

## **Tattoo and Body Piercing Establishments**

MIAMI COUNTY ORDINANCE 2001-

### **Section 1.1: Sanitary Operation of Tattoo and Body Piercing Establishments.**

An ordinance pertaining to tattoo and body piercing establishments, requiring permits and permit fees tattoo and body piercing establishments, regulating the inspection of such establishments, providing for the fixing of penalties for violations of said ordinance, and the providing for incorporation by reference the following Indiana State Department of Health Rules: 410 IAC 1-5, et seq., as amended, Sanitary Operations of Tattoo Parlors (includes requirements for the sanitary operations of body piercing facilities).

Be it ordained by the Board of Commissioners of Miami County, State of Indiana, that:

### **Section 1.2: Definitions**

**Applicability:** The definitions in this rule apply throughout this rule.

**Blood:** means human blood

**Blood borne Pathogens:** means pathogenic micro-organisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to: (1) HBV; (2) HCV; (3) HIV.

**Body Piercer:** means any person who performs body piercing on an individual.

**Body Piercing:** means the perforation of any human body part other than ear lobe for the purpose of inserting jewelry or other decoration for some other nonmedical purpose.

**Cleaned:** means removal of all visible dust, soil, or any other foreign material.

**Contaminated:** means the presence or reasonable anticipated presence of blood or OPIM on an item or surface.

**Decontaminated:** means the use of physical or chemical means to remove, inactivate, or destroy blood borne pathogens on a surface or item which does not require sterilization 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 Indiana State Department of Health.

**Facility:** means a tattoo parlor or a body piercing facility, or both, which is any room or space where tattooing or body piercing, or both, is provided or where the business of tattooing or body piercing, or both, is conducted.

**Health Officer:** means the duly appointed Health Officer as set forth in IC 16-20-2-16. The County Health Officer or designee shall be designated as official in charge of enforcing this ordinance. The Health Officer may designate a representative in the health department to perform those duties and responsibilities of the Health Officer.

**HBV:** means the hepatitis B virus.

**HCV:** means the hepatitis C virus.

**High Level Disinfection:** means a process that destroys all micro-organisms, with the exception of high numbers of bacterial spores.

**HIV:** means the human immunodeficiency virus.

**Infectious Waste:** means waste that epidemiologic evidence indicates is capable of transmitting a dangerous communicable disease. Infectious waste includes, but is not limited to, the following:

1. Contaminated sharps or contaminated objects that could potentially become contaminated sharps.
2. Infectious biological cultures, infectious associated biologicals, and infectious agent stock.
3. Pathological waste.
4. Blood and blood products in liquid and semi liquid form.
5. Carcasses, body parts, body and body fluids in liquid and semi liquid form, and bedding of laboratory animals.
6. Other waste that has been intermingled with infectious waste.

**Intermediate Level Disinfection:** means a process that inactivates:

1. Mycobacterium tuberculosis
2. Vegetative bacteria
3. Most viruses, and
4. Most fungi;

but does not necessarily kill bacterial spores.

**Operator:** means any person who controls, operates, manages, or owns any facility.

**Other Potentially Infectious Materials or OPIM:** means the following:

1. Human body fluids as follows:
  - A. Semen
  - B. Vaginal secretions
  - C. Cerebrospinal fluid
  - D. Synovial fluid
  - E. Pleural fluid
  - F. Pericardial fluid
  - G. Peritoneal fluid
  - H. Amniotic fluid
  - I. Saliva in dental procedures

- J. Any body fluid that is visibly contaminated with blood
- K. All body fluids where it is difficult or impossible to differentiate between body fluids.
- 2. Any unfixed tissue or organ, other than intact skin, from a human, living or dead.
- 3. HIV-containing cell or tissue cultures and HIV or HBV-containing culture medium or other solutions, and blood, organs, or other tissues from experimental animals infected with HIV or HBV.

**Parenteral:** means piercing the mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts, or abrasions.

**Personal Protective Equipment:** means specialized clothing or equipment worn for protection against contact with blood or OPIM.

**Secure Area:** means an area that is designated and maintained to prevent the entry of unauthorized persons.

**Semi Liquid Blood, Blood Products:** means blood, blood products that have intermediate fluid properties and are capable of flowing in a manner similar to liquid.

**Sterilize:** means the use of a physical or chemical procedure to destroy all microbial life, including highly resistant bacterial endospores.

