acted upon within twelve (12) months from the date of last action unless waived by the City.

Signature of Property Owner

Date

Type or Print Name/Title

FRANCISCO GARCIA

Notary Public

Date

**FOR ADMINISTRATIVE USE ONLY**

DATE RECEIVED _____ RECEIVED BY _____ FEE _____ RECEIPT # _____

LAND LOT _____ DISTRICT _____ PARCEL # _____ HEARING DATE _____

ACTION TAKEN _____

SIGNATURE _____ DATE _____

STIPULATIONS _____



City of Dacula
P. O. Box 400
Dacula, GA 30019
(770) 962-0055 / Fax (770) 513-2187

Item 5.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more the Mayor and/or a member of the City Council or a member of the Dacula Planning Commission.

☐ Yes

☒ No

If the answer is *Yes*, please complete the following section:

Name of Government Official	Contributions <i>(All which aggregate to \$250.00+)</i>	Contribution Date <i>(within last 2 years)</i>
<hr/>		
<hr/>		
<hr/>		
<hr/>		

Have you, within the two years immediately preceding the filing of this application, made gifts having in the aggregate a value of \$250.00 or more to the Mayor and/or a member of the City Council or a member of the Dacula Planning Commission.

☐ Yes

☒ No

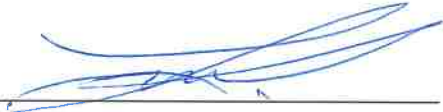
If the answer is *Yes*, please complete the following section:

Name of Government Official	Description of Gifts <i>(Valued aggregate \$250.00+)</i>	Date Gift was Given <i>(within last 2 years)</i>
<hr/>		
<hr/>		
<hr/>		
<hr/>		

(Attach additional sheets if necessary to disclose or describe all contributions/gifts)

CONFLICT OF INTEREST CERTIFICATION


The undersigned, making application for rezoning/SUP, has complied with the Official Code of Georgia, Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions and has submitted or attached the required information on the forms provided.

Signature of Applicant  Date 7/21/23

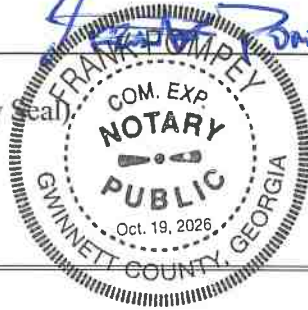
Type or Print Name/Title FRANCISCO GARCIA / OWNER

Signature of Applicant's Attorney  Date 7/21/23

Type or Print Name/Title FRANCISCO GARCIA / OWNER

Notary Public  Date 7/21/2023

(Notary Seal)



Official Use Only

DATE RECEIVED _____ ZONING CASE NUMBER _____

RECEIVED BY _____



City of Dacula

P. O. Box 400
Dacula, GA 30019
(770) 962-0055 / Fax (770) 513-2187

IMPACT ANALYSIS STATEMENT

As required by the Zoning Resolution of the City of Dacula, the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power. **ALL APPLICATIONS MUST BE COMPLETED WITH THE COMPLETED IMPACT ANALYSIS STATEMENT.**

DATE 7/21/23 APPLICANT FRANCISCO GARCIA

- A. Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property: Adjacent properties are currently zoned OI, C1 and R1200
- B. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property: The proposed zoning is similar to nearby adjacent properties. Rezoning should not adversely affect the properties nearby.
- C. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned: The subject property is currently zoned OI. The proposed rezoning for a proposed animal hospital, copy shop will have similar economic use to what the property is currently zoned.
- D. Whether the proposed rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The proposed rezoning and building use will not result in additional or excessive burdensome use of the existing streets, transportation facilities, utilities or schools.
- E. Whether the proposed rezoning is in conformity with the policy and intent of the Land Use Plan: The proposed rezoning for an animal hospital, copy shop would be compliant with the mixed use intent of what land use plan.
- F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning: The proposed conditions of the land use plan are support of the requested rezoning for an animal hospital, copy shop.

APPENDIX

(For Informational Purposes)

ADJOINING PROPERTY OWNER(S)
RECORD NOTIFICATION

DATE: 7/21/23

TO: BIREN JONATHAN RICHARD - 301 CHURCH ST DACULA 30019 | R5301 026
(Sent by First Class Mail and Certified Mail - Return Receipt Requested)

FROM: FRANCISCO GARCIA

RE: Application Case #: _____
Application Case #: _____
Application Case #: _____

Property Location: 5th District, Land Lot 302 Parcel 5302A103

LOCATION/ADDRESS: 2528 PHARR AVENUE, DACULA, GA, 30019

You are hereby notified that an application a zoning change from O I
to C-3 has been submitted to the City of Dacula.

The proposed rezoning is contiguous to your property.

The PLANNING COMMISSION Public Hearing/Meeting will be held at the Dacula City Hall,
442 Harbins Rd., Dacula, Georgia on _____ at 6:00 P. M. in the Council
Chambers. (date)

The CITY COUNCIL Public Hearing/Meeting will be held at the Dacula City Hall, 442 Harbins Rd.,
Dacula, Georgia on _____ at 7:00 P. M. in the Council Chambers.
(date)

If you have any comments or concerns concerning this matter, please plan to attend the public
hearings.

Thank you.

ADJOINING PROPERTY OWNER(S)
RECORD NOTIFICATION

DATE: 7/21/23

TO: CROY TAMMIE LILLIAN - 294 MAXEY ST DACULA 30019 | R5302A118
(Sent by First Class Mail and Certified Mail - Return Receipt Requested)

FROM: FRANCISCO GARCIA

RE: Application Case #: _____
Application Case #: _____
Application Case #: _____
Property Location: 5th District, Land Lot 302 Parcel 5302A103

LOCATION/ADDRESS: 2528 PHARR AVENUE, DACULA, GA, 30019

You are hereby notified that an application a zoning change from O I
to C-3 has been submitted to the City of Dacula.

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The PLANNING COMMISSION Public Hearing/Meeting will be held at the Dacula City Hall,
442 Harbins Rd., Dacula, Georgia on _____ at 6:00 P. M. in the Council
Chambers. (date)

The CITY COUNCIL Public Hearing/Meeting will be held at the Dacula City Hall, 442 Harbins Rd.,
Dacula, Georgia on _____ at 7:00 P. M. in the Council Chambers.
(date)

If you have any comments or concerns concerning this matter, please plan to attend the public
hearings.

Thank you.

ADJOINING PROPERTY OWNER(S)
RECORD NOTIFICATION

DATE: 7/21/23

TO: SHARPTON ANGIE - 290 MAXEY ST DACULA 30019 | R5302A219
(Sent by First Class Mail and Certified Mail - Return Receipt Requested)

FROM: FRANCISCO GARCIA

RE: Application Case #: _____
Application Case #: _____
Application Case #: _____

Property Location: 5th District, Land Lot 302 Parcel 5302A103

LOCATION/ADDRESS: 2528 PHARR AVENUE, DACULA, GA, 30019

You are hereby notified that an application a zoning change from O I
to C-3 has been submitted to the City of Dacula.

The proposed rezoning is contiguous to your property.

The PLANNING COMMISSION Public Hearing/Meeting will be held at the Dacula City Hall,
442 Harbins Rd., Dacula, Georgia on _____ at 6:00 P. M. in the Council
Chambers. (date)

The CITY COUNCIL Public Hearing/Meeting will be held at the Dacula City Hall, 442 Harbins Rd.,
Dacula, Georgia on _____ at 7:00 P. M. in the Council Chambers.
(date)

If you have any comments or concerns concerning this matter, please plan to attend the public
hearings.

Thank you.

ADJOINING PROPERTY OWNER(S)
RECORD NOTIFICATION

DATE: 7/21/23

TO: RODRIGUEZ VENTURA JESUS EDITH RODRIGUEZ ANAYA CINDY M
287 CHURCH ST DACULA 30019 | R5302A104
 (Sent by First Class Mail and Certified Mail - Return Receipt Requested)

FROM: FRANCISCO GARCIA

RE: Application Case #: _____
 Application Case #: _____
 Application Case #: _____
 Property Location: 5th District, Land Lot 302 Parcel 5302A103

LOCATION/ADDRESS: 2528 PHARR AVENUE, DACULA, GA, 30019

You are hereby notified that an application a zoning change from O I
 to C-3 has been submitted to the City of Dacula.

The proposed rezoning is contiguous to your property.

The PLANNING COMMISSION Public Hearing/Meeting will be held at the Dacula City Hall,
 442 Harbins Rd., Dacula, Georgia on _____ at 6:00 P. M. in the Council
 Chambers. (date)

The CITY COUNCIL Public Hearing/Meeting will be held at the Dacula City Hall, 442 Harbins Rd.,
 Dacula, Georgia on _____ at 7:00 P. M. in the Council Chambers.
 (date)

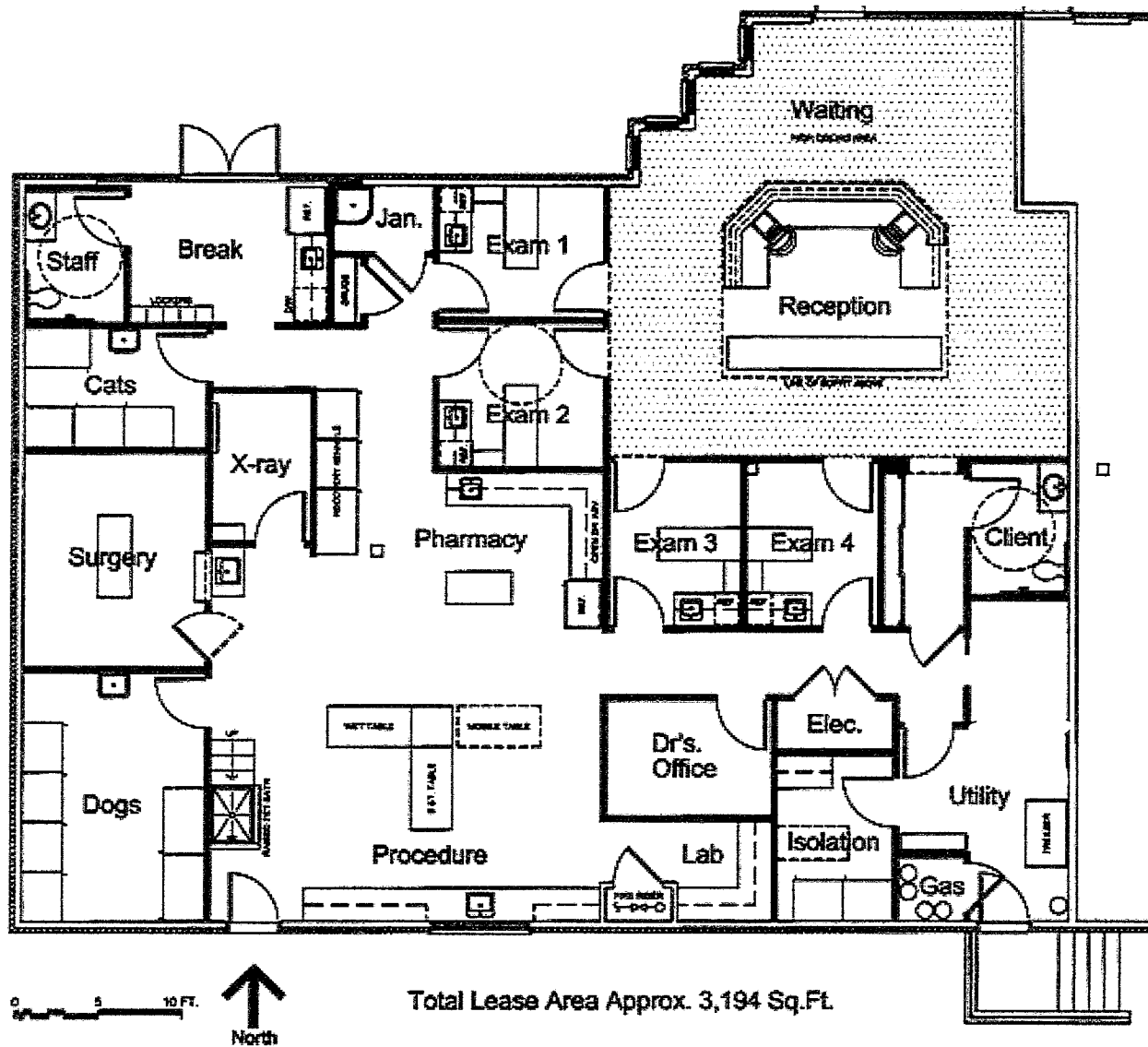
If you have any comments or concerns concerning this matter, please plan to attend the public
 hearings.

Thank you.

DACULA ANIMAL HOSPITAL



BUILDING PROJECT



REQUESTED SPECIFICATIONS:

**FEATURED HERE IS
OUR PREFERRED
FLOOR PLAN. AN OPEN
CONCEPT WITH LOTS
OF NATURAL LIGHT IS
VERY IMPORTANT.**

LOBBY

REQUESTED SPECIFICATIONS:

- AN OPEN LOBBY CONCEPT WITH A WELCOME DESK.
- THE LOBBY SHOULD HAVE MANY WINDOWS AND AMPLE LIGHT EXPOSURE.
- SEALED CONCRETE FLOORING THROUGHOUT
- THE PREFERRED COLOR SCHEME IS INCLUDED BELOW

Coordinating Colors



Topsail
SW 6217



Extra White
SW 7006



Dovetail
SW 7018



Coordinating Colors

Topsail
SW 6217

Extra White
SW 7006

Dovetail
SW 7018

PROCEDURE AREA

REQUESTED SPECIFICATIONS:

- THIS IS THE LAYOUT WE PREFER FOR COUNTER SPACE AND PLUMBING WITH AN EMPHASIS ON EASY-TO-CLEAN PAINT FINISHES FOR ALL SURFACES.
- PREFERRED FLOORING -SEALED CONCRETE
- PLUMBING FOR 3 SINKS AND 2 WET TABLES
- THERE WILL NEED TO BE A LARGE NUMBER OF ELECTRICAL OUTLETS AVAILABLE THROUGHOUT THE PROCEDURE AREA.
- THE PREFERRED COLOR SCHEME FOR CABINETRY AND PAINT IS FEATURED.
- SPACE FOR REFRIGERATOR



Coordinating Colors



Topsail
SW 6217



Extra White
SW 7006



Dovetail
SW 7018

NURSES STATION

REQUESTED SPECIFICATIONS:

- **LOCATED IN THE PROCEDURE AREA**
- **ELECTRICAL OUTLETS AND SUPPORTIVE BREAKER SPECIFICATIONS TO SUPPORT HIGH USAGE.**
- **REINFORCED DESK SPACE WITH HOLES MADE FOR CHORD MANAGEMENT.**
- **THE PREFERRED COLOR SCHEME FOR PAINT IS FEATURED.**



PHARMACY

REQUESTED SPECIFICATIONS:

- **STORAGE -SHELVING, COUNTER SPACE, AND CABINETS AND DRAWERS AS FEATURED**
- **ELECTRICAL OUTLETS ABOVE COUNTER**
- **ATTACHED DESK AT COUNTER**
- **THE PREFERRED COLOR SCHEME FOR CABINETRY AND PAINT IS FEATURED.**

Coordinating Colors



Topsail
SW 6217



Extra White
SW 7006



Dovetail
SW 7018



SURGICAL SUITE

REQUESTED SPECIFICATIONS:

- STORAGE WITH COUNTER SPACE AND SMALL ATTACHED DESK
- CENTRAL OXYGEN HOOKUPS AND SCAVENGER SYSTEM HOOKUP
- ELECTRICAL OUTLETS
- FLOORING IS CONTINUOUS THROUGHOUT WITH THE SEALED CONCRETE
- THE PREFERRED COLOR SCHEME FOR CABINETRY AND PAINT IS FEATURED.
- PREFERRED DOOR DESIGN ALSO FEATURED
- VENT PLACEMENT ON FLOOR



Coordinating Colors



Topsail
SW 6217



Extra White
SW 7006



Dovetail
SW 7018





X-RAY

REQUESTED SPECIFICATIONS:

- APPROPRIATE ELECTRICAL SPECIFICATIONS
- ELECTRICAL OUTLETS
- CENTRAL OXYGEN HOOK UP
- SEALED CONCRETE FLOORING THROUGHOUT
- THE PREFERRED COLOR SCHEME FOR PAINT IS FEATURED.

