

City and County of Denver Revised Municipal Code
Chapter 24 HEALTH AND SANITATION
ARTICLE X. BODY ART

DIVISION 1. GENERALLY

Sec. 24-351. Purpose and declaration of policy.

(a) It is hereby declared as a matter of public policy that the protection of the health, safety, and welfare of the public from the dangers of blood-borne pathogens present in the practices and procedures of body art calls for the continual review, implementation, and utilization of the latest scientific developments in safety precautions.

(b) The purpose of this article is to:

(1) Include all body art practices, including but not limited to tattooing and body-piercing, that present legitimate health concerns under the same health regulations;

(2) Allow adults to have control over the decision of whether to have various body art techniques performed upon their own bodies, but to assure that body artists are utilizing safe practices and techniques in safe and sanitary environments, so as to minimize any risk of the transmission of blood-borne pathogens;

(3) Provide for the review and inspection of proposed temporary special event facilities and mobile body art vehicles, where body artists may provide their services outside of permanent licensed facilities, so as to ensure safe and sanitary procedures and environments;

(4) Delegate to the manager of the department of environmental health the duty of regulating the safety practices and procedures of the various body art disciplines, the safety and sanitary conditions of the physical environment where said procedures are practiced, the safety and sterilization of equipment utilized in said procedures, and the minimum requirements in personal health and education in the prevention of transmission of blood-borne pathogens for the licensure and temporary permitting of body artists;

(5) Delegate to the director of the department of excise and licenses the duty and authority to license body artists, permanent body art establishments, and mobile body art vehicles, and issue permits for temporary special event body art facilities, after consultation with, and where appropriate the approval of, the department of environmental health and other appropriate municipal agencies;

(6) To delegate to the manager of the department of environmental health, and his or her duly authorized representatives, the duty and authority to act quickly so as to prevent and abate imminent hazards to the health, welfare, or safety of clients of body artists and the general public, including, but not limited to, the authority to issue appropriate orders to the body artists, owners, or local managers of body art establishments, mobile body art vehicles, and temporary body art facilities, and to summarily suspend operations when and where reasonably necessary.

(Ord. No. 886-98, § 1, 12-14-98)

Sec. 24-352. Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

- (1) *Board* means the board of environmental health.
- (2) *Body art* means the practice of physical body adornment by establishments and artists utilizing, but not limited to, the techniques of body piercing and tattooing. This definition does not include, for the purposes of this Code, ear piercing.
- (3) *Body art establishment* means any permanent building, place, premises, or structure, whether private or public, where body art procedures are performed.
- (4) *Body artist* means any person who conducts or practices body art procedures on another living human being.
- (5) *Body piercing* means puncturing or penetration of the skin of a person using needles and the temporary insertion of jewelry or other adornment thereto in the opening, so that the result is the jewelry or adornment can be easily, frequently, and reasonably removed by the client without an additional procedure. This includes, but is not limited to, the piercing of a navel, eyebrow, genitals, lip, nipple, nose, or tongue. Body piercing does not, for purpose of this Code, include ear piercing.
- (6) *Client* means the person having the body art procedure performed upon their body.
- (7) *Department* means the department of environmental health.
- (8) *Director* means the director of the department of excise and licenses, or the director's duly authorized representative.
- (9) *Ear piercing* means the procedure or practice of puncturing of the outer perimeter or lobe of the ear using a presterilized single-use stud ear piercing system, while following the guidelines of the manager, the system's manufacturer's directions on use, and applicable United States Food and Drug Administration requirements.
- (10) *Equipment* means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of a permanent body art establishment, mobile body art vehicle, or temporary special event body art facility.
- (11) *Instruments* means hand pieces, needles, needle bars, needle tubs, forceps, hemostats, tweezers, pliers, or other implements that may come in contact with a client's body or possibly be exposed to bodily fluids during body art procedures.
- (12) *License* means written approval by the director to either perform body art procedures or to operate a body art establishment or mobile body art vehicle.
- (13) *Local manager* means the individual who is primarily responsible for the management, operation, and control of the licensed body art establishment, mobile body art vehicle, or permitted temporary special event body art facility.
- (14) *Manager* means the manager of the department of environmental health and the manager's authorized representatives.
- (15) *Mobile body art vehicle* means any motor vehicle, such as, but not limited to, any bus, recreational vehicle, trailer, truck, or van, where body art procedures are performed.

(16) *Permit* means written approval by the director for a person, while at a special event, to perform body art procedures or operate a temporary special event body art facility.