**Store:** means the containment of infectious waste in such a manner as not to constitute collection, treatment, transportation, or disposal.

**Tattoo:** means

- A. Any indelible design, letter, scroll, figure, symbol, or other mark placed with the aid of needles or other instruments; or
- B. Any design, letter scroll, figure, or symbol done by scarring; upon or under the skin.

**Tattoo Artist:** means any person who provides a tattoo to an individual.

**Universal Precautions:** means an approach to infection control in which all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, HCV, and other blood borne pathogens.

### **Section 1.3 Operator training responsibilities.**

An individual or entity that is a tattoo or body piercing operator shall comply with the following training responsibilities.

- A. Ensure that the training described in the Indiana occupational safety and health administration's blood borne pathogens standards (as found in 29 CFR 1910.1030) is provided to all tattoo and body piercing artists, anyone employed by the tattoo and body piercing establishment, or anyone acting on behalf of the tattoo or body piercing establishment who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM.

- B. Ensure that training on the handling of infectious waste is provided to all tattoo and body piercing artists, anyone employed by the tattoo and/or body piercing establishment, or anyone acting on behalf of the tattoo and/or body piercing establishment who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM.
- C. Ensure that a record of training described in subdivisions (A) and (B) is maintained, as required under the Indiana occupational safety and health administration's blood borne pathogens standard (as found in 29 CFR 1910.1030) of an individual's participation in the training that is provided. The record shall be made available to the department of inspection upon request.

**Section 1.4 Tattoo and/or body piercing establishment, responsibilities**

- A. The tattoo and/or body piercing operator shall ensure that tattoo and/or body piercing artists, anyone employed by the tattoo and/or body piercing establishment, or anyone acting on behalf of the tattoo and/or body piercing establishment, who has a reasonably anticipated risk for skin, eye mucous membrane, or parenteral contact with blood are provided personal protective equipment and expendables needed to implement the precautions required by this rule and the Indiana occupational safety and health administration's blood borne pathogen standard (as found in 29 CFR 1910.1030).
- B. The tattoo and/or body piercing operator shall require tattoo and/or body piercing artists, anyone employed by the tattoo and/or body piercing establishment, or anyone acting on behalf of the tattoo and/or body piercing establishment who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood to provide evidence of compliance with the universal precautions education requirements contained in the Guide for Sanitary Operations of Tattoo and Body Piercing Facilities in Indiana.
- C. The tattoo and/or body piercing operator shall display a description of compliance with the requirements contained in subsection (D).
- D. The tattoo and/or body piercing operator shall display written materials prepared or approved by the department explaining universal precautions and patron's rights under this rule. These materials shall include information on how to report violations of universal precautions and shall include information regarding the department's duties to investigate.

**Section 1.5 Tattoo and/or body piercing operator policies.**

The tattoo operator shall develop a written policy in compliance with this rule and the requirements of the Indiana occupational safety and health administration's blood borne pathogen standard (as found in 29 CFR 1910.1030) that:

- A. Requires the use of universal precautions when performing tattooing and/or body piercing and any activity or duty that includes any reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or OPIM.
- B. Includes the safe handling of infectious waste; and
- C. Provides sanctions, including discipline and dismissal, if warranted, for failure to use universal precautions and/or handle infectious waste safely.

**Section 1.6 Tattoo artist minimum training and certification requirements.**

- A. All tattoo and/or body piercing artists, anyone employed by the tattooing and/or body piercing establishment and any activity or duty that includes any reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or OPIM shall complete the training program that is required under the requirements of the Indiana occupational safety and health administration's blood borne pathogen standard (as found in 29 CFR 1910.1030).  
The programs under this section shall be as follows:
  - 1. A blood borne pathogen training session provided by the tattooing and/or body piercing operator meeting the requirements under the Indiana occupational safety and health administration's blood borne pathogens standard (as found in 29 CFR 1910.1030).
  - 2. Any blood borne pathogen continuing education program accredited by a health care licensing entity.
- B. All tattoo and/or body piercing artist, anyone employed by the tattooing and/or body piercing establishment and any activity or duty that includes any reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or OPIM must be trained in the tattoo and/or body piercing establishment's policies on the handling of infectious waste.