Coordinating Colors

 Topsail
SW 6217


 Extra White
SW 7006

 Dovetail
SW 7018



Coordinating Colors

 Topsail
SW 6217

 Extra White
SW 7006

 Dovetail
SW 7018

EXAM ROOMS

REQUESTED SPECIFICATIONS:

- **STORAGE WITH SINK**
- **REINFORCED WALL TO SUPPORT A FOLDING EXAM TABLE (ROOMS 1 & 2)**
- **ELECTRICAL OUTLETS**
- **SEALED CONCRETE FLOORING IS CONTINUOUS THROUGHOUT**
- **THE PREFERRED COLOR SCHEME FOR CABINETRY AND PAINT IS FEATURED.**
- **PREFERRED DOOR DESIGN ALSO FEATURED**



Coordinating Colors



Topsail
SW 6217



Extra White
SW 7006



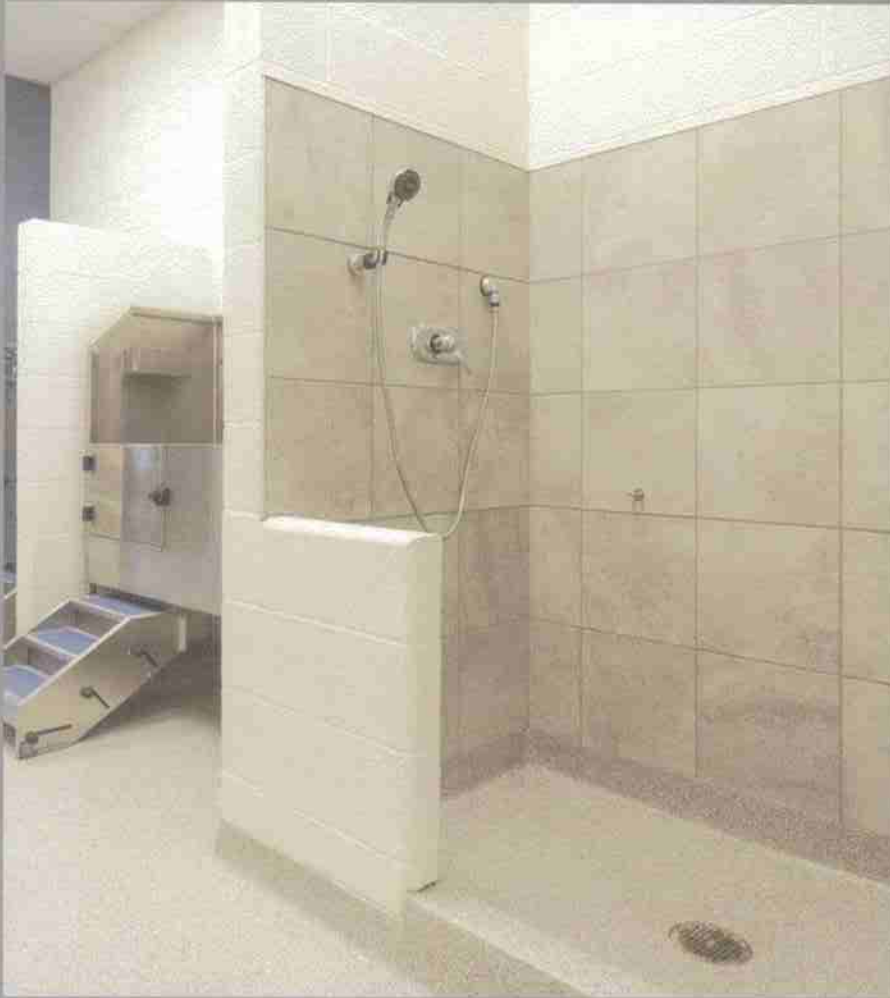
Dovetail
SW 7018



UTILITY

REQUESTED SPECIFICATIONS:

- **APPROPRIATE ELECTRICAL SPECIFICATIONS FOR THE DRYER**
- **WASHER HOOKUP/DRAIN**
- **SINK**
- **SPACE FOR A FRIDGE**
- **ELECTRICAL OUTLETS**
- **SEALED CONCRETE FLOORING THROUGHOUT**
- **COUNTER SPACE & STORAGE**
- **THE PREFERRED COLOR SCHEME FOR PAINT AND CABINETRY IS FEATURED.**



UTILITY

REQUESTED SPECIFICATIONS:

- **DRAINAGE IN FLOOR**
- **ELECTRICAL OUTLETS**
- **SEALED CONCRETE FLOORING IS CONTINUOUS THROUGHOUT**
- **A TILED WALK-IN BATHING AREA**
- **PLUMBING FOR A BATHING TUB**
- **MOP SINK WITH DRAIN**
- **ELECTRICAL SPECIFICATIONS TO SUPPORT A LARGE FREEZER**

DOG ROOM

REQUESTED SPECIFICATIONS:

- **CENTRAL OXYGEN HOOKUP**
- **ELECTRICAL OUTLETS**
- **FLOOR DRAINAGE**
- **SEALED CONCRETE FLOORING IS CONTINUOUS THROUGHOUT**
- **THE PREFERRED COLOR SCHEME FOR PAINT IS FEATURED.**

Coordinating Colors



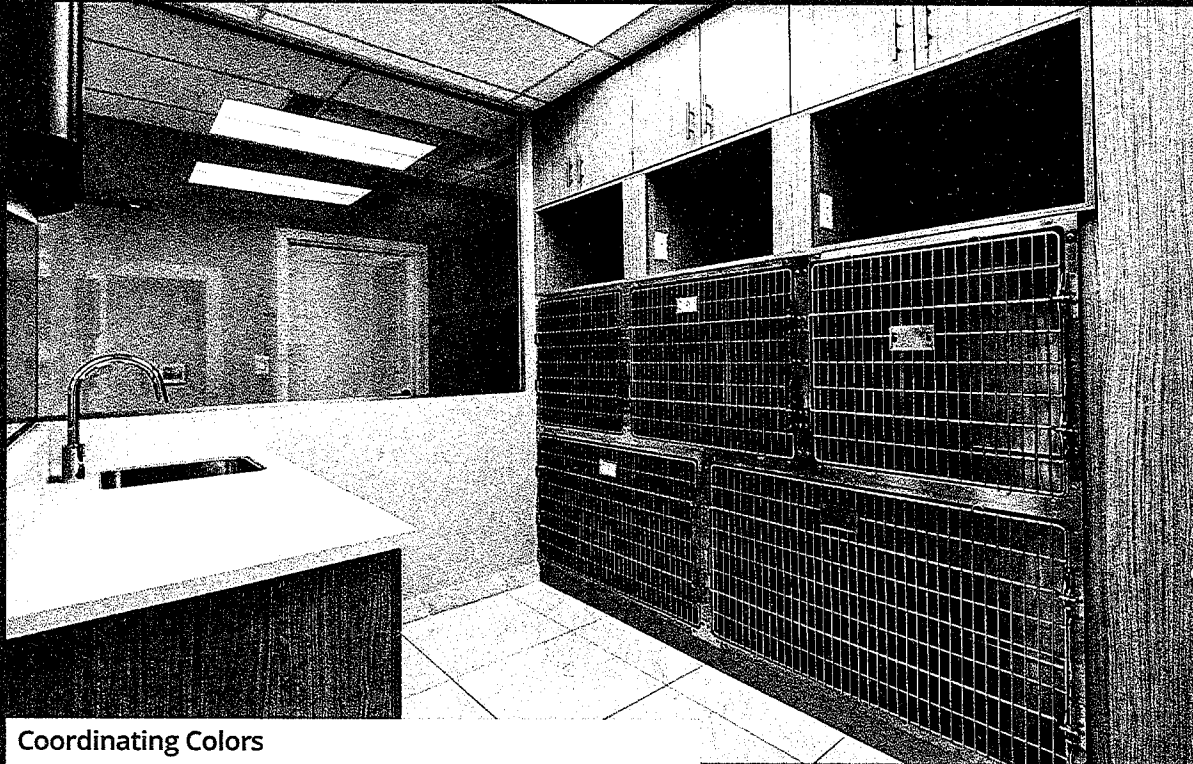
Topsail
SW 6217



Extra White
SW 7006



Dovetail
SW 7018



Coordinating Colors



Topsail
SW 6217



Extra White
SW 7006



Dovetail
SW 7018



CAT ROOM

REQUESTED SPECIFICATIONS:

- CENTRAL OXYGEN HOOKUP
- ELECTRICAL OUTLETS
- FLOOR DRAINAGE
- SEALED CONCRETE FLOORING IS CONTINUOUS THROUGHOUT
- THE PREFERRED COLOR SCHEME FOR CABINETRY AND PAINT IS FEATURED.
- SMALL SINK, COUNTER SPACE AND STORAGE AS FEATURED

ISOLATION ROOM

REQUESTED SPECIFICATIONS:

- **CENTRAL OXYGEN HOOKUP**
- **ELECTRICAL OUTLETS**
- **FLOOR DRAINAGE**
- **SEALED CONCRETE FLOORING IS CONTINUOUS THROUGHOUT**
- **THE PREFERRED COLOR SCHEME FOR CABINETRY AND PAINT IS FEATURED.**
- **SMALL SINK, COUNTER SPACE, AND STORAGE AS FEATURED**
- **ACCESS TO OUTSIDE**



Coordinating Colors

 **Topsail**
SW 6217

 **Extra White**
SW 7006

 **Dovetail**
SW 7018




BATHROOMS

REQUESTED SPECIFICATIONS:

- **TWO IDENTICAL BATHROOMS OUTFITTED AS FEATURED**
- **SEALED CONCRETE FLOORING IS CONTINUOUS THROUGHOUT**
- **THE PREFERRED COLOR SCHEME FOR PAINT IS FEATURED.**

Coordinating Colors

 **Topsail**
SW 6217

 **Extra White**
SW 7006

 **Dovetail**
SW 7018

BREAK ROOM

REQUESTED SPECIFICATIONS:

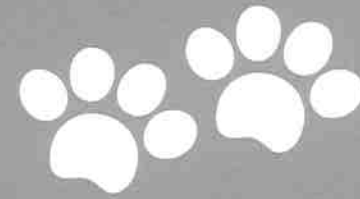
- **STORAGE, COUNTER SPACE, SINK, SPACE FOR A REFRIGERATOR, AND DISHWASHER**
- **SEALED CONCRETE FLOORING IS CONTINUOUS THROUGHOUT**
- **THE PREFERRED COLOR SCHEME FOR CABINETRY, AND PAINT IS FEATURED.**
- **PREFERRED DOOR DESIGN ALSO FEATURED**



Coordinating Colors

☐ Topsail SW 6217
 ☐ Extra White SW 7006
 ☐ Dovetail SW 7018





THANK YOU!

ADJOINING PROPERTY OWNER(S)
RECORD NOTIFICATION

DATE: Thursday July 27-2023

TO: RODRIGUEZ VENTURA JESUS EDITH RODRIGUEZ ANAYA CINDY M
287 CHURCH ST DACULA 30019 | R5302A104
 (Sent by First Class Mail and Certified Mail - Return Receipt Requested)

FROM: FRANCISCO GARCIA

RE: Application Case #: 2023-CD-RZ-02

Application Case #: _____

Application Case #: _____

Property Location: 5th District, Land Lot 302 Parcel 5302A103

LOCATION/ADDRESS: 2528 PHARR AVENUE, DACULA, GA, 30019

You are hereby notified that an application a zoning change from O I
 to C-3 has been submitted to the City of Dacula.

The proposed rezoning is contiguous to your property.

The PLANNING COMMISSION Public Hearing/Meeting will be held at the Dacula City Hall,
 442 Harbins Rd., Dacula, Georgia on September 25TH, 2023 at 6:00 P. M. in the Council
 Chambers. (date)

The CITY COUNCIL Public Hearing/Meeting will be held at the Dacula City Hall, 442 Harbins Rd.,
 Dacula, Georgia on October 5TH, 2023 at 7:00 P. M. in the Council Chambers.
 (date)

If you have any comments or concerns concerning this matter, please plan to attend the public
 hearings.