(17) *Physician* means a person holding a valid license to practice medicine, issued by the Colorado state board of medical examiners, pursuant to the Colorado Medical Practices Act.

(18) *Rules and regulations* means the rules and regulations of the board of environmental health concerning body art.

(19) *Special event* means any single event or celebration, such as festivals, fairs, carnivals, holiday celebrations, parades, public events, or similar gatherings of a temporary nature, for a period of time not more than fourteen (14) days, that occurs outside of a licensed body art establishment.

(20) *Tattoo, tattooed or tattooing* means inserting pigment under the surface of the human skin by pricking with a needle, or otherwise, to permanently change the color or appearance of the human skin or to produce an indelible mark or figure visible through the human skin. Examples of this technique include, but are not limited to, eyeliner, lip color, lip liner, camouflage, stencil designs, and free-hand designs.

(21) *Temporary special event body art facility* means any booth, building, room, shop, store, structure, or portion thereof, where body art procedures are temporarily performed during a trade show, product demonstration, educational seminar, or special event, for a period of time not more than fourteen (14) days.

(Ord. No. 886-98, § 1, 12-14-98)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 24-353. Prohibitions.

(a) It shall be unlawful for any person to perform any body art procedure upon another person who is visibly intoxicated or under the influence of a controlled substance.

(b) It shall be unlawful for any person to perform any body art procedure upon another person, who is under the age of eighteen (18), without the express written consent of that person's parent or legal guardian.

(Ord. No. 886-98, § 1, 12-14-98; Ord. No. 885-98, § 1, 12-14-98)

Sec. 24-354. Rules and regulations regarding body art.

The board of environmental health is authorized to adopt, and the manager of the department of environmental health shall promulgate, rules and regulations, consistent with this article, relating to body art, including, but not limited to: specific safety procedures and techniques necessary in the practice of body art; required facilities, equipment, maintenance, records, sanitation, and general operation for body art establishments, mobile body art vehicles, and temporary special event body art facilities; and the minimum applicant qualifications for the issuance of licenses and temporary permits to body artists.

(Ord. No. 886-98, § 1, 12-14-98)

Cross references: Rules and regulations, § 2-91 et seq.

Secs. 24-355--24-360. Reserved.

DIVISION 2. BODY ARTIST LICENSES AND TEMPORARY BODY ARTIST PERMITS*

***Cross references:** Licenses generally, Ch. 32.

Sec. 24-361. License required.

(a) It shall be unlawful for any person to advertise an offer to perform, solicit another person for purposes of performing, agree to perform, or perform any body art procedure on another living person, in exchange for anything of value, unless he or she has a valid body artist license or temporary body artist permit issued by the director of excise and licenses.

(b) It shall be unlawful for any licensed body artist to perform any body art procedure upon another person, in exchange for anything of value, in a location other than a licensed mobile body art vehicle or a permitted temporary special event body art facility, where the licensee has been issued a temporary permit for the special event location.

(c) It shall be unlawful for any body artist to fail to have his or her current license prominently displayed and visible in the licensed body art establishment or mobile body art vehicle where he or she performs body art procedures.

(Ord. No. 886-98, § 1, 12-14-98)

Sec. 24-362. Exemptions.

The following individuals are exempt from the licensing and temporary permitting requirements of this division:

(a) Physicians licensed by the State of Colorado, pursuant to the Colorado Medical Practices Act.

(b) Persons otherwise authorized, by the State of Colorado, to perform the specific body art procedure at issue.

(c) Individuals who perform ear piercing procedures only.

(Ord. No. 886-98, § 1, 12-14-98)

Sec. 24-363. License application.

Applicants for a body artist license shall file an application with the director on forms provided by the director for that purpose. In addition to the information required by chapter 32 of this Code, the application shall contain the following information:

(a) A statement acknowledging awareness and familiarity with this article and the rules and regulations of the board;

(b) A statement as to whether or not the applicant has had any licenses, permits, or other privileges to perform body art procedures suspended or revoked by any jurisdiction, the nature of the action, and the date and place of the action;

(c) Verification that the applicant meets the minimum requirements, pursuant to the rules and regulations of the board, in personal health and education in the prevention of transmission of blood-borne pathogens.

(Ord. No. 886-98, § 1, 12-14-98)

Sec. 24-364. Temporary body artist permit; required.

(a) The director may issue temporary body artist permits to allow body artists to perform body art procedures outside of the premises of a licensed body art establishment. These may only be issued on a limited or one-time basis, for the

purposes of an educational seminar, industry trades shows, product demonstration, or a special event, and are only valid in a temporary body art facility.