### **Section 1.7 Patron Records.**

Records of each patron shall be maintained for two (2) years. The record shall include the following:

- A. Patron's Name.
- B. Address.
- C. Age. Age must be verified by two item of identification, one of which must be valid government issued identification.
- D. Date tattooed or body pierced.
- E. Design of the tattoo or type of jewelry of body piercing.
- F. Location of the tattoo or body jewelry of body piercing on the patron's body.
- G. The name of the tattoo or body piercing artist who performed the work.
- H. Parental consent must be in writing when performed on any minor as required by law.

### **Section 1.8 Illnesses.**

Tattoo or Body Piercing artists who are experiencing symptoms of acute disease that include, but are not limited to:

- A. Diarrhea;
- B. Vomiting;
- C. Fever;
- D. Rash;
- E. Productive cough;
- F. Jaundice; or
- G. Draining (or open) skin infections, boils, impetigo, or scabies;  
shall refrain from providing tattoos or body piercings.

### **Section 1.9 Handwashing.**

- A. Handwashing facilities shall be readily accessible in the same room where tattooing and/or body piercing is provided.
- B. Hands shall be washed with soap and running water immediately before putting on gloves and after removal of gloves or other personal protective equipment.
- C. Only single use disposable towels shall be used.

**Section 1.10 Personal protective equipment.**

Appropriate personal protective equipment shall be worn as follows:

- A. A clean protective clothing layer shall be worn whenever there is a reasonably anticipated risk of contamination of clothing by blood or OPIM.
- B. Masks in combination with eye protection devices, such as goggles or glasses with solid side shield, or chin length face shield shall be worn whenever splashes, spray, splatter, or droplets of blood or OPIM may be generated and eye, nose, or mouth contamination can be reasonably anticipated.
- C. Disposable gloves shall be worn during the tattooing/body piercing process. Gloves shall be changed and properly disposed of each time there is an interruption in the application of the tattoo/body jewel, when the gloves become torn or punctured, whenever the ability to function as barrier is compromised. Disposable gloves shall not be reused.
- D. Gloves shall be worn when decontaminating environmental surfaces and equipment.

**Section 1.11 Tattooing/Body Piercing Equipment**

- A. Only single use razors shall be used to shave the area to be tattooed/body pierced.
- B. All stencils shall be properly disposed of after a single use.
- C. If the design is drawn directly onto the skin, it shall be applied with a single use article only.
- D. All receiving corks for body piercing shall be discarded after each use.
- E. All piercing guns shall be cleaned and undergo high-level disinfection after each use and whenever visibly contaminated. This rule does not apply to piercing ear lobes.

**Section 1.12 Needles.**

- A. Needles shall be individually packaged and sterilized prior to use.
- B. Needles shall be single use only.
- C. Needles shall be discarded in sharps containers immediately after use.
- D. Contaminated needles shall not be bent or broken or otherwise manipulated by hand.
- E. Needles soldered to rod shall be considered all needle.

**Section 1.13 Reusable equipment.**

- A. Heating procedures capable of sterilization must be used when heat stable, non-disposable equipment is sterilized. Equipment which cannot tolerate heat procedures may be sterilized using a technique that is approved by the Health Officer.
- B. Records must be maintained to document the following:
  - a. Duration of sterilization technique

- b. Determination of effective sterility, such as use of biological indicator, is performed monthly
- c. Equipment is maintained as recommended by the owner's manual and proof is available that the owner's manual recommendations are reviewed monthly.
- C. Reusable contaminated equipment shall not be stored or processed in a manner that requires any person to reach by hand into the containers where these sharp items have been placed.
- D. Reusable contaminated equipment shall be:
  - a. Placed in puncture-resistant containers;
  - b. Labeled with the biohazard symbol;
  - c. Leak proof on both sides and bottom; and
  - d. Stored in a manner that does not require reaching by hand into the container where the equipment is stored until cleaning prior to sterilization.
- E. Contaminated reusable equipment shall be effectively cleaned prior to sterilization.
- F. Reusable tubes shall be effectively cleaned and sterilized before reuse.

**Section 1.14 Dyes or pigments.**

- A. All dyes or pigments in tattooing shall be from professional suppliers specifically providing dyes or pigments for the tattooing of human skin.
- B. In preparing dyes or pigments to be used by tattoo artists, only non-toxic sterile materials shall be used. Single use or individual portions of dyes or pigments in clean, sterilized containers shall be used for each patron.
- C. After tattooing, the remaining unused dye or pigment in single use or individual containers shall be discarded along with the container.