Thank you.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Brian Jonathan Richard
301 Church St
Dacula, GA 30019



9590 9402 8188 3030 5548 72

2 Article Number (Transfer from service label)

89 0710 5270 0458 4654 58

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

7-25

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Croy Tammie Lillian
 294 Maxey St.
 DACULA, GA 30019



9590 9402 8188 3030 5548 58

2. Article Number (Transfer from service label)

1589 0710 5270 0458 4654 27

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

7/29

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery over \$500

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ventura Jesus Rodriguez
 Edith Rodriguez
 ANAYA CINDY M.
 287 Church St
 DACULA, GA 30019



9590 9402 8188 3030 5548 41

2. Article Number (Transfer from service label)

9589 0710 5270 0458 4654 41

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes☒ No

3. Service Type

☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery

Insured Mail

Insured Mail Restricted Delivery
(over \$500)☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted
Delivery☐ Signature Confirmation™☐ Signature Confirmation
Restricted Delivery

Domestic Return Receipt

TO: City of Dacula Mayor, City Council Members, and
Planning Commission Members

FROM: Brittni Nix, City Administrator
Hayes Taylor, City Planner
Jack Wilson, City Attorney

DATE: September 6, 2023

SUBJECT: Zoning Ordinance Amendment

Mayor and Members of City Council and Members of Planning Commission:

Recent changes in State law regarding zoning procedures has prompted City staff to review the City's Zoning Ordinance. The proposed amendment attached adds additional objective criteria for the review of variance, waiver and Special Use Permit applications. It also defines the appeals process consistent with the State law revisions. The draft provides for appeals to Superior Court by a standard which recognizes the most deference to City decisions allowed under current law. For these reasons, staff recommends approval of these amendments.

If you have any questions or need any additional information, please let us know.

AN ORDINANCE

AN ORDINANCE TO AMEND THE ZONING RESOLUTION OF THE CITY OF DACULA; TO ADD A ZONING APPEALS ORDINANCE AND A NEW SECTION 707 AND 708.

WHEREAS, the City has adopted and maintained a comprehensive Zoning Resolution; and

WHEREAS, an update in the Zoning Resolution to add a new Section 707 and 708; and

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens of the City to review and evaluate the current Zoning Resolution in view of current development trends and future land use plans in and near the City; and

WHEREAS, the City has undertaken and completed such review and evaluation; and

WHEREAS, as a part of that review process, the Planning Commission and City Council have conducted public hearings in accordance with Georgia law seeking comment on the amendments and updates to the Zoning Resolution; and

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens and businesses within the City of Dacula to amend the Zoning Resolution as outlined herein;

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DACULA HEREBY ORDAINS that the Zoning Appeals Ordinance and City Code be amended as follows:

The following amendments to the City's Zoning Resolution Article VII and XVII are approved and adopted:

SECTION 1.

Article VII, Section 707 is added as follows:

Section 707. Criteria for Approval of Variances and Waiver.

To receive approval for a Variance or Waiver, the Applicant must demonstrate, and the City Council must find that all of the following criteria are present when approving a request for a variance or waiver:

- A. There are clear and compelling reasons that are not purely financial demonstrating that the required standard cannot be met;

- B. The variance or waiver is the minimum amount necessary to meet the objectives identified above;
- C. The requested adjustment will not contravene the public interests or negatively impact adjoining properties; and
- D. Any additional criteria provided in this Ordinance.

SECTION 2

Article VII, Section 708 is added as follows:

Section 708. Appeals.

Any person aggrieved by a decision, denial, approval or other quasi-judicial action of the City Council may appeal by Writ of Certiorari to the Superior Court of Gwinnett County. Any such appeal must be filed within thirty (30) days from the date of the decision of the City Council. Upon failure to file an appeal within thirty (30) days, the decision of the City Council will be final.

SECTION 3

The following criteria for the review of Special Use Permit applications are added to Article XVII Section 1706 (B)(2):

The Application must demonstrate that the approval of the Special Use Permit will not contravene the public interests or negatively impact adjoining properties.

SECTION 4

Article XVII, Section 1710 is added as follows:

Section 1710. Appeals.

Any person aggrieved by a decision, denial, approval or other quasi-judicial order of the City Council may appeal by Writ of Certiorari to the Superior Court of Gwinnett County. Any such appeal must be filed within thirty (30) days from the date of the decision of the City Council. Upon failure to file an appeal within thirty (30) days, the decision of the City Council will be final.

SECTION 5

The City Administrator, Assistant City Administrator, and Director of Planning and Economic Development are further authorized to correct typographical errors in the text of the existing Zoning Resolution and to produce and publish a final codified version of the Zoning Resolution with the amendments and revisions outlined herein.

SECTION 6

In the event any Court of competent jurisdiction determines that any portion of the foregoing amendment is invalid, unconstitutional or otherwise illegal, such rulings shall not impair the validity of the rest and remainder of this amendment.

SECTION 7

All laws and parts of laws in conflict with this Ordinance are hereby repealed.

SECTION 8

This Ordinance and the amendments outlined herein shall be effective immediately upon their adoption by the Mayor and City Council.

SO ORDAINED by the governing authority of the City of Dacula, this _____ day of October, 2023.

AYES: ____

NAYES: ____

ATTEST:

HUGH D. KING, III
MAYOR, CITY OF DACULA

BRITTNI NIX,
CITY ADMINISTRATOR

ARTICLE VII
EXCEPTIONS AND MODIFICATIONS

Section 700. Walls and Fences.

Walls and fences shall be permitted in any zoning district and are not subject to the side and rear setback requirements of this Resolution, except that:

- A. Fences shall be erected only upon application to and with permit issued by the Department of Planning and Development of the City of Dacula. Said permit shall be issued upon application and payment of the required application fee. Said fence shall comply with all existing ordinances of the City of Dacula and shall be constructed in such a manner as to not obstruct a view of adjoining property owners entering or leaving a public right-of-way or street. Adequate provisions shall be made for access of normal utility service, including garbage collection, water and other utility meters and mail delivery. No fence may interfere with required off-street parking. All wooden or structural fences must be constructed in such a manner that the exterior of the fence or the side of the fence visible to the public is the finished side of the fence. Fences or walls shall not be constructed of exposed concrete block, tires, junk or other discarded materials.
- B. Walls or fences in a Residential Zoning District:
 - 1. No wall or fence shall exceed eight feet in height within a side yard or rear yard, and must be constructed in such a manner that the exterior of the fence or the side of the fence visible to the public is the finished side of the fence.
 - 2. Fences located in front yards adjoining street rights-of-way of residential zones shall be ornamental or decorative and constructed of brick, stone, wood, stucco, wrought iron, split rail, and shall not exceed four (4) feet in height. Rear yards of through lots which adjoin a street right-of-way shall not be interpreted to be a front yard.
 - 3. Any subdivision entrance, wall or fence shall not exceed twelve (12) feet in height (monuments or columns) and be only eight (8) feet at wall height: and shall be subject to approval of the City Administrator, after the submission to the City of a landscape plan, site plan and architectural elevations.
 - 4. Electric and barb wire fences shall be prohibited in residential districts.

Section 701. Structures Excluded from Height Limitations.

The height limitations of this Resolution shall not apply to church spires, belfries, flagpoles, monuments, cupolas, domes, ornamental towers, nor to observation towers not intended for human occupancy, water towers, transmission towers, radio or television towers or aerials, chimneys, smokestacks, conveyors, derricks, parapet walls extending not more than four (4) feet above the roof line of the building, or to necessary mechanical roof appurtenances.

Section 702. Substandard Lots of Records.

Any lot of record existing at the time of the adoption or amendment of this Resolution, which has an area or a width that is less than is required by this Resolution, may be used, subject to the following exceptions and modifications:

- A. Adjoining lots. When two (2) or more adjoining lots of record with continuous frontage are in one (1) ownership at any time after the adoption or amendment of this Resolution and such lots, individually, have an area or width that is less than required by this Resolution, such groups of lots shall be considered as a single lot or several lots of the minimum width and area required in the district in which they are located.
- B. Individual lot that does not meet the minimum lot size requirements. Except as set forth in subsection 1. of this section, in any district in which single-family dwellings are permitted, any lot of record existing at the time of adoption or amendment of this Resolution, which has an area, width or depth less than that required by this Resolution, may be used as a building site for single-family dwelling.

In the case of such a lot, when it is not possible to provide the required side yards and at the same time build a minimum width single-family dwelling, the City Administrator is hereby authorized to reduce the side yard requirements for such lot the minimum amount necessary for a reasonable dwelling, but in no case shall each of the side yards be less than five (5) feet in width.

Section 703. Reduction of Front Yard Requirements.

The front yard requirements of this Resolution shall not apply on any lot where the average depth of the front yard of existing buildings located wholly or in part within one hundred (100) feet on each side of such lot within the same block or zoning district and fronting on the same side of the street is less than the minimum required front-yard depth. In such cases, the depth of the front yard on such lot may be less than the required front-yard depth but shall not be less than the average of the front yards of the aforementioned existing buildings. However in no case shall the front yard setbacks be less than fifteen (15) feet.

Section 704. Temporary Buildings.

A temporary building or buildings for use in connection with a construction project or land subdivision development shall be required to acquire a temporary permit for a period of six (6) months. If the temporary building or buildings is needed for a period beyond six (6) months, re-application may be made at the end of the six (6) month period.

Section 705. Permitted Encroachments upon Required Setbacks.

Cornices, eaves, chimneys, landings, porches, bay windows, or other similar architectural features may extend into the required front, side, and rear yard provided such extensions do not exceed three (3) feet. Decks and patios may extend into the side or rear yard but no closer than five (5) feet from any property line. Steps and landings may extend into the required setbacks provided such extensions do not exceed ten (10) feet for the front yard and three (3) feet for side yards. Steps and landings may extend into the rear yard, but, no closer than five (5) feet from the property line. Canopies, covered entrances or walkways for non-residential day care facilities, churches, or other similar uses may extend into the required side or rear yard provided such extension does not exceed three (3) feet and may extend into the required front yard provided such extensions do not extend to a point any closer than fifteen (15) feet from the street right-of-way line or future right-of-way. However, canopies over pump islands or over sidewalks may extend up to the street right-of-way line or future right-of-way line.

Section 706. Variances to the Requirements of this Ordinance are Allowed.

The City Administrator and the Mayor and City Council may approve variances to the minimum or maximum requirements of this Ordinance unless such variance is specifically prohibited within this Ordinance. Variance applications shall be submitted to the City Administrator and be processed as an administrative variance as allowed within Article XIII of this Resolution.

Section 707. Criteria for Approval of Variances and Waiver.

To receive approval for a Variance or Waiver, the Applicant must demonstrate, and the City Council must find that all of the following criteria are present when approving a request for a variance or waiver.

- A. There are clear and compelling reasons that are not purely financial demonstrating that the required standard cannot be met;**
- B. The variance or waiver is the minimum amount necessary to meet the objectives identified above;**
- C. The requested adjustment will not contravene the public interests or negatively impact adjoining properties; and**
- D. Any additional criteria provided in this Ordinance.**

Section 708. Appeals.

Any person aggrieved by a decision, denial, approval or other quasi-judicial action of the City Council may appeal by Writ of Certiorari to the Superior Court of Gwinnett County. Any such appeal must be filed within thirty (30) days from the date of the decision of the City Council. Upon failure to file an appeal within thirty (30) days, the decision of the City Council will be final.

ARTICLE XVII
AMENDMENTS

Section 1700. Zoning Resolution and Map Amendment Procedure.

- A. This Resolution, including the City of Dacula Zoning Maps, may be amended from time to time by the City Council of the City of Dacula, but no amendment including the approval of a Special Use Permit shall become effective unless it shall have been proposed by or shall have first been submitted to the Planning Commission for review and recommendation.
- B. If the Planning Commission fails to submit a report within ninety (90) days of its first meeting after it has received an amendment or Special Use Permit request complete in all respects, it shall be deemed to have given a recommendation of "no comment" on the proposed amendment or Special Use Permit. However, the Planning Commission and the applicant for an amendment or Special Use Permit may jointly agree to an extension of the ninety-day period.
- C. Before the Planning Commission or the City Council of the City of Dacula enacts an amendment or Special Use Permit, they shall each hold a public hearing thereon. At least fifteen, but not more than forty-five days prior to the date of such hearing, the City Council shall cause to be published within the official organ of the City, a notice of the hearing. The notice shall state the time, place and purpose of the hearing.
- D. If a proposed Special Use Permit or amendment is for the rezoning of property and involves a change in the zoning classification of ten (10), or fewer parcels of land, then:
 - 1. The notice, in addition to the requirements of Subsection C. above, shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property or proposed Special Use;
 - 2. A sign containing the information outlined in Section D. 1. above, shall be placed in a conspicuous location on the property not less than fifteen (15) days prior to the date of the hearing; and
 - 3. The Applicant shall give notice of the proposed rezoning or Special Use Permit by regular mail to the property owner of record and to all abutting property owners of record as shown by Gwinnett County tax records. Such notice shall be mailed at least fifteen days prior to the Planning Commission public hearing and shall include a description of the application and the date, time and place of public hearings.

Notice deposited in the mail with adequate postage thereon and addressed to the last known address of the above-named property owners as shown on Gwinnett County tax records shall be deemed to be adequate compliance with the requirements of this Section.
- E. If a proposed amendment or Special Use Permit qualifies as a Development of Regional Impact per state guidelines, the City shall conduct the first public hearing within 45 days of the reviews completion.

Section 1701. Initiation of Amendments.

Applications for amendment of the text or maps of this Resolution or for a Special Use Permit may be initiated by Resolution of the City Council, or by motion of the Planning Commission, or by petition of any property owner addressed to the City Council. In the case of a petition for the rezoning of property or Special Use Permit, such petition shall be submitted by the owner of record of said property, the owner's agent or by a contract purchaser with the owner's written consent.

Any amendment or Special Use Permit request brought before the City Council by petition of any property owner, cannot be resubmitted by petition of a property owner, in less than six (6) months from the date of final action (either approval or denial) by the City of Dacula City Council, unless the petition was allowed to be withdrawn by the City of Dacula Council at the public hearing.

A. Initiation by motion of the City Council or by motion of the Planning Commission.

Once a map amendment or Special Use Permit is initiated by the City Council or by motion of the Planning Commission, no application for a clearing, grubbing, grading, septic tank, building, development or other similar permit, for the affected property shall be accepted until final action is taken by the City Council on the proposed map amendment. Provided, however, that if the City Council does not take final action on the proposed map amendment within six (6) months from the date of initiation, permit applications shall again be accepted and reviewed pursuant to existing zoning. And, further provided that such permit applications shall be accepted during the map amendment process if the proposed use is authorized under the same conditions in both the existing and proposed Zoning District.

B. Initiation by Petition of any Property Owner addressed to the City Council for a Zoning Map Amendment or Special Use Permit.

Such petition shall be submitted by the owner of record of said property, the owner's agent or by a contract purchaser with the owner's written consent. Such petition shall include, but not be limited to, the following:

1. Petition Application (on form provided by the City Administrator's Office of the City of Dacula).
2. Survey of Property to be considered.
3. Legal Description and address of property to be considered.
4. Petitioner's impact analysis and any additional information as required in Section 1703 below.
5. Letter of Intent from applicant.
6. State the intended use.
7. State the number of lots, residential units, density per acre, square footage if proposed for non-residential building, or square feet per acre of total buildings.