(1) Each temporary body artist permit shall be issued for a specific time, not to exceed fourteen (14) consecutive days, and a specific location and is not valid for any other time or location. Both the period and location shall be prominently listed on the permit.

(2) The director shall require proof that each temporary special event body art facility has been certified for approval by the appropriate municipal agencies, prior to issuing any temporary body artist permit for said event.

(b) It shall be unlawful for any person to advertise an offer to perform, solicit another person for purposes of performing, agree to perform, or perform any body art procedure on another living person, in exchange for a thing of value, in a temporary body art facility, unless they have a valid temporary body artist permit issued by the director to perform body art procedures at the permitted location.

(c) An applicant for a temporary body artist permit shall submit an application with the director not less than thirty (30) days prior to the date of the event, upon forms provided by the director for that purpose, providing such information as required by the director. Applications may be submitted by mail or by third parties, only if the application also contains the following additional information:

(1) The original copy of a sworn affidavit of the applicant, attesting that the information contained in the application, and all attached documentation, is accurate, complete, and truthful.

(2) A copy of the applicant's valid photo identification. The kind and type of photo identification shall be limited to the following:

a. An operator's, chauffeur's or similar type driver's license containing a photo, issued by any state.

b. Identification card containing a photo, issued by any state for the purpose of proof of age.

c. Military identification card.

d. Passport.

e. Alien registration card.

(3) Two (2) color passport photos of the applicant.

(4) A signed statement authorizing the release of any approved permit to a named third party, such as the sponsor of the trade show or special event.

(5) Verification of applicant's meeting the minimum requirements for personal health and education in the prevention of transmission of blood-borne pathogens, pursuant to the rules and regulations of the board.

(6) The appropriate application and permit fees, as set forth in section 32-54.5 of this Code.

(Ord. No. 886-98, § 1, 12-14-98)

Sec. 24-365. Issuance or denial.

(a) No body artist license or temporary body artist permit shall be issued to or held by any person under the following circumstances:

(1) The person is not eighteen (18) years of age or over.

(2) The person's personal health or training in the prevention of transmission of blood-borne pathogens do not comply with any relevant rules and regulations of the board.

(3) The person previously held a body artist license, temporary body artist permit, or any similar license, permit, or privilege in another jurisdiction, which was revoked within the previous five (5) years; nonetheless, the director, after consultation with and approval of the manager, may still issue said license or permit where, in the director's discretion, the applicant presents reasonable and reliable assurances of future compliance with this article and the rules and regulations of the board.

(4) Any circumstances that would be lawful grounds for the suspension or revocation of a license if such a license had been issued. In considering the conviction of a crime, the director shall consider whether, in fact, the applicant is of good moral character at the time of the application. The intent of this provision is to expand employment opportunities for persons who, notwithstanding the fact of conviction of an offense, have been rehabilitated and are ready to accept the responsibilities of a law-abiding and productive member of society.

(b) If the applicant for a license is found acceptable to the director and all the provisions of section 32-11 of the Revised Municipal Code have been met, the license shall be granted. If the license is denied, upon the written request of the applicant, the director shall issue a written order stating the reasons supporting the denial of the license and a copy of this order shall be sent to the applicant at the applicant's last known address. Any applicant whose application has been denied and who has requested a written order of the denial of license shall be entitled to a hearing on the denial upon written request to the director made within thirty (30) days of the date the order was issued. Such hearing shall be held within thirty (30) days of receipt of the written request for hearing by the director.

(Ord. No. 886-98, § 1, 12-14-98)

Sec. 24-366. Photo identification badge or card.

(a) In addition to the license provided for in this division, the licensee shall be issued a photo identification badge, the content and form of which shall be determined by the director. Such photo identification badge must be continuously prominently displayed, free of any obstructions or alterations, at the licensee's individual work station in the licensed body art establishment or mobile body art vehicle at all times the licensee is performing body art procedures.

(b) Upon approval of any temporary body artist's permit, the director shall issue a photo permit card, which may be released to a third party preauthorized by the applicant. Each temporary body artist must have his or her photo permit card prominently displayed at his or her individual work station in the permitted temporary special event body art facility at all times during the event.

(Ord. No. 886-98, § 1, 12-14-98)

Sec. 24-367. Licensing in general.

(a) All body artist licenses are valid for a one-year period from issuance, unless suspended or revoked earlier, and are not transferable to any other person.