**Section 1.15 Jewelry.**

- A. All jewelry used in body piercing shall be from professional suppliers specifically providing jewelry for body piercing.
- B. All jewelry shall be kept sterile until used on patron.

**Section 1.16 Work environment.**

- A. No tattooing/body piercing shall be conducted in any room used as living quarters or in any room that opens directly into living or sleeping quarters.
- B. Live animals shall be excluded from areas where tattooing is being conducted. This exclusion does not apply to the following:
  - a. Patrol dogs accompanying security police officers.
  - b. Guide dogs accompanying the following.
    - i. Blind persons
    - ii. Partially blind persons
    - iii. Physically disabled persons
    - iv. Guide dog trainers
    - v. Persons with impaired hearing
- C. Eating, drinking, smoking, or applying cosmetics shall not be allowed in work areas where there is a likelihood of exposure to blood or OPIM.
- D. Food and drink shall not be kept in areas where there is a reasonably anticipated risk of exposure to blood or OPIM.

- E. All equipment and environmental surfaces shall be cleaned and decontaminated after contact with blood or OPIM.
- F. Environmental surfaces and equipment not requiring sterilization, that have been contaminated by blood, shall be cleaned and decontaminated.
- G. All work surfaces shall be:
  - a. Nonabsorbent;
  - b. Easily cleanable;
  - c. Free of:
    - i. Breaks;
    - ii. Open seams;
    - iii. Cracks;
    - iv. Chips;
    - v. Pits; and
    - vi. Similar imperfections
- H. Disinfectant solutions shall be:
  - a. A hospital grade, tuberculocidal Environmental Protection Agency (EPA) registered disinfectant; or
  - b. Sodium hypochlorite, five-tenths percent (0.5%) concentration, by volume (common household bleach is ten percent (10%) concentration in water); the solution shall be dated and shall not be used if it is more than twenty-four hours old.

**Section 1.17 Infectious waste containment.**

- A. Contaminated disposal needles or instruments shall be:
  - a. Stored in leak-resistant, puncture-resistant containers, tightly sealed to prevent expulsion, labeled with the biohazard symbol, and effectively treated in accordance with this rule prior to being stored in an unsecured area and sent for final disposal.
- B. Infectious wastes that are contaminated sharps or objects that could potentially become contaminated sharps shall be placed in containers that meet the following requirements;
  - a. Impervious to moisture.
  - b. Sufficient strength and thickness to prevent expulsion.
  - c. Secured to prevent leakage expulsion.
  - d. Labeled with the biohazard symbol.
  - e. Effectively treated in accordance with this rule prior to being placed in an unsecured area and sent for final disposal.
- C. If infectious waste is stored prior to final disposal, all persons subject to this rule shall store infectious waste in a secure area that:
  - a. Is locked or otherwise secured to eliminate access by or exposure to the general public;
  - b. Affords protection from adverse environmental conditions and vermin; and
  - c. Has a prominently displayed biohazard symbol.
- D. Infectious waste shall be stored in a manner that preserves the integrity of the container, and is not conducive to rapid microbial growth and putrefaction.
- E. Disinfect reusable containers for infectious waste each time that they are emptied unless the surface of the reusable containers have been protected from

contamination by disposable liners, bags, or other devices that are removed with the infectious waste.

**Section 1.18 Treatment and transport of infectious waste.**

- A. All Tattoo/Body Piercing operators shall ensure that infectious waste is either treated on-site in accordance with this rule or transported off-site for treatment in accordance with this rule
- B. A treatment is effective if it reduces the pathogenic qualities of infectious waste for safe handling, is designed for the specific waste involved, and is carried out in a manner consistent with this rule. Effective treatment may include:
  - a. Incineration in an incinerator designed to accommodate infectious waste;
  - b. Steam sterilization;
  - c. Chemical disinfection under circumstances where safe handling of the waste is assured;
  - d. Thermal inactivity;
  - e. Irradiation; or
  - f. Discharge in a sanitary sewer or septic system that is properly installed and operating in accordance with state and local laws.
- C. All persons subject to this rule shall:
  - a. Transport infectious waste in a manner that reasonably protects waste haulers and the public from contracting a dangerous disease; and
  - b. Effectively treat infectious waste in accordance with this rule before it is compacted.
- D. The tattoo/body piercing operator shall ensure that infectious waste, effectively treated or not, is transported off-site in compliance with 410 IAC 1-3