Section 1701. Initiation of Amendments. (Continued)

8. An application for an amendment to create or extend a Zoning District or Special Use Permit shall be accompanied by a sketch plan at scale and such other plans, elevations or additional information as the City Administrator and this Resolution may require, showing the proposed development and its impact on natural and built systems. Additional information may include without limitation traffic studies, utility studies, and drainage studies. At a minimum the following shall be submitted:
 - a. Residential.
 - 1) Show how the proposed property is to be subdivided including proposed streets.
 - 2) List how utilities are to be provided (e.g. water, sewer, septic tank, etc.).
 - 3) State minimum lot size and total number of lots proposed.
 - 4) State minimum house size proposed.
 - b. Non-residential or multifamily apartments.
 - 1) Show proposed layout of building locations with driveway and parking lots.
 - 2) Show proposed curb cuts or existing driveway/roadways.
 - 3) Show all required buffers and building setback lines.
 - 4) List how utilities are to be provided (e.g. water, sewer, well, septic tank, etc.).

C. Initiation by Petition of any Property Owner addressed to the City Council for an Amendment of the Text of this Resolution.

Such petition for the amendment of text shall be submitted by any property owner addressed to the City Council and shall include the following:

1. Petition application (on form provided by the City Administrator).
2. Proposed text to be added, amended, or changed.
3. Provide a letter of intent stating the reason and need for the change in text. Describe the benefit to the public health, safety, and welfare.

Section 1702. Standards Governing Exercise of the Zoning Power.

The City Council finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power:

- A. Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- B. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.
- C. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned.

Section 1702. Standards Governing Exercise of the Zoning Power. (Continued)

- D. Whether the proposed rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- E. Whether the proposed rezoning is in conformity with the policy and intent of the Land Use Plan.
- F. Whether there is other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning.

Section 1703. Impact Analysis.

If a proposed amendment is for the rezoning of property or is for a Special Use Permit, then:

- A. The initiating party, if a party other than the City Council or Planning Commission, shall be required to file, with its application for amendment, a written, documented analysis of the impact of the proposed zoning with respect to each of the matters enumerated in Section 1702 above. Such a zoning proposal and analysis shall be a public record.
- B. The City Administrator shall, with respect to each such zoning proposal, investigate and make a recommendation with respect to each of the matters enumerated in Section 1702 above. The City Administrator shall make a report of the investigation and recommendations to the Planning Commission and City Council, and this report shall be made part of the public record. The City Administrator shall not be required to make a recommendation with respect to each of the matters enumerated in Section 1703 above, if the City Council or Planning Commission initiate a change in zoning of the Official Zoning Map on ten (10) or more parcels
- C. The Planning Commission shall, with respect to each such zoning proposal, investigate and make a recommendation with respect to each of the matters enumerated in Section 1702 above. The Planning Commission shall make a written record of its investigation and recommendations, and this record shall be a public record.

Section 1704. Action by City Council.

Following its public hearing the City Council may:

- A. Adopt the proposed amendment as presented;
- B. Adopt the proposed amendment as revised or supplemented by conditions of approval established by the City Council, said revisions may include, if the proposed amendment is for the rezoning of property, rezoning to the proposed Zoning District with conditions or rezoning to any other less intense Zoning District with or without conditions;
- C. Deny the proposed amendment in whole or in part;
- D. Table the proposal; or
- E. Approve the petition for amendment to be withdrawn with the consent of a majority of the City Council.

Section 1705. Conditional Zoning.

In adopting an amendment to the Zoning Map, or approving a Special Use Permit or a Variance, the City Council may impose special conditions which it deems necessary in order to make the requested action acceptable and consistent with the purposes of the district(s) involved and to further the goals and objectives of the Comprehensive Plan. Such conditions may consist of: setback requirements from any lot line; specified or prohibited locations for buildings, parking, loading or storage areas or other land uses; driveway curb cut restrictions; restrictions as to what land uses or activities shall be permitted; maximum building heights or other dimensions; special drainage or erosion provisions; landscaping or planted area which may include the location, type and maintenance of plant materials; fences, walls, berms, or other buffering provisions or protective measures; preservation of existing trees or other vegetation; special measures to alleviate undesirable views, light, glare, noise, dust or odor; permitted hours of operation; architectural style; a requirement that the existing building(s) be retained; a requirement that developers must build according to the site plans as adopted; a limitation on exterior modifications of existing buildings; or any other requirement that the City Council may deem appropriate and necessary as a condition of Rezoning or issuance of a Variance or Special Use Permit.

Such conditions:

- A. Shall only be valid if they are included in the motion approving the amendment for adoption;
- B. Shall be in effect for the period of time specified in the amendment;
- C. Shall be required of the property owner and all subsequent owners as a condition of their use of the property; and
- D. Shall be interpreted and continually enforced by the City Administrator in the same manner as any other provision of this Resolution.

Section 1706. Special Use Permits.

- A. The Special Use Permit is designed to be used when:
 - 1. A Special Use listed under the Zoning District is desired for development; or,
 - 2. A unique use not addressed in any Zoning District is desired for development and is not likely to be duplicated within City of Dacula; or
 - 3. The density of development may be affected by the height of a building; or
 - 4. The neighboring properties may be affected by the height of any structure; and
 - 5. The Special Use would be consistent with the needs of the neighborhood or the community as a whole, would be compatible with the neighborhood, and would not be in conflict with the overall objective of the Comprehensive Plan.

Section 1706. Special Use Permits. (Continued)

B. Special Use Permit Procedure.

In order to accommodate some land uses, the Special Use Permit allows the City Council to approve a Special Use on a particular parcel without changing the general Zoning District, however, the Official Zoning Map is noted when a parcel is approved for a Special Use Permit. Such approval shall be subject to the requirements set forth within Section 1701, the additional requirements below, and any additional conditions deemed necessary to ensure the compatibility of the Special Use with the surrounding properties. The Special Use Permit shall not be used for securing for conceptual proposals which may not be undertaken for some time. The minimum requirements for a Special Use Permit are:

1. Any uses permitted under a Special Use Permit shall also conform to the requirements of this Resolution and the Development Regulations for the use as found in the Zoning district.
2. The application and review process for a Special Use Permit shall be the same as for a zoning map amendment and shall meet all the Zoning District requirements under which the Special Use is found. In addition to the information and/or site plans which are required to be submitted for the proposed development, additional information deemed necessary by the City Administrator in order to evaluate a proposed use and its relationship to the surrounding area shall be submitted. In the review process, particular emphasis shall be given to the evaluation of the characteristics of the proposed use in relationship to its immediate neighborhood and the compatibility of the proposed use with its neighborhood.
The Application must demonstrate that the approval of the Special Use Permit will not contravene the public interests or negatively impact adjoining properties.
3. In the approval process for a Special Use Permit application, the City Council shall consider the policies and objectives of the Comprehensive Plan, particularly in relationship to the proposed site and surrounding area, and shall consider the potential adverse impacts on the surrounding area, especially in regards but not limited to traffic, storm drainage, land values and compatibility of land use activities.
4. If an application is approved and a Special Use Permit is granted, all conditions which may have been attached to the approval are binding on the property. All subsequent development and use of the property shall be in accordance with the approved plan and conditions. Once established, the Special Use shall be in continuous operation. Upon discovery that the operation of the Special Use has or had ceased for a period of 90 days or more and the owner of the property has not requested voluntary termination of the Special Use Permit, the City Administrator shall forward a report to the City Council through the Planning Commission which may recommend that action be taken to remove the Special Use Permit from the property.
5. Changes to a Special Use or development of a site for the Special Use, shall be treated as an amendment to the Special Use Permit and shall be subject to the same application and review process as a new application.

Section 1706. Special Use Permits. (Continued)

6. The Special Use for which a Special Use Permit is granted shall commence operations or construction within 12 months of the date of approval by the City Council. If, at the end of this 12-month period, the City Administrator determines that active efforts are not proceeding toward operation or construction, a report may be forwarded to the City Council through the Planning Commission which may recommend that action be taken to remove the Special Use Permit from the property.
7. An application for a Special Use Permit in a residential district and which use is proposed to operate in a dwelling or as an accessory use to a dwelling is subject to the following additional requirements:
 - a. The Special Use Permit shall be valid for no more than a two (2) year period. Upon or before the expiration of a Special Use Permit, the owner shall make application to continue the Special Use Permit if continuance is desired. However, after the first two year period the City Council may waive the two (2) year time limitation with the concurrence of the Planning Commission.
 - b. The Special Use shall operate within the dwelling on the property or, if approved by the City Council, in an accessory structure.
 - c. The exterior character of the dwelling shall be preserved in its residential state and there shall be no outside evidence of the operation of the Special Use to the neighborhood, except for any accessory structure approved by the City Council.
 - d. The owner of the property shall occupy the property and shall operate any business associated with the Special Use.
 - e. The owner of the property shall submit with the application a signed statement in which he/she agrees that the Special Use Permit, if approved, shall automatically terminate in the event that the property is sold, transferred, or otherwise conveyed to any other party, or the business which operates the Special Use is sold, transferred, otherwise conveyed or discontinued. The owner shall also agree to notify the City Administrator in writing upon the occurrence of any of these events.
 - f. In addition to the information and/or site plans required by this Section, the owner of the property shall submit with the application for a Special Use Permit information regarding the ownership of any business associated with the use, the experience and background qualifications related to the operation of said business, prior similar businesses operated, applicable State of Georgia certifications, licenses and like information.

Section 1706. Special Use Permits. (Continued)

8. The owner of the property approved for a Special Use Permit, may voluntarily request termination of the Special Use Permit by notifying the City Administrator in writing. The City Administrator shall notify the City Council through the Planning Commission of the request for voluntary termination as they occur. The City Council may approve or deny the request for voluntary termination and if approved, shall change the official zoning maps to reflect any voluntary termination. The approval of a Special Use Permit for a specific use which may be operated by a lessee under a private agreement with a lessor in any non-residential district shall not obligate the City Council to be responsible for or be required to resolve any disputes which may arise out of the voluntary termination of the Special Use Permit by the property owner.
9. The City shall have the right to periodically examine the operation of the specific use to determine compliance with the requirements and any conditions. If the City Administrator determines that the requirements and conditions are being violated, a written notice shall be issued to the owner of the property outlining the nature of the violation and giving the owner of the property a maximum of ten (10) days to come into compliance. If after ten (10) days the violations continue to exist, the City Administrator shall forward a report to the City Council through the Planning Commission which may recommend that action be taken to remove the Special Use Permit from the property.
10. Upon approval by the City Council, a Special Use Permit shall be identified on the official zoning maps.
11. Upon approval by the City Council of a Special Use Permit, the owner of the property shall be issued a notice from the City Administrator which states the specific use permitted the requirements of this Section and any conditions attached to the approval.
12. The City shall not issue a Certificate of Occupancy for the specific use unless all requirements and conditions of the Special Use Permit have been fulfilled by the owner of the property.

Section 1707. Withdrawal of Application for Amendment, Variance or Special Use Permit.

Once an application for an amendment to the zoning map or an application for a Variance or Special Use Permit has been made, the applicant may withdraw such application without prejudice only until such time as the legal advertisement of a public hearing thereon is placed. No application shall be allowed to be withdrawn without action by the City Council after public notice of the public hearing has been placed. All applications, having been advertised, shall be considered by the Mayor and City Council, as appropriate, and shall receive final action.

Section 1708. Lapse of Time Requirement for Re-application of Previously Denied Amendment, Variance or Special Use Permit. The following shall apply to the applicable re-application:

If an application is denied by the Mayor and City Council, as appropriate, no application or re-application for the same Zoning Map amendment, Variance, or Special Use Permit affecting the same land or any portion thereof shall be resubmitted within twelve (12) months from the date of last action, unless such twelve (12) month period is waived by the Mayor and City Council as appropriate, and in no case may such an application or re-application be reconsidered in less than six (6) months from the date of that action by the City Council, as appropriate. Administrative variances shall not be subject to this time lapse requirement as outlined in Article XV, Section 1508.

Section 1709. Actions to be Taken if Plans of Property Owner are not Implemented Within Specified Time Limits.

For any zoning map amendment for which the City Council is not the applicant, and upon which property a development permit, building permit, or certificate of occupancy has not been issued within twelve (12) months of the date of approval of said amendment, the City Council may review the Zoning District classification of the property and determine whether it shall be continued or initiated for rezoning.

Such properties may first be reviewed by the Planning Commission, which shall make such findings and recommendations as it deems appropriate.

Section 1710. Special Public Hearing for Drug Dependence Treatment Facilities.

The following requirements are adopted as required by the Georgia Zoning Procedures Law (O.C.G.A. § 36-66-4(f)).

- A. When a proposed map amendment or special use application relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependence, a special public hearing shall be held on the proposed request. Such special public hearing shall be held at least six (6) months and not more than nine (9) months prior to the date of final action on the application by the City Council. The hearing required by this subsection shall in addition to the public hearing required under the City Code.
- B. Notice of Special Public Hearing.
 1. The City shall give notice of such special public hearing by providing notice of the hearing in the same manner as required for public hearings under the City Code.
 2. Both the posted notice and the published notice shall include a prominent statement that the proposed map amendment or special use application related to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency.
 3. Both the posted notice shall be at least six (6) column inches in size and shall not be located in the classified advertising section of the newspaper.

Section 1711. Appeals.

Any person aggrieved by a decision, denial, approval or other quasi-judicial order of the City Council may appeal by Writ of Certiorari to the Superior Court of Gwinnett County. Any such appeal must be filed within thirty (30) days from the date of the decision of the City Council. Upon failure to file an appeal within thirty (30) days, the decision of the City Council will be final.

TO: City of Dacula City Council and Mayor,
Planning Commission and Members

FROM: Brittni Nix, City Administrator
Hayes Taylor, City Planner
Jack Wilson, City Attorney

DATE: September 14, 2023

SUBJECT: Final Plat Submission and Approval

Mayor and Members of City Council, and Planning Commission Members:

Staff has proposed an amendment to the Plan and Plat Specifications within the Development Regulations to sequentially renumber section 4.7.1 and update Final Plat Approval procedures to align with current City practices. This Amendment will allow for clarification of the final plat submission and approval procedures and streamline those procedures for applicants and City staff. Final plats are reviewed by City staff to ensure compliance with the Zoning Resolution, Development Regulations and Dacula Municipal Code. The amendment aligns the Development Regulations with current practices by codifying the City Administrator's authority to approve final plat submissions.