(b) A body artist, in applying for a renewal of a license, shall pay a renewal fee, as set forth in section 32-54.5 of this Code. Every third year, an applicant for a renewal of a body artist license shall provide verification of current compliance with the minimum personal health and education in the prevention of transmission of blood-borne pathogens requirements of the rules and regulations of the manager, and shall pay both an application fee and a renewal fee, as set forth in section 32-54.5 of this Code.

(Ord. No. 886-98, § 1, 12-14-98)

Sec. 24-368. Emergency suspension.

(a) Where the director or manager have reasonable grounds to believe that a licensed body artist or temporary body artist permittee has deliberately and willfully violated any section of this article, rule or regulation of the manager, or other applicable federal, state, or municipal law or regulation, or finds that emergency action is necessary because the health, safety or welfare of the public would be endangered by the continuation of the privileges under the license or permit, and incorporates such findings in a written order,

the individual body artist license or temporary body artist permit may be immediately suspended.

(b) The emergency temporary suspension of a license, pending any prosecution, investigation, or public hearing, shall be for a period not to exceed fifteen (15) days.

(Ord. No. 886-98, § 1, 12-14-98)

Sec. 24-369. Suspension or revocation.

(a) The director may suspend or revoke any body artist license or temporary body artist permit issued under this division on any of the following grounds:

(1) The licensee or permittee has violated any provision of this article, the rules or regulations of the board adopted under this article, or the laws or regulations of the State of Colorado relating to body art, health, or the practice of medicine.

(2) The licensee or permittee committed an act which amounts to a violation of any criminal federal, state, or municipal law, while inside the licensed establishment, mobile body art vehicle, or permitted temporary body art facility.

(3) The licensee or permittee committed an act or series of acts which amounts to a violation of any criminal federal, state, or municipal law, arising from a continuing course of conduct originating inside or closely connected to the operation of the licensed establishment, mobile body art vehicle, or permitted temporary body art facility.

(4) The licensee or permittee has been convicted of, or pled no contest to, any federal, state, or municipal criminal charge that has as an element the causing of bodily injury to, application or infliction of violence to, or nonconsensual sexual contact of, another person.

(5) The licensee or permittee has engaged in advertising which is misleading, deceptive, or false.

(b) The director may, in his or her discretion, place conditions upon any license or permit, during any period of suspension, reasonably related to the rehabilitation of the licensee or permittee or the prevention of future violations of any provision of this article, the rules or regulations of the board adopted under this article, or the laws or regulations of the State of Colorado relating to body art, health, or the practice of medicine.

(Ord. No. 886-98, § 1, 12-14-98)

Sec. 24-370. Reserved.

DIVISION 3. BODY ART ESTABLISHMENT AND MOBILE BODY ART VEHICLE LICENSES AND TEMPORARY SPECIAL EVENT FACILITY PERMITS

Sec. 24-371. License or permit required.

(a) It shall be unlawful for any person to engage in the business of operating or managing a body art establishment or mobile body art vehicle without first obtaining a license to engage in such business from the director in accordance with the provisions of this article.

(b) It shall be unlawful for any person to operate, manage or work in a temporary special event body art facility, without the director having first issued a valid temporary permit for the specific location; or to operate, manage, or work in said temporary facility in violation of any limitations or restrictions, if any, of the permit.

(c) The following persons are exempt from the requirements of this section:

(1) Any physician, where the specific body art procedure at issue is lawfully performed by said physician or under his or her personal and responsible direction and supervision.

(2) Any person authorized by the State of Colorado to perform the specific body art procedure at issue.

(3) Persons rendering services under the personal and responsible direction and supervision of a physician.

(Ord. No. 886-98, § 1, 12-14-98)

Sec. 24-372. Fees.

Application and license fees under this division are set forth in section 32-54.5 of this Code.

(Ord. No. 886-98, § 1, 12-14-98)

Sec. 24-373. Licensing and permits in general.

(a) All licenses granted pursuant to this division shall be valid for a period of one (1) year from the date of issuance unless revoked or suspended pursuant to this article, or chapter 32 of this Code.

(b) All temporary special event body art facility permits shall be issued only for the purposes of product demonstration, industry trade shows, educational reasons, or a special event. Each permit shall list the specific date, time, and location of said event, and is not valid for any other date, time, or location. Each permit shall be valid for a period of not more than fourteen (14) consecutive days and, except for special events occurring on a public place, a period of at least ninety (90) days shall intervene between the termination of one (1) permit and the issuance of another permit for the same location.