**Section 1.19 Permits**

- A. Business. Each tattoo/body piercing establishment operation shall obtain a permit from the Miami County Health Department. The permit shall provide the name and address of the owner of the business and the name and address of each and every tattoo/body piercing artist located at each location. The cost of this permit shall be \$300 and shall not be transferable. The permit expires on December 31 of each year. Any holder of a permit shall be subject to inspection as set forth herein. The Miami County Health Department shall provide the appropriate forms for this permit. Said permit shall be posted at the tattoo/body piercing establishment in the place where the tattoo/body piercing are performed and clearly visible to the public.
  - a. A temporary tattoo/body piercing permit shall be obtained for any establishment operating 7 days or less. The cost of the temporary permit shall be \$75.00 per event and shall not be transferable. Any holder of a permit shall be subject to inspection as set forth herein. The Miami County Health Department shall provide the appropriate forms for this permit. Said permit shall be posted at the tattoo/body piercing establishment in the place where the tattoo/body piercing are performed and clearly visible to the public.
- B. Tattoo/Body Piercing artist. Every person that desires to perform any tattoo/body piercing shall obtain a Tattoo/Body Piercing artist permit@ from the Miami County Health Department. This permit must be obtained before any tattoos or body piercing jewelry is affixed to any person and after the requisite training. The

- applicant must satisfy the minimum requirements as set forth in Section 6. The cost of said permit shall be \$50.00 and shall not be transferable. The permit expires on December 31 of each year. Any holder of a permit shall be subject to inspection as set forth herein. The Miami County Health Department shall provide the appropriate forms for this permit. Said permits shall be posted at the tattoo/body piercing establishment in the place where the tattoos/body piercing is performed and clearly visible to the public.
- C. Owner/Operator. In the event that a tattoo/body piercing establishment is a sole proprietorship and the owner shall also perform tattooing/body piercing for the business, the owner shall only be required to obtain a business permit as described in this section.

**Section 1.20 Inspections**

- A. The Miami County Health Department shall conduct inspections of each and every tattoo/body piercing establishment located in Miami County. The results of the inspections shall be provided to each tattoo/body piercing operator. Violations noted by the Miami County Health Department shall be corrected immediately. The Miami County Health Department may conduct follow up inspections to determine compliance with this ordinance.

**Section 1.21 Procedures when violations are noted.**

- A. If, during the inspection of any tattoo/body piercing establishment, the Health Department discovers the violation of any provision of this Ordinance he/she shall issue a written report/order listing such violations and the remedial action(s) to be taken. A copy of said report/order shall be delivered to the permittee by hand delivering the report/order to him/her on-site, or mailing the notice by Certified Mail to the address listed by the permittee as his/her mailing address on the permit application.
- B. A copy of the written report/order shall be filed in the records of the Health Department after appropriate review by supervisory personnel and then shall be made available to the public.

**Section 1.22 Permit suspension/revocation.**

The Health Officer may order the suspension or revocation of any permit issued for a tattoo/body piercing establishment which order shall include the prohibition of any further operation for the following reasons:

- A. Interference with the Health Officer, or his/her authorized representatives, in the performance of his/her duties. Interference shall be defined as the process of obstructing, hampering or blocking the Health Officer or his/her authorized representatives in the performance of his/her duties.
- B. As a result of the willful and/or continuous violation of any provision of this Ordinance.

**Section 1.23 Other permit revocation, suspension and immediate closure orders.**

- A. Except as set forth in Section 1-23 (A)(i), no suspension or revocation shall be ordered by the health Officer except after a hearing held pursuant to Section 1-24 i. Notwithstanding the provisions of Section 1-23 (A), whenever the Health Officer, or his/her authorized representatives find unsanitary or other conditions, involving the operation of any tattoo/body piercing establishment which, in

his/her reasonable belief, constitutes an imminent health hazard, he/she shall without notice or hearing, issue and serve a written order upon the permittee requiring the immediate closure of its operations, shall cite the existence of said unsanitary conditions and shall specify the corrective actions to be taken.

1. Such order shall be effective immediately.
2. Upon written request of the Health Officer, the permittee shall be afforded a hearing on the next business day as set fourth in Section 1-24.
3. The Health Officer shall make a re-inspection upon the request of the permittee. When the Health Officer determines that the necessary corrective action(s) have been taken, operation of the tattoo/body piercing establishment may be resumed.