If you have any questions or need any additional information, please let us know.

AN ORDINANCE TO AMEND THE CITY'S DEVELOPMENT REGULATIONS

WHEREAS, the City has reviewed its policies and procedures with respect to the Development Regulations and the procedures for submission, review and approval of final plats; and

WHEREAS, the current references to Development Regulations are incorrectly identified and should be corrected and updated; and

WHEREAS, making provision for the City Administrator to approve final plats is most efficient and consistent with the other duties delegated to the City Administrator; and

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens of the City of Dacula to amend the Development Regulations outlined herein;

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DACULA HEREBY ORDAINS that the City Development Regulations Chapter 16.04 be amended as follows:

SECTION 1

The existing Section 4.7.1 Final Plat Submission and Approval Procedures is amended to renumber the following subsections and make the revisions listed below:

4.7.1. Final Plat Submission and Approval Procedures (Continued)

- I. Payment of the required plat recording fee shall be made to the City prior to approval of the Final Plat.
- J. Once all other affected departments and agencies of government, as required, have certified compliance and signed the route sheet, and the City Administrator or his/her designee has approved the Final Plat, the Mayor shall certify, by his signature on the original of the plat, that all of the requirements of these Regulations, the Zoning Resolution, and the conditions of zoning approval have been met, and that all other affected departments have approved the plat. The Final Plat shall not be deemed approved until it has been signed by the Mayor and where use of septic tanks is proposed, by a duly authorized representative of the Gwinnett County Health Department.
- K. Once the Final Plat has been so certified, the City shall authorize it to be recorded with the Clerk of the Superior Court of Gwinnett. The subdivider shall provide the City with an appropriate number of copies of the recorded plat, as determined by the City. Deeds to lands dedicated to City of Dacula in fee simple, or to Property Owner Associations for park or recreational use, shall be recorded simultaneously with the Final Plat.

SECTION 2

The City Administrator and Director of Planning and Economic Development are further authorized to correct typographical errors in the text of the existing Development Regulations and to produce and publish a final codified version of the Development Regulations with the amendments and revisions outlined herein.

SECTION 3

In the event any Court of competent jurisdiction determines that any portion of the foregoing amendment is invalid, unconstitutional or otherwise illegal, such rulings shall not impair the validity of the rest and remainder of this amendment.

SECTION 4

All laws and parts of laws in conflict with this Ordinance are hereby repealed.

SECTION 5

This Ordinance and the amendments outlined herein shall be effective immediately upon their adoption by the Mayor and City Council.

SO ORDAINED by the governing authority of the City of Dacula, this _____ day of October, 2023.

AYES: ____

NAYES: ____

ATTEST:

HUGH D. KING, III
MAYOR, CITY OF DACULA

BRITTNI NIX,
CITY ADMINISTRATOR

ARTICLE 4

PROCEDURES, PLAN AND PLAT SPECIFICATIONS

4.7 APPROVAL OF FINAL SUBDIVISION PLAT

The approval shall reflect the owner's certification that all site work and construction has been accomplished according to the terms of approved plans and permits, and that all facilities intended for maintenance, supervision and/or dedication to the public are in compliance with appropriate standards, regulations, codes and ordinances. Such approval shall be revoked in cases of fraud or whenever unauthorized changes are made to the site without the benefit of required permits.

4.7.1 Final Plat Submission and Approval Procedures

- A. Upon completion of the project as authorized for construction by the development permit, the owner shall submit a Final Plat, in a number of copies as determined by the City, along with record drawings of all storm water detention facilities and modifications to the limits of the 100-year floodplain (if any), and an application for Final Plat approval, using a form provided by the City. An "as-built" hydrology study shall be submitted for the project with the actual parameters from the record drawing of the detention facilities. A record drawing of the sanitary sewer facilities, if any were constructed, shall also be prepared, separately or included with the above. The Final Plat submittal shall be in a form as required by the City and shall be accompanied by a Development Performance and Maintenance Agreement completed in draft form. If the owner is a corporation, the documents shall be signed by the President or Vice President, be affixed by the corporate seal, and either the corporate secretary shall attest to the signature and affix the corporate seal, or a Certificate of Corporate Resolution shall be submitted.
- B. The City shall indicate on a review copy of the Final Plat or in a written memorandum all comments related to compliance of the Final Plat with these Regulations, the Zoning Resolution, conditions of zoning approval, and the regulations of the City, Gwinnett County Departments, and State agencies as appropriate. The City Council shall have final authority to determine the applicability of any and all comments under these Development Regulations, the Zoning Resolution or conditions of zoning approval.
- C. The City may not approve any Final Plat whereon is shown or by which is otherwise created a lot which would present particularly severe and unusual difficulties for construction of a building, which would clearly require a variance to be reasonably usable, or which is otherwise "unbuildable" due to the presence of floodplain, unusual configuration, lack of Health Department approval, or for any other justified reason.
- D. Lots which would appear to be buildable under certain circumstances and would require further study or additional information before a building permit could be issued, but which present problems or unusual difficulties which can reasonably be addressed or overcome by the lot owner, may be included in the Plat with the appropriate notation of the steps necessary to allow issuance of a building permit (see Section 5.5, Lots; Article 5 General Requirements).

4.7.1. Final Plat Submission and Approval Procedures (Continued)

- E. The subdivider shall be responsible for compliance with all codes, regulations, and zoning requirements and for the satisfaction of all of the comments of the City.
- F. Final approval by the City shall not be shown on the Final Plat, until all requirements of these and other applicable Regulations have been met, and the City has received a completed request for Approval of the Final Plat and an executed Development Performance and Maintenance Agreement. The Agreement shall be accompanied by a bond, letter of credit or other acceptable surety providing for the maintenance of all installations and improvements required by these Regulations in the subdivision for a period not to exceed 24 months following the date of Approval of the Final Plat for subdivisions. The Maintenance Bond period of application may be extended by the City Council at the request of the Developer, provided it is in the best interest of the health, safety and welfare of the public.
- G. The City shall further determine that either:
 - 1. The installation of all improvements within the subdivision, required for approval of the Preliminary Plat (Construction Plans), have been completed in accordance with the required or approved specifications; or
 - 2. All of the storm water drainage and detention facilities, water and sewer utilities, street base and curbing construction required for approval of the Final Plat have been properly installed and completed and, for those required improvements not yet completed (grassing, pavement topping, required landscaping, sidewalks, etc.) a performance bond shall have been filed by the subdivider with the Development Performance and Maintenance Agreement, which performance bond shall:
 - a. Be conditioned upon the faithful performance by the subdivider or developer of all work required to complete all improvements and installations for the subdivision, or approved portion thereof, in compliance with these Rules and Regulations within a specified time, not to exceed three months.
 - b. Be payable to, and for the indemnification of, the City.
 - c. Be in an amount equal to the cost of construction of the required improvements not yet completed plus an additional ten (10) percent of said costs, as calculated by the City on the basis of yearly contract prices or City contracts, where available.
 - d. Be with surety by a company entered and licensed to do business in the State of Georgia.
 - e. Be in a form acceptable to the City Council or their designee, or the City Attorney.
- H. Payment for materials and installation of traffic control and street name signs, the cost of striping major thoroughfares, and / or cost of required signalization not completed by the developer shall be received by the Department completing the improvements prior to approval of the Final Plat.
- I. Payment of the required plat recording fee shall be made to the City prior to approval of the Final Plat.**
- J. Once all other affected departments and agencies of government, as required, have certified compliance and signed the route sheet, and the City Administrator or his/her designee has approved the Final Plat, the Mayor shall certify, by his signature on the original of the plat, that all of the requirements of these Regulations, the Zoning Resolution, and the conditions of zoning approval have been met, and that all other**

affected departments have approved the plat. The Final Plat shall not be deemed approved until it has been signed by the Mayor and where use of septic tanks is proposed, by a duly authorized representative of the Gwinnett County Health Department.

- K. Once the Final Plat has been so certified, the City shall authorize it to be recorded with the Clerk of the Superior Court of Gwinnett. The subdivider shall provide the City with an appropriate number of copies of the recorded plat, as determined by the City. Deeds to lands dedicated to City of Dacula in fee simple, or to Property Owner Associations for park or recreational use, shall be recorded simultaneously with the Final Plat.

~~4.7.1. Final Plat Submission and Approval Procedures (Continued)~~

~~approval of the Final Plat.~~

- ~~A. Payment of the required plat recording fee shall be made to the City prior to approval of the Final Plat.~~
- ~~B. Once all other affected departments and agencies of government, as required, have certified compliance and signed the route sheet, and the City Council has approved the Final Plat, the Mayor shall certify, by his signature on the original of the plat, that all of the requirements of these Regulations, the Zoning Resolution, and the conditions of zoning approval have been met, and that all other affected departments have approved the plat. The Final Plat shall not be deemed approved until it has been signed by the Mayor and where use of septic tanks is proposed, by a duly authorized representative of the Gwinnett County Health Department.~~
- ~~C. Once the Final Plat has been so certified, the City shall authorize it to be recorded with the Clerk of the Superior Court of Gwinnett. The subdivider shall provide the City with an appropriate number of copies of the recorded plat, as determined by the City. Deeds to lands dedicated to City of Dacula in fee simple, or to Property Owner Associations for park or recreational use, shall be recorded simultaneously with the Final Plat.~~

4.7.2. Final Plat Specifications

- A. The Final Plat shall be clearly and legibly drawn in black ink on tracing cloth or other permanent reproducible material. The scale of the Final Plat shall be one inch represents 100 feet (1" represents 100') or larger. Sheet size shall not exceed 48 inches by 36 inches. (Any sheet that is larger than 17 inches by 22 inches must be photographically reduced to no more than 17 inches by 22 inches in order to be recorded with the Clerk of Superior Court of Gwinnett County).
- B. The Final Plat shall be based on a certified boundary survey which delineates the entire property contained within the Final Plat, and tied to a point of reference (tie point) with the same degree of accuracy as the boundary survey itself. The survey shall have an accuracy of no less than 1 in 10,000, and shall meet all requirements of Georgia Law regarding the recording of maps and plats.
- C. The Final Plat shall substantially conform to the Preliminary Plat and it may constitute only that portion of the approved Preliminary Plat which the subdivider proposes to record

at any one time, provided that such portion conforms to the requirements of these Regulations, and said portion is not inconsistent with the public health, safety, or welfare. Any substantial deviation from the Preliminary Plat shall require revision and re-approval of the Preliminary Plat.

- D. The Final Plat shall contain the following information:
1. Name of the subdivision, unit number, Tax Map page and parcel number(s) and/or Georgia Militia District.
 2. Name, address, and telephone number of owner of record and the subdivider (if not

ANNUAL BUDGET
FISCAL YEAR
JANUARY 1 – DECEMBER 31, 2024

20
24



CITY OF DACULA

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CITY OF DACULA

OFFICE OF THE MAYOR

442 Harbins Road
Post Office Box 400
Dacula, GA 30019

Telephone: 770-963-7451

Fax: 770-513-2187

Website: www.daculaga.gov

Memo

Dear Citizens:

I am pleased to present to you the Annual Operating and Capital Budget for the 2024 Fiscal Year. In accordance with Georgia Law and the Code of Ordinances for the City of Dacula, this budget is presented for adoption by the City Council on December 7, 2023, for Fiscal Year 2024 beginning January 1 and ending December 31.

Citizen input for this budget will be received at public hearings on November 2 and December 7, 2023.

The City Council and I have made a concentrated effort to look toward the future with the knowledge of the continued growth coming to Dacula. As such, this budget has strategic plans for progress and solutions for challenges which may arise.

Below are some of these plans:

- The property tax millage rate decreased from 4.806 mills to 4.557 mills.
- Dacula's in-house recycling service will continue in its successful efforts to provide higher quality service at a lower cost to our citizenry.
- The Sanitation Department will order a Freightliner and chipper truck for the anticipated new residential development in the City. Additionally, this department has a position open to fill when necessary.
- In-house real and personal property tax collection, and sanitation billing services have begun and are successful.

The City has funding allotted for several capital projects. This includes asphalt improvements to Brookton Place subdivision funded through Local Maintenance and Improvement Grant (LMIG) and Special Purpose Local Option Sales Tax (SPLOST). Gateway signs are also scheduled to be installed with money provided by an endowment received from former Mayor Jimmy Wilbanks' Estate.

A number of persons contributed many hours of effort in the development of the budget. My thanks go to every department for their input, as well as, the City Administrator, and the Finance Department for their supportive efforts during the budget process.

My thanks also go to each member of the Council for their hard work, thoroughness, and thoughtful contributions during the development of the FY 2024 Budget.

Very truly yours,

Hugh D. King, III

FISCAL YEAR 2024 BUDGET CALENDAR

DATE(S) / TIMELINE	ACTIVITY
Phase 1	PHASE 1 - STRATEGY FORMULATION (FY 2024 BUDGET PREP DISTRIBUTION)
August 7	FY2024 Budget request worksheets, instructions, and guidelines are distributed to department heads.
Phase 2	PHASE 2 - NEEDS ASSESSMENT, REVIEW & DEVELOPMENT OF FY 2024 BUDGET
August 14 - August 18	The Finance Department holds conferences with the department heads to finalize any changes with the individual budgets.
August 21 – September 14	Finance Director assembles budget requests, compares with revenue estimates, and compiles a preliminary budget document.
September 15 – September 21	The Finance Department meet with Mayor & Council members to review departmental FY2024 Budget requests and make any adjustments deemed necessary.
October 4	Advertise FY2024 Budget information, availability of budget, public hearing dates, and planned adoption date.
Phase 3	PHASE 3 - CITY COUNCIL BUDGET DISCUSSIONS & FINAL BUDGETARY DECISIONS FOR FY 2024
October 5	Present preliminary budget to Mayor & Council and made available to the public.
October 9 – October 27	FY2024 Budget meetings as needed to refine the 2024 Budget and 2023 Amended Budget.
November 2	FY2024 Proposed Budget submitted to Mayor & Council. First Public Hearing.
Phase 4	PHASE 4 - ADOPTION & IMPLEMENTATION OF FY 2024 BUDGET
December 7	Second Public Hearing. FY2024 Budget – Final review and any last revisions. Adopt FY2024 Budget Resolution.
December 8	Print final budget document and send copies to department heads and Council Members.
January 1, 2024	FY2024 Budget is in effect.