#### **Section 1.24 Hearing**

- A. All hearings required under this section, except those set forth in Section 1-23(A), shall be held only upon at least ten (10) days written notice to the permittee by leaving or mailing by Certified Mail the notice to the address listed on the permit application as the permittee's mailing address or such other address as the permittee shall designate in writing to the Health Officer.
- B. At any hearing required under this Ordinance, the Hearing Officer shall be the Health Officer or the Health Officer's designee. Every person who is a party to such proceedings shall have the right to submit evidence, to cross-examine witnesses and to be represented by legal counsel. All such hearings shall be conducted in an informal manner, but irrelevant, immaterial or unduly repetitive evidence may be excluded.
- C. Upon the conclusion of such hearing, the Hearing Officer shall enter a final order, subject to the right of appeal in accordance with section 1-25.

#### **Section 1.25 Appeal**

- A. Any permittee aggrieved by any final order of the Health Officer shall be entitled to a review of the final order before the Miami Board of Health (Board) by filing a written request therefore with the Secretary of the Miami County Board (Health Officer) within fifteen (15) days after such final order is issued.
- B. Upon the Health Officer's receipt of such request, the Board shall hear the matter de novo in an open hearing after at least ten (10) days written notice of the time, place and nature thereof. (The Health Officer and permittee may agree to a shorter period of time, if requested by either party.) The notice shall be issued by the Secretary of the Board to the permittee filing the request.
- C. The notice of hearing shall be served upon the permittee by leaving or mailing by Certified Mail, the notice to the address listed on the permit application as the permittee's mailing address or such other address as the permittee shall designate in writing to the Secretary of the Board.
- D. At such hearing, the same rules of procedure shall apply as set forth in Section 1-24(B), provided, that upon written request by the permittee or the Health Officer, the Board shall cause the proceedings before it to be recorded by a reporter employed for such purpose, and the same, together with all papers and documents filed therein, shall, at the request of either party, be reproduced by said Board in the form of a transcript, a copy of which shall be available to any party.

- E. The expense of such proceedings shall be charged to the permittee who applied for the review, except that copies of transcripts shall be at the expense of the party requesting the same. At the time the transcript is requested, the Board may require the permittee to pay a deposit in an amount determined by the Board to be necessary to secure such expense(s).
- F. The Board shall make written findings of facts and shall enter its final order or determination of the matter in writing.

### **Section 1.26 Enforcement**

It shall be the duty of the Health Officer to enforce the provisions of this Ordinance. Any permit issued in conflict with the provisions of this Ordinance shall be null and void. A violation of an order issued by the Health Officer or Board shall be considered to be a violation of this Ordinance.

### **Section 1.27 Violations**

Whenever the Health Officer determines that any tattoo/body piercing establishment, or any other person, is in willful violation of any of the provisions of this Ordinance, the Health Officer shall furnish evidence of said willful violation to the Prosecuting Attorney of Miami County, Indiana, or the attorney for the Board who shall seek all appropriate legal remedies against the person(s) violating said provisions of this Ordinance.

### **Section 1.28 Penalty**

Any person who willfully violates any of the provisions of this Ordinance shall be subject to a fine of not more than five hundred (\$500.00) for each violation. Each day of the existence of any violation of this Ordinance shall be considered to be a separate violation.

### **Section 1.29 Injunction**

The Health Officer may bring an action for an injunction in the Circuit or Superior Court of Miami County, Indiana, to restrain any person from violating the provisions of this Ordinance, to cause such violation(s) to be prevented, abated or removed.

### **Section 1.30 Expense**

Any person violating any of the provisions of this Ordinance shall be liable to the Miami County Health Department for the expense, loss or damage occasioned by reason of such violation, including reasonable attorney's fees and costs.

### **Section 1.31 Cumulative**

The remedies provided in this section shall be cumulative, and not exclusive, and shall be in addition to any other remedy provided by law.

### **Section 1.32 Severability**

Invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance.

**Section 1.33 Effective Date**

This Ordinance shall apply to all Miami County, Indiana, as of the date from and after its adoption and approval by the Commissioners as stated herein and any publication as required by law.

THE BOARD OF COMMISSIONERS OF THE COUNTY OF MIAMI

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Mike Moris, President

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Chase Huber, Vice President

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Robert Althouse, Member

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Brenda Weaver, Auditor

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Dated