CITY OF DACULA, GEORGIA
FISCAL YEAR 2023 (FY23) BUDGET ADJUSTMENTS & 2024 (FY24)
BUDGET REVIEW & ADOPTION

PUBLIC HEARING ON FY23 BUDGET ADJUSTMENTS & FY24 BUDGET: A Public Hearing on the Proposed FY24 Budget and the FY23 Budget Adjustments is scheduled for Thursday, November 2, 2023 at 6:30 p.m. in the City Hall Council Chambers located at 442 Harbins Road, Dacula, Georgia. At this meeting, the Mayor and Council will receive both written and oral comments about the Annual Operating and Capital Budget for the City of Dacula, Georgia. All citizens are urged to attend.

RECOMMENDED BUDGET AVAILABLE FOR REVIEW: The Proposed FY24 Budget and the FY23 Budget Adjustments will be available for public review during normal office hours Monday-Friday between 8:30 a.m. - 5:00 p.m. at Dacula City Hall.

BUDGET REVIEW: The Mayor and Council of the City of Dacula are scheduled to review and receive public comments on the Proposed FY24 Budget and the FY23 Budget Adjustments on the following dates:

November 2, 2023 (Thursday) 6:30 p.m. at 442 Harbins Road, Dacula, Georgia

December 7, 2023 (Thursday) 6:30 p.m. at 442 Harbins Road, Dacula, Georgia

BUDGET ADOPTION: The Mayor and Council of the City of Dacula are scheduled to adopt the FY24 Budget and the FY23 Budget Adjustments at their regular monthly meeting on Thursday, December 7, 2023. The meeting will be held at 7:00 p.m. in the City Hall Chambers located at 442 Harbins Road, Dacula, Georgia.

Dates of Publication: October 4, 2023; October 18, 2023; & November 22, 2023

Capital Improvements Program



CITY OF DACULA

5-YEAR CAPITAL IMPROVEMENTS PROGRAM

(2023 - 2027)

5 - Year Capital Improvements Program (2023 – 2027)

A five-year capital improvements program (CIP) is a list of all capital improvements proposed and completed within a specified five-year period (2023 – 2027). The CIP contains project descriptions, need assessments, cost estimates, financing methods, projected time lines, and estimated annual maintenance for each listed project. Staff continually updates the City's CIP as projects progress and as the City's needs evolve. All future projects within the CIP are projections and are subject to revision based on need assessments.

Staff is presenting the current five-year capital improvements program concurrently with the FY-2024 Budget and FY-2023 Budget Adjustment as a tool to anticipate the future financial needs of upcoming projects.

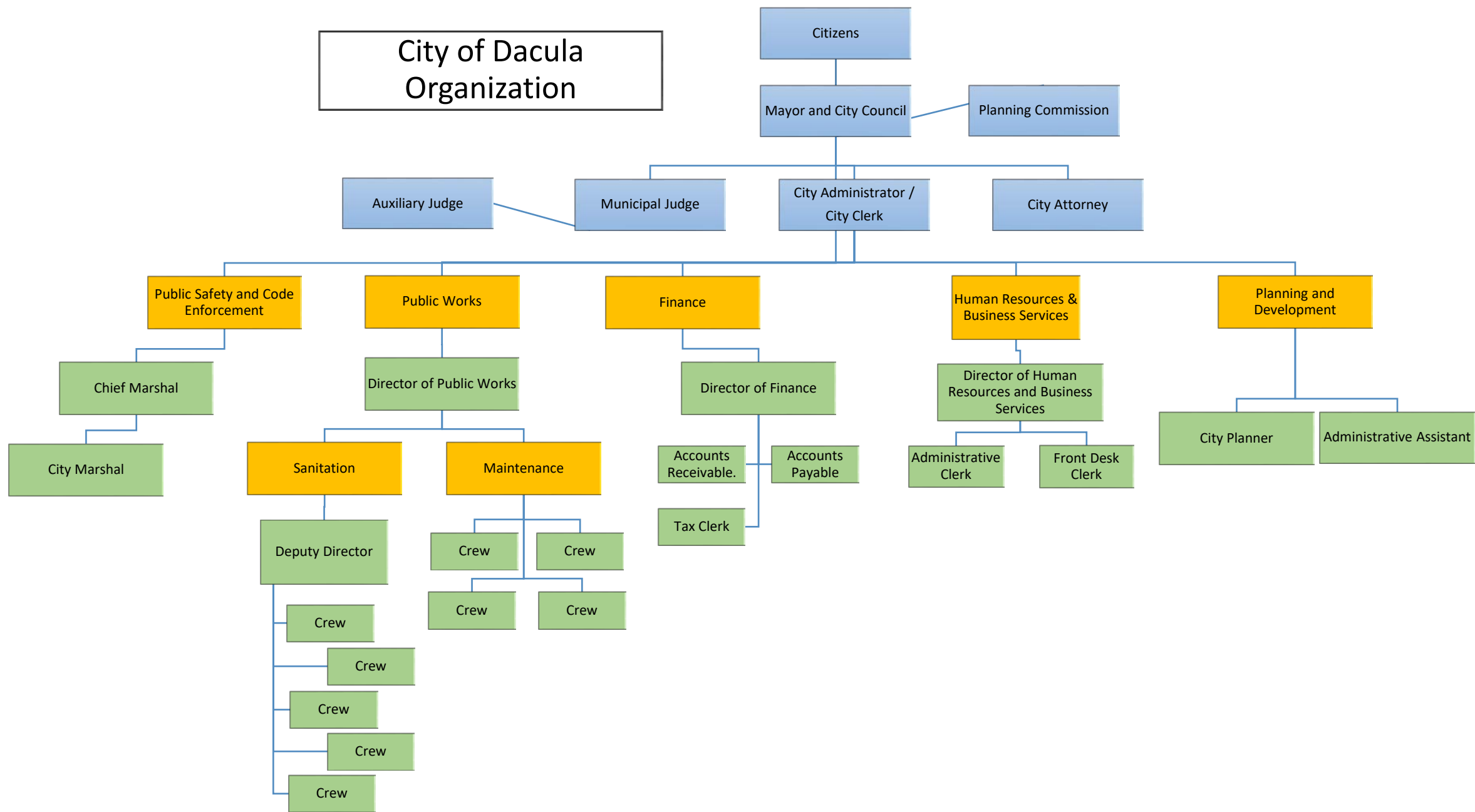
Year One - 2023						
Project Name	Description	Needs Assessment	Cost Estimate	Financing	Time Schedule	Annual Maintenance/Operation Cost
Dacula Crossing Subdivision Dacula Ridge Drive Dacula Court	Asphalt replacement	Repairs needed due to age of road	\$350,000	LMIG SPLOST	Spring 2023	\$750 - \$1,000
Brookton Station Subdivision Fortune Drive Luna Court Charlyne Way Alton Frank Way Charesa Lane Kale Court	Asphalt replacement Sidewalk repair as needed Storm drainage improvements	Repairs needed due to age of road and sidewalk repair as needed for vehicular and pedestrian safety	\$800,000	CDBG SPLOST LMIG	Spring / Summer 2023	\$2,500
Maple Creek Park Playground Improvements	New playground equipment Exercise stations Tee box improvements Other convenience improvements	Update equipment Increase exercise capability Add multi-use trail	\$750,000	Endowment	Summer / Fall 2023	\$2,000 - \$3,000
McMillan Road Stormwater Improvements	Repair and redesign storm system	Existing storm system is failing	\$750,000	ARPA	Winter 2022 / Summer 2023	\$500 - \$1,000
Dacula City Hall Sewer Connection	Connect City Hall to sewer	Connect new sewer line to City Hall and decommission existing septic system	\$150,000	ARPA	Winter 2022 / 2023	\$500
Small equipment	Small equipment for maintenance	Replace small equipment (edgers, weed eaters, etc.) as needed	\$5,000	General Fund	2023	\$1,000
Office equipment	Replace office computers Replace office furniture	Replace outdated office equipment and Council chamber chairs	\$15,000	General Fund	2023	None

Year Two - 2024						
Project Name	Description	Needs Assessment	Cost Estimate	Financing	Time Schedule	Annual Maintenance/Operation Cost
Brookton Place Subdivision Kristi Beth Court Katie Lynne Lane Nathan Timothy Court Winky Bluff James Henry Drive Sam Calvin Drive Peter Josiah Court Carly Joanna Court Ben Arron Drive	Asphalt improvements	Repairs needed due to age of road	\$950,000	SPLOST LMIG	Spring 2024	\$3,000
Unidentified	Stormwater improvements	Improvements needed due to age of storm system	\$120,000	ARPA	Fall / Winter 2024	\$2,000
Gateway signage	Beautify right-of-ways Designate City boundaries	Determine locations Sign, style, and color	\$100,000	Endowment	Summer / Fall 2024	\$750
Garbage truck	New garbage truck	Older trucks are in need of	\$250,000	General Fund	2023-2024	\$5,000
Public Works vehicle	Chipper truck	New vehicle needed	\$105,000	SPLOST	2024	\$2,000
Small equipment	Small equipment for maintenance	Replace small equipment (edgers, weedeaters, etc.) as needed	\$5,000	General Fund	2024	\$1,000

Year Three - 2025						
Project Name	Description	Needs Assessment	Cost Estimate	Financing	Time Schedule	Annual Maintenance/Operation Cost
Brookton North Subdivision Williams Farm Drive Torrey Place Hannah Court	Asphalt improvements	Repairs needed due to age of road	\$500,000	SPLOST LMIG	Spring / Summer 2025	\$2,500
McMillan Road	Asphalt and/or stormwater improvements	Improvements needed due to age of road	\$600,000	CDBG	2025	\$2,000
Maxey Street Sewer Improvement	Sewer improvements	Sewer improvement to expand service area	\$1,200,000	ARPA Gwinnet County IGA	2025	\$500
Marshal vehicle	New marshal vehicle	Older vehicle is in need of replacement	\$70,000	SPLOST	2025	\$2,000
Small equipment	Small equipment for maintenance	Replace small equipment (edgers, weed eaters, etc.) as needed	\$5,000	General Fund	2025	\$1,000

Year Four - 2026						
Project Name	Description	Needs Assessment	Cost Estimate	Financing	Time Schedule	Annual Maintenance/Operation Cost
New City Hall	Build a new City facility	The current Dacula City Hall has reached maximum capacity	\$5,500,000	SPLOST	2026-2028	\$200,000
Brookton Downs Subdivision Brookton Drive Brookton Lane Brookton Woods Way	Asphalt improvements	Improvements needed due to age of road	\$600,000	SPLOST LMIG	Spring / Summer 2026	\$2,500
Sanjo Street	Road widening	Improvements needed due to age of road	\$500,000	CDBG	2026	\$2,500
Small equipment	Small equipment for maintenance	Replace small equipment (edgers, weed eaters, etc.) as needed	\$5,000	General Fund	2026	\$1,000

Year Five - 2027						
Project Name	Description	Needs Assessment	Cost Estimate	Financing	Time Schedule	Operation Cost
South Dacula	Asphalt and/or stormwater improvements	Improvements needed due to age of road	\$900,000	SPLOST LMIG	Spring / Summer 2027	\$2,500
Drowning Creek Road	Asphalt and/or stormwater improvements	Improvements needed due to age of road	\$600,000	CDBG	Summer / Fall 2027	\$2,500
Office equipment	Replace office computers Replace office furniture	Replace outdated office equipment	\$15,000	General Fund	2027	None
Small equipment	Small equipment for maintenance	Replace small equipment (edgers, weed eaters, etc.) as needed	\$5,000	General Fund	2027	\$1,000



CITY OF DACULA					
BUDGET FY 2024					
FUND	FUND NAME	FUNCTION	DESCRIPTION	REVENUE	EXPENDITURES
100	GENERAL FUND	1110	COUNCIL		\$ 60,448.00
		1320	CITY ADMINISTRATOR		\$ 196,558.24
		1310	MAYOR		\$ 20,918.00
		1400	ELECTIONS		\$ 3,500.00
		1510	FINANCE		\$ 1,071,363.10
		1530	LEGAL		\$ 80,500.00
		1540	HUMAN RESOURCES		\$ 455,650.00
		1565	CITY HALL		\$ 262,000.00
		2650	MUNICIPAL COURT		\$ 17,960.00
		3200	PUBLIC SAFETY		\$ 285,660.64
		4200	PUBLIC WORKS		\$ 822,891.60
		6200	CULTURE/RECREATION		\$ 97,100.00
		7400	PLANNING & ZONING		\$ 480,135.64
		7550	DDA		\$ 6,000.00
			TRANSFERS OUT		\$ 337,514.78
				\$ 4,198,200.00	\$ 4,198,200.00
100	TREE BANK FUND	6240	FORESTRY AND NURSERY	\$ 33,500.00	\$ 33,500.00
230	AMERICAN RESCUE PLAN ACT FUND			\$ 752,200.00	\$ 752,200.00
300	ENDOWMENT FUND*			\$ 1,790,800.00	\$ 1,790,800.00
320	SPLOST 2017 FUND*			\$ 3,405,000.00	\$ 3,405,000.00
321	SPLOST 2023 FUND*			\$ 2,903,864.00	\$ 2,903,864.00
540	SANITATION FUND	4520	SOLID WASTE COLLECTION	\$ 1,063,114.78	\$ 1,063,114.78
	FY 2024 TOTAL REVENUE	\$ 14,146,678.78			
	FY 2024 TOTAL EXPENDITURES	\$ 14,146,678.78			
* THIS IS A CAPITAL PROJECTS FUND AND IS BUDGETED BY PROJECT LENGTH. FUNDS ARE NOT EXPENDED IN A SINGLE YEAR.					

BUDGET FY 2024				
REVENUE	GENERAL FUND - 100			
Account #	Account Description	2024 Proposed Budget	2023 Amended Budget	2023 Current Budget
311100	Real Property Taxes - Current Year	\$ 1,678,000.00	\$ 1,600,000.00	\$ 1,300,000.00
311300	Personal Property Taxes - Current Year	\$ 61,000.00	\$ 55,000.00	\$ 60,000.00
319000	Penalties & Interest Real & Personal Property	\$ 5,000.00	\$ 5,000.00	\$ 2,000.00
311310	Motor Vehicle Taxes	\$ 300,000.00	\$ 300,000.00	\$ 238,000.00
311320	Mobile Home Taxes	\$ 200.00	\$ 150.00	\$ 150.00
311340	Recording Tax (Intangibles)	\$ 35,000.00	\$ 35,000.00	\$ 50,000.00
311600	Real Estate Transfer Tax	\$ 12,500.00	\$ 12,500.00	\$ 20,000.00
311700	Franchise Taxes	\$ 400,000.00	\$ 380,000.00	\$ 467,000.00
314200	Alcohol Beverage Excise Tax	\$ 215,000.00	\$ 215,000.00	\$ 240,000.00
314300	Alcohol Beverage Tax by the Drink	\$ 18,000.00	\$ 15,000.00	\$ 20,000.00
316100	Occupational Tax (Business Licenses)	\$ 125,000.00	\$ 120,000.00	\$ 100,000.00
316200	Insurance Premium Tax	\$ 500,000.00	\$ 575,000.00	\$ 575,000.00
316300	Financial Institution Tax	\$ 45,000.00	\$ 45,000.00	\$ 40,000.00
321100	Alcohol Licenses	\$ 75,000.00	\$ 75,000.00	\$ 75,000.00
321220	Insurance Company Licenses	\$ 16,000.00	\$ 14,000.00	\$ 14,000.00
322200	Permits issued by Planning Dept.	\$ 360,000.00	\$ 350,000.00	\$ 350,000.00
331152	CDBG	\$ -	\$ 674,060.00	\$ 1,274,060.00
334100	LMIG Georgia DOT	\$ 82,500.00	\$ 82,500.00	\$ -
341910	Elections - Qualifying Fee	\$ -	\$ 960.00	\$ 600.00
351170	Municipal Fines	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00
361000	Interest Revenues	\$ 250,000.00	\$ 1,700.00	\$ 1,700.00
383010	Reimbursement for Damaged Property	\$ -	\$ 144,829.00	\$ -
392000	Proceeds of Capital Asset Dispositions	\$ -	\$ 235,436.00	\$ -
GENERAL FUND Revenue Totals:		\$ 4,198,200.00	\$ 4,956,135.00	\$ 4,847,510.00
BUDGET FY 2024				
EXPENDITURES	GENERAL FUND - 100			
Function	Account Description	2024 Proposed Budget	2023 Amended Budget	2023 Current Budget
	DEPARTMENT: CITY COUNCIL			
1110	City Council: Salaries	\$ 32,000.00	\$ 28,400.00	\$ 28,400.00
1110	City Council: FICA and Medicare	\$ 2,448.00	\$ 2,382.00	\$ 2,382.00
1110	City Council: Travel	\$ 8,000.00	\$ 7,000.00	\$ 7,000.00
1110	City Council: Education and Training	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00
1110	City Council: Community Outreach Supplies	\$ 10,000.00	\$ 5,000.00	\$ 5,000.00
	DEPARTMENT: CITY ADMINISTRATOR			
1320	City Administrator: Salary	\$ 148,500.00	\$ 141,000.00	\$ 145,000.00
1320	City Administrator: FICA, Medicare, FUTA, and SUI	\$ 11,500.00	\$ 13,500.00	\$ 14,500.00
1320	City Administrator: Group Health Insurance	\$ 22,758.24	\$ 22,600.00	\$ 22,600.00
1320	City Administrator: Retirement Contributions	\$ -	\$ -	\$ -

1320	City Administrator: Other Employee Benefits	\$ 4,800.00	\$ 3,000.00	\$ -
1320	City Administrator: Travel	\$ 6,000.00	\$ 4,500.00	\$ 3,000.00
1320	City Administrator: Education and Training	\$ 3,000.00	\$ 2,500.00	\$ 2,000.00
	DEPARTMENT: MAYOR			
1310	Mayor: Salary	\$ 12,000.00	\$ 8,300.00	\$ 8,300.00
1310	Mayor: FICA and Medicare	\$ 918.00	\$ 687.00	\$ 687.00
1310	Mayor: Travel	\$ 6,000.00	\$ 4,500.00	\$ 3,500.00
1310	Mayor: Education and Training	\$ 2,000.00	\$ 1,500.00	\$ 2,000.00
	DEPARTMENT: ELECTIONS			
1400	Elections: Contract Labor - Poll Workers	\$ -	\$ 9,500.00	\$ 4,000.00
1400	Elections: General Supplies	\$ 3,500.00	\$ 8,000.00	\$ 10,000.00
1400	Elections: Training	\$ -	\$ 150.00	\$ 500.00
	DEPARTMENT: FINANCIAL ADMINISTRATION			
1510	Financial Administration: Salaries	\$ 242,500.00	\$ 370,000.00	\$ 380,000.00
1510	Financial Administration: Group Health Insurance	\$ 65,000.00	\$ 123,000.00	\$ 123,000.00
1510	Financial Administration: FICA, Medicare, FUTA, and SUI	\$ 19,000.00	\$ 35,000.00	\$ 35,000.00
1510	Financial Administration: Retirement Contributions	\$ 36,781.20	\$ 41,616.00	\$ 41,616.00
1510	Financial Administration: Tuition Reimbursements	\$ 10,500.00	\$ -	\$ -
1510	Financial Administration: Travel	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00
1510	Financial Administration: Education and Training	\$ 5,250.00	\$ 6,000.00	\$ 6,000.00
1510	Financial Administration: Purchased Services - Professional	\$ 56,000.00	\$ 40,000.00	\$ 30,000.00
1510	Financial Administration: Purchased Services - Tax Administration	\$ -	\$ 1,000.00	\$ 15,000.00
1510	Financial Administration: Contract Labor	\$ -	\$ 5,000.00	\$ 5,000.00
1510	Financial Administration: Purchased Services - Dues and Fees	\$ 23,500.00	\$ 30,000.00	\$ 30,000.00
1510	Financial Administration: Communications	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00
1510	Financial Administration: Advertising	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
1510	Financial Administration: Other Purchased Services	\$ 1,500.00	\$ 2,000.00	\$ 2,000.00
1510	Financial Administration: Purchased Services - Technical	\$ 95,000.00	\$ 90,000.00	\$ 90,000.00
1510	Financial Administration: Capital Outlay - Purchase of Land	\$ -	\$ -	\$ -
1510	Contingency	\$ 472,331.90	\$ 904,689.65	\$ 316,039.17
	DEPARTMENT: HUMAN RESOURCES AND BUSINESS SERVICES			
1540	Human Resources: Salaries	\$ 198,600.00	\$ -	\$ -
1540	Human Resources: Group Health Insurance	\$ 68,300.00	\$ -	\$ -
1540	Human Resources: FICA, Medicare, FUTA, and SUI	\$ 15,500.00	\$ -	\$ -
1540	Human Resources: Tuition Reimbursement	\$ 10,500.00	\$ -	\$ -
1540	Human Resources: Travel	\$ 4,500.00	\$ -	\$ -
1540	Human Resources: Education and Training	\$ 1,750.00	\$ -	\$ -
1540	Human Resources: Purchased Services - Dues and Fees	\$ 6,500.00	\$ -	\$ -
1540	Human Resources: Insurance - Worker's Comp, Fleet, Structure	\$ 150,000.00	\$ 150,000.00	\$ 150,000.00
	DEPARTMENT: LEGAL			
1530	Legal: Purchased Services - Professional	\$ 70,000.00	\$ 70,000.00	\$ 70,000.00
1530	Legal: Official Code of Georgia yearly update	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
1530	Legal: CIVICPLUS: Codification of Ordinances	\$ 9,500.00	\$ 8,000.00	\$ 8,000.00
	DEPARTMENT: CITY HALL			

1565	City Hall: Property Services - Emergency Mitigation	\$ -	\$ 149,548.35	\$ 149,548.35
1565	City Hall: Supplies - Office Supplies	\$ 25,000.00	\$ 20,000.00	\$ 20,000.00
1565	City Hall: Water	\$ 6,000.00	\$ 5,500.00	\$ 5,500.00
1565	City Hall: Natural Gas	\$ 7,000.00	\$ 6,500.00	\$ 6,500.00
1565	City Hall: Electricity	\$ 135,000.00	\$ 125,000.00	\$ 125,000.00
1565	City Hall: Supplies - Food	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
1565	City Hall: Repairs and Maintenance	\$ 40,000.00	\$ 40,000.00	\$ 25,000.00
1565	City Hall: Supplies - Other Supplies	\$ 6,500.00	\$ 5,000.00	\$ 5,000.00
1565	City Hall: Small Equipment - Furniture & Fixtures	\$ 3,500.00	\$ 5,000.00	\$ 5,000.00
1565	City Hall: Small Equipment - Computers	\$ 5,500.00	\$ 10,000.00	\$ 10,000.00
1565	City Hall: Small Equipment - Other Equipment	\$ 3,500.00	\$ 7,000.00	\$ 7,000.00
1565	City Hall: Capital Outlay - Site Improvement	\$ 15,000.00	\$ -	\$ -
	DEPARTMENT: MUNICIPAL COURT			
2650	Municipal Court: Salaries	\$ 6,160.00	\$ 6,160.00	\$ 6,160.00
2650	Municipal Court: FICA, Medicare, FUTA, and SUI	\$ 500.00	\$ 493.00	\$ 493.00
2650	Municipal Court: Travel	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
2650	Municipal Court: Education and Training	\$ 1,000.00	\$ 2,000.00	\$ 2,000.00
2650	Municipal Court: Dues and Fees (State Surcharges)	\$ 9,000.00	\$ 9,000.00	\$ 9,000.00
2650	Municipal Court: Supplies	\$ 300.00	\$ 300.00	\$ 300.00
	DEPARTMENT: PUBLIC SAFETY			
3200	Marshal: Salaries	\$ 151,300.00	\$ 136,600.00	\$ 136,600.00
3200	Marshal: Group Health Insurance	\$ 45,600.00	\$ 45,174.00	\$ 45,174.00
3200	Marshal: FICA, Medicare, FUTA, and SUI	\$ 11,800.00	\$ 13,000.00	\$ 13,000.00
3200	Marshal: Retirement Contributions	\$ 12,260.64	\$ 13,872.00	\$ 13,872.00
3200	Marshal: Travel	\$ 4,000.00	\$ 3,500.00	\$ 3,500.00
3200	Marshal: Education and Training	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00
3200	Marshal: Uniforms	\$ 7,500.00	\$ 2,500.00	\$ 2,000.00
3200	Marshal: Purch Svc Repairs & Maintenance	\$ 5,500.00	\$ 5,500.00	\$ 5,500.00
3200	Marshal: Purchased Services - Technical (Fusus)	\$ 7,300.00	\$ -	\$ -
3200	Marshal: Purchased Services - Technical (Flock Cameras)	\$ 20,000.00	\$ -	\$ -
3200	Marshal: Gen Supplies	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00
3200	Marshal: Gasoline	\$ 7,200.00	\$ 6,000.00	\$ 6,000.00
3200	Marshal: Food	\$ 1,500.00	\$ 500.00	\$ 500.00
3200	Marshal: Dues & Fees	\$ 4,000.00	\$ 3,000.00	\$ 3,000.00
3200	Marshal: Small Equipment	\$ 1,200.00	\$ -	\$ -
3200	Marshal: Capital Outlay - Computers	\$ -	\$ 7,000.00	\$ 7,000.00
	DEPARTMENT: PUBLIC WORKS			
4200	Streets & Maintenance: Salaries	\$ 287,000.00	\$ 252,000.00	\$ 252,000.00
4200	Streets & Maintenance: Group Health Insurance	\$ 88,000.00	\$ 100,000.00	\$ 100,000.00
4200	Streets & Maintenance: Taxes: FICA, FUTA, Medicare	\$ 23,500.00	\$ 20,000.00	\$ 20,000.00
4200	Streets & Maintenance: Retirement Contributions	\$ 30,651.60	\$ 20,808.00	\$ 20,808.00
4200	Streets & Maintenance: Tuition Reimbursement	\$ 10,500.00	\$ -	\$ -
4200	Streets & Maintenance: Travel	\$ 500.00	\$ 1,000.00	\$ 1,000.00
4200	Streets & Maintenance: Education and Training	\$ 2,000.00	\$ 6,000.00	\$ 6,000.00

4200	Streets & Maintenance: Uniforms	\$ 11,400.00	\$ 20,000.00	\$ 20,000.00
4200	Streets & Maintenance: Purchased Services - Cleaning Services	\$ 4,200.00	\$ -	\$ -
4200	Streets & Maintenance: Purch Svc Repairs & Maintenance	\$ 30,000.00	\$ 25,000.00	\$ 20,000.00
4200	Streets & Maintenance: Gasoline	\$ 25,000.00	\$ 20,000.00	\$ 20,000.00
4200	Streets & Maintenance: Supplies	\$ 20,500.00	\$ 15,000.00	\$ 15,000.00
4200	Streets & Maintenance: Dues and Fees	\$ 500.00	\$ 1,000.00	\$ 1,000.00
4200	Streets & Maintenance: Small Equipment (e.g. weed eaters)	\$ 5,600.00	\$ 5,000.00	\$ 5,000.00
4200	Streets & Maintenance: Capital Outlay - Large Equipment (e.g. trucks)	\$ 108,540.00	\$ -	\$ -
4200	Streets & Maintenance: Right of Way Maintenance	\$ 50,000.00	\$ 12,000.00	\$ 10,000.00
4200	Streets & Maintenance: Contract Labor	\$ -	\$ -	\$ -
4200	Streets & Maintenance: Stormwater & DIP	\$ 25,000.00	\$ 22,600.00	\$ 22,600.00
4200	Streets & Maintenance: Storm Drainage & System Improvements	\$ 15,000.00	\$ 5,000.00	\$ 5,000.00
4200	Streets & Maintenance: Capital Outlay - Street Infrastructure (LMIG and CDBG)	\$ 85,000.00	\$ 818,060.00	\$ 1,417,417.48
DEPARTMENT: CULTURE/RECREATION				
6170	Events: Purchased Services	\$ 12,000.00	\$ -	\$ -
6170	Events: Supplies (Memorial Day and Snowflakes)	\$ 50,000.00	\$ 8,100.00	\$ 5,000.00
6200	Parks: Supplies	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
6200	Parks: Repairs and Maintenance	\$ 10,300.00	\$ 10,000.00	\$ 10,000.00
6200	Parks: Employee Salary (Open & Close Park)	\$ 9,800.00	\$ 9,000.00	\$ 9,000.00
DEPARTMENT: PLANNING & ZONING				
7400	Planning: Salaries	\$ 123,000.00	\$ 115,000.00	\$ 143,000.00
7400	Planning: Group Health Insurance	\$ 32,500.00	\$ 30,000.00	\$ 45,174.00
7400	Planning: FICA, Medicare, FUTA, SUI	\$ 9,700.00	\$ 7,500.00	\$ 10,440.00
7400	Planning: Retirement Contributions	\$ 12,260.64	\$ 13,872.00	\$ 13,872.00
7400	Planning: Tuition Reimbursements	\$ 5,250.00	\$ -	\$ -
7400	Planning: Travel	\$ 4,500.00	\$ 1,500.00	\$ 1,500.00
7400	Planning: Education and Training	\$ 4,000.00	\$ 3,000.00	\$ 3,000.00
7400	Planning: Mileage Reimbursement	\$ -	\$ 3,600.00	\$ 3,600.00
7400	Planning: Professional Services - Building Inspections	\$ 180,000.00	\$ 200,000.00	\$ 200,000.00
7400	Planning: Professional Engineers (General)	\$ 95,000.00	\$ 80,000.00	\$ 80,000.00
7400	Planning: Dues & Subscriptions	\$ 425.00	\$ 1,000.00	\$ 750.00
7400	Planning: Professional Services - Revised Zoning Map	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00
7400	Planning: Professional Services - Comprehensive Plan	\$ -	\$ 75,000.00	\$ 75,000.00
7400	Planning: Purchased Services - Technical	\$ 6,000.00	\$ 8,500.00	\$ 8,500.00
7400	Planning: Supplies	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
7400	Planning: Capital Outlay - Equipment	\$ -	\$ 25,677.00	\$ 25,677.00
DEPARTMENT: DOWNTOWN DEVELOPMENT AUTHORITY				
7550	Downtown Development Authority: General	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00
Other Financing Uses				
611000	Transfers Out to Sanitation Fund	\$ 337,514.78	\$ 149,946.00	\$ -
GENERAL FUND Expenditure Totals:		\$ 4,198,200.00	\$ 4,956,135.00	\$ 4,847,510.00
GENERAL FUND 100 REVENUE TOTALS		\$ 4,198,200.00		
GENERAL FUND 100 EXPENDITURE TOTALS		\$ 4,198,200.00		

BUDGET FY 2024				
REVENUE	TREE BANK FUND - 100			
Account #	Account Description	2024 Proposed Budget	2023 Amended Budget	2023 Current Budget
389000	Fee-in-Lieu	\$ -	\$ 31,000.00	\$ 2,500.00
135200	Restricted Fund Balance	\$ 33,500.00	\$ -	\$ -
TREE BANK FUND Revenue Totals:		\$ 33,500.00	\$ 31,000.00	\$ 2,500.00
BUDGET FY 2024				
EXPENDITURES	TREE BANK FUND - 100			
Function	Account Description	2024 Proposed Budget	2023 Amended Budget	2023 Current Budget
6240	Tree Bank	\$ 33,500.00	\$ 31,000.00	\$ 2,500.00
6240	Contingency	\$ -	\$ -	\$ -
TREE BANK FUND Expenditure Totals:		\$ 33,500.00	\$ 31,000.00	\$ 2,500.00
	TREE BANK FUND 100 REVENUE TOTALS	\$ 33,500.00		
	TREE BANK FUND 100 EXPENDITURE TOTALS	\$ 33,500.00		

BUDGET FY 2024				
REVENUE	AMERICAN RESCUE PLAN ACT FUNDS (ARPA) 230			
Account #	Account Description	2024 Proposed Budget	2023 Amended Budget	2023 Current Budget
332300	American Rescue Plan Act Funds	\$ 752,000.00	\$ 651,780.00	\$ -
361400	Interest Income	\$ 200.00	\$ 220.00	\$ 120.00
135200	Restricted Fund Balance	\$ -	\$ -	\$ 549,880.00
ARPA FUND Revenue Totals:		\$ 752,200.00	\$ 652,000.00	\$ 550,000.00
BUDGET FY 2024				
EXPENDITURES	AMERICAN RESCUE PLAN ACT FUNDS (ARPA) 230			
Function	Account Description	2024 Proposed Budget	2023 Amended Budget	2023 Current Budget
4200	Capital Outlay: Sewer Line	\$ 600,000.00	\$ 127,000.00	\$ 50,000.00
4200	Capital Outlay: Stormwater	\$ 152,200.00	\$ 525,000.00	\$ 500,000.00
4200	Broadband Infrastructure	\$ -	\$ -	\$ -
4200	Contingency	\$ -	\$ -	\$ -
ARPA FUND Expenditure Totals:		\$ 752,200.00	\$ 652,000.00	\$ 550,000.00
ARPA FUND 230 REVENUE TOTALS		\$ 752,200.00		
ARPA FUND 230 EXPENDITURE TOTALS		\$ 752,200.00		

BUDGET FY 2024

BUDGET FY 2024				
REVENUE				
SPLOST 2017 FUND - 320				
Account #	Account Description	2024 Proposed Budget	2023 Amended Budget	2023 Current Budget
337100	Special Purpose Local Option Sales Tax	\$ -	\$ 412,000.00	\$ 400,000.00
361100	Interest Income	\$ 125,000.00	\$ 250.00	\$ 150.00
135200	Restricted Fund Balance	\$ 3,280,000.00	\$ -	\$ 794,850.00
SPLOST 2017 FUND Revenue Totals:		\$ 3,405,000.00	\$ 412,250.00	\$ 1,195,000.00
BUDGET FY 2024				
EXPENDITURES				
SPLOST 2017 FUND - 320				
Function	Account Description	2024 Proposed Budget	2023 Amended Budget	2023 Current Budget
1510	Purchased Services: Bank Fees	\$ 20,000.00	\$ 100.00	\$ -
1510	Capital Outlay: Admin Facilities	\$ 288,940.42	\$ -	\$ -
3200	Capital Outlay: Public Safety Facilities and Equipment	\$ 75,108.55	\$ 15,000.00	\$ 45,000.00
6200	Capital Outlay: Recreational Facilities and Equipment	\$ 247,796.85	\$ -	\$ -
4200	Capital Outlay: Transportation	\$ 2,425,762.96	\$ 397,150.00	\$ 1,150,000.00
4200	Capital Outlay: Water and Sewer	\$ 118,263.51	\$ -	\$ -
1510	Contingency	\$ 229,127.70	\$ -	\$ -
SPLOST 2017 FUND Expenditure Totals:		\$ 3,405,000.00	\$ 412,250.00	\$ 1,195,000.00
SPLOST 2017 FUND 320 REVENUE TOTALS		\$ 3,405,000.00		
SPLOST 2017 FUND 320 EXPENDITURE TOTALS		\$ 3,405,000.00		

BUDGET FY 2024

BUDGET FY 2024				
REVENUE				
SPLOST 2023 FUND - 321				
Account #	Account Description	2024 Proposed Budget	2023 Amended Budget	2023 Current Budget
337100	Special Purpose Local Option Sales Tax	\$ 1,603,364.00	\$ 1,202,523.00	\$ -
361100	Interest Income	\$ 90,000.00	\$ 50.00	\$ -
135200	Restricted Fund Balance	\$ 1,210,500.00	\$ -	\$ -
SPLOST 2017 FUND Revenue Totals:		\$ 2,903,864.00	\$ 1,202,573.00	
BUDGET FY 2024				
EXPENDITURES				
SPLOST 2023 FUND - 321				
Function	Account Description	2024 Proposed Budget	2023 Amended Budget	2023 Current Budget
1510	Purchased Services: Bank Fees	\$ 9,500.00	\$ 50.00	\$ -
1510	Capital Outlay: Admin Facilities	\$ 1,346,825.67	\$ 577,211.00	\$ -
3200	Capital Outlay: Public Safety Facilities and Equipment	\$ 84,176.75	\$ 36,075.75	\$ -
6200	Capital Outlay: Recreational Facilities and Equipment	\$ 56,065.33	\$ 24,028.00	\$ -
4200	Capital Outlay: Transportation	\$ 897,883.58	\$ 384,807.25	\$ -
4200	Capital Outlay: Water and Sewer	\$ 420,935.67	\$ 180,401.00	\$ -
1510	Contingency	\$ 88,477.00	\$ -	\$ -
SPLOST 2017 FUND Expenditure Totals:		\$ 2,903,864.00	\$ 1,202,573.00	
SPLOST 2023 FUND 321 REVENUE TOTALS		\$ 2,903,864.00		
SPLOST 2023 FUND 321 EXPENDITURE TOTALS		\$ 2,903,864.00		

BUDGET FY 2024				
REVENUE	ENDOWMENT FUND - 300			
Account #	Account Description	2024 Proposed Budget	2023 Amended Budget	2023 Current Budget
371000	Donation	\$ -	\$ 92,588.00	\$ -
361400	Interest Income	\$ 800.00	\$ 1,000.00	\$ 1,000.00
135200	Restricted Fund Balance	\$ 1,790,000.00	\$ 756,412.00	\$ 849,000.00
ENDOWMENT FUND Revenue Totals:		\$ 1,790,800.00	\$ 850,000.00	\$ 850,000.00
BUDGET FY 2024				
EXPENDITURES	ENDOWMENT FUND - 300			
Function	Account Description	2024 Proposed Budget	2023 Amended Budget	2023 Current Budget
6000	Capital Outlay: Beautification, Parks, and Recreation	\$ 100,000.00	\$ 850,000.00	\$ 850,000.00
6000	Contingency	\$ 1,690,800.00	\$ -	\$ -
ENDOWMENT FUND Expenditure Totals:		\$ 1,790,800.00	\$ 850,000.00	\$ 850,000.00
ENDOWMENT FUND 300 REVENUE TOTALS		\$ 1,790,800.00		
ENDOWMENT FUND 300 EXPENDITURE TOTALS		\$ 1,790,800.00		

BUDGET FY 2024

BUDGET FY 2024				
REVENUE	SANITATION FUND - 540			
Account #	Account Description	2024 Proposed Budget	2023 Amended Budget	2023 Current Budget
344100	Utilities: Refuse Collection Charge	\$ 700,000.00	\$ 650,000.00	\$ 576,000.00
344190	Other Charges (Interest and Penalties)	\$ 600.00	\$ 500.00	\$ 500.00
361400	Interest Revenue	\$ 25,000.00	\$ 400.00	\$ 400.00
391000	Transfers In from General Fund	\$ 337,514.78	\$ 149,946.00	\$ 464,716.00
SANITATION FUND Revenue Totals:		\$ 1,063,114.78	\$ 800,846.00	\$ 1,041,616.00
BUDGET FY 2024				
EXPENDITURES	SANITATION FUND - 540			
Function	Account Description	2024 Proposed Budget	2023 Amended Budget	2023 Current Budget
4520	Sanitation: Salary	\$ 340,240.00	\$ 305,000.00	\$ 305,000.00
4520	Sanitation: Group Health Ins	\$ 92,000.00	\$ 86,000.00	\$ 86,000.00
4520	Sanitation: FICA, Medicare, FUTA, and SUI	\$ 26,842.86	\$ 23,000.00	\$ 23,000.00
4520	Sanitation: Retirement Contributions	\$ 36,781.92	\$ 41,616.00	\$ 41,616.00
4520	Sanitation: Tuition Reimbursement	\$ 15,750.00	\$ -	\$ -
4520	Sanitation: Travel	\$ 500.00	\$ 1,000.00	\$ 1,000.00
4520	Sanitation: Education and Training	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
4520	Sanitation: Uniforms	\$ 14,000.00	\$ 25,000.00	\$ 25,000.00
4520	Sanitation: Purch Svc Repairs & Maintenance	\$ 65,000.00	\$ 50,000.00	\$ 35,000.00
4520	Sanitation: Gasoline	\$ 32,000.00	\$ 26,000.00	\$ 24,000.00
4520	Sanitation: Supplies	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
4520	Sanitation: Dues & Fees	\$ -	\$ 1,000.00	\$ 1,000.00
4520	Sanitation: Disposal Fees	\$ 140,000.00	\$ 135,000.00	\$ 105,000.00
4520	Sanitation: Recycling	\$ 25,000.00	\$ 25,000.00	\$ 30,000.00
4520	Sanitation: Inventory (Trash & Recycle Cans)	\$ -	\$ 46,230.00	\$ 85,000.00
4520	Sanitation: Contract Labor	\$ 15,000.00	\$ 26,000.00	\$ 20,000.00
4520	Sanitation: Small Machinery & Equipment	\$ -	\$ -	\$ -
4520	Sanitation: Capital Outlay - Garbage Truck	\$ 250,000.00	\$ -	\$ 250,000.00
SANITATION FUND Expenditure Totals:		\$ 1,063,114.78	\$ 800,846.00	\$ 1,041,616.00
SANITATION FUND 540 REVENUE TOTALS		\$ 1,063,114.78		
SANITATION FUND 540 EXPENDITURE TOTALS		\$ 1,063,114.78		

A RESOLUTION

TO APODT THE FISCAL YEAR 2024 BUDGET & 2023 BUDGET ADJUSTMENT FOR EACH FUND OF THE CITY OF DACULA, GEORGIA, APPROPRIATING THE AMOUNTS SHOWN IN EACH BUDGET AS EXPENDITURES/ EXPENSES, ADOPTING THE SEVERAL ITEMS OF REVENUE ANTICIPATIONS, AND PROHIBITING EXPENDITURES OR EXPENSES FROM EXCEEDING THE ACTUAL FUNDING AVAILABLE

WHEREAS, sound governmental operations require a budget in order to plan financing of services for residents of the City of Dacula; and

WHEREAS, Title 36, Chapter 81, Article 1 of the Official Code of Georgia Annotated (OCGA) requires a balanced budget for the City's fiscal year, which runs from January 1 to December 31 of each year; and

WHEREAS, the Mayor and City Council of the City of Dacula have reviewed the proposed FY24 budget as presented by the Mayor; and

WHEREAS, each of these funds is a balanced budget, so that anticipated revenues and other financial resources for each fund equal the proposed expenditures or expenses; and

WHEREAS, the Mayor and City Council wishes to adopt this proposal as the Fiscal Year 2024 Annual Budget, effective from January 1, 2024 through December 31, 2024

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Dacula, Georgia as follows:

Section 1. That the proposed Fiscal Year 2024 Budget, attached hereto and incorporated herein as a part of this Resolution is hereby adopted as the Budget for the City of Dacula, Georgia for the Fiscal Year 2024, which begins January 1, 2024 and ends on December 31, 2024.

Section 2. That the several items of revenues, other financial resources, and sources of cash shown in the budget for each fund as proposed expenditures or expenses, and uses of cash are hereby appropriated to the departments named in each fund.

Section 3. That the "legal level of control" as defined in OCGA § 36-81 is set at the departmental level, meaning that the Mayor in his capacity is authorized to move appropriations from one line item to another within a department, but under no circumstances may expenditures or expenses exceed the amount appropriated for a department without further Budget amendment approved by the Mayor and City Council.

Section 4. That all appropriations shall lapse at the end of the fiscal year.

Section 5. That this Resolution shall be and remain in full force and effect from and after it date of adoption.

Adopted this 7th day of December, 2023.

CITY OF DACULA, GEORGIA

By: Trey King, Mayor

Attest: Brittini Nix, City Administrator

(AFFIX SEAL)