(c) A license or a special event permit shall only be issued upon verification that the establishment, mobile body art vehicle, or temporary facility meets all requirements under this Code and the rules and regulations of the manager. The licensee shall install the minimum required equipment, personnel, and other facilities as indicated in the plans as approved or modified by orders of the departments of environmental health, building inspection division, or fire department.

(d) Application for a special event body art facility permit shall be made to the director not less than thirty (30) days prior to the starting date of the event. The special event permit may issue upon the manager's review and approval of plans, submitted by the applicant, for the temporary facility. The director shall investigate each temporary body art permit application and either approve or deny such application within twenty (20) days of the filing of the completed application and appropriate permit fee. Approval of the environmental health, building, fire, and zoning departments of the city shall be required for the issuance of a temporary special event body art facility permit.

(e) Body art establishment and mobile body art vehicle licenses are not transferable. Any change of ownership of a body art establishment or mobile body art vehicle shall require a new application and license, payment of fees, and approval of the director. However, when a license has been issued to a husband and wife, or to general or limited partners, the death of a spouse or partner shall not require the surviving spouse or partner to obtain a new license, and all rights and privileges granted under the original license shall continue in full force and effect as to such survivors until the expiration date specified on the license. For the purposes of this division, the transfer, sale, or assignment of more than ten (10) percent of the corporate stock of a corporate licensee shall be conclusively presumed to be a change of ownership.

(f) No body art establishment license may be issued for a premises licensed for the sale of fermented malt beverages, or the sale of vinous or spirituous liquors, under the provisions of the Colorado Liquor Code or the Colorado Beer Code.

(g) No temporary body art facility permit shall be issued for a premises licensed for the sale of fermented malt beverages, or the sale of vinous or spirituous liquors, under the provisions of the Colorado Liquor Code or the Colorado Beer Code, unless the applicant is a bona fide body art trade organization, the stated purpose for said permit is a

regularly scheduled trade show, and the location of the event holds a valid hotel and restaurant class liquor license. No such permit shall be issued for the same location within ninety (90) days of a prior permit.

(h) A temporary body art facility permit may be issued to a premises licensed for the sale, by the drink only, of fermented malt beverage or for the sale of, by the drink only, of malt, spirituous, or vinous liquors under a special events permit issued pursuant to the laws of the State of Colorado relating to special event permits for the sale of such beverages.

(Ord. No. 886-98, § 1, 12-14-98)

Sec. 24-374. Application.

(a) Application for a body art establishment license, mobile body art vehicle license, or temporary special event facility permit shall be made to the director upon forms to be provided by the director for that purpose, and the following information shall be provided:

(1) Name and address of the applicant, local resident agent, and the local manager of the body art establishment, mobile body art vehicle, or temporary special event body art facility. In the event of a corporate applicant for a body art establishment license or mobile body art vehicle license, the names, addresses, and dates of birth for all such corporate officers, directors, and stockholders owning ten (10) percent or more of the corporation's stock shall also be provided.

(2) Name and address of the establishment or business for which application is being made, and any trade name or assumed names being used for the establishment or business.

(3) Such other information and documents as may be reasonably required by the director.

(b) Each applicant for a temporary special event body art facility shall provide, with the application, a list of the identity and the location, within the facility, of each individual temporary body artist to be performing body art procedures.

(c) The applicant for a body art establishment license shall provide to the director proof of the applicant's right of possession of the premises for which application is made and a valid zoning use permit for the intended purpose.

(d) The director shall take no action upon an application until such time as all required information has been received.

(Ord. No. 886-98, § 1, 12-14-98)

Sec. 24-375. Grounds for denial.

The director shall refuse to approve any application under this division and no body art establishment license, mobile body art vehicle license, or temporary special event body art facility permit shall be issued where:

(a) The applicant, local resident agent, or local manager is a natural person who is not at least eighteen (18) years old;

(b) The character of the applicant, or in the case of a corporate applicant, its officers, members, or directors, or its local manager, in the judgment of the director, is such that violations of this article would likely result, or the health, welfare, or safety of the public would otherwise be endangered, if a license were granted. In making such determination, the director shall consider:

(1) *Penal history.* All convictions, the reasons therefore, and the demeanor of the applicant subsequent to his or her release. The director shall have the authority to require fingerprint checks.

(2) *License and permit history.* The license and permit history of the applicant; whether such person, in previously operating in this or another jurisdiction under a license or permit, has had such license or permit suspended or revoked, the reason therefore, and

the demeanor of the applicant subsequent to such action. No application for a body art establishment license may be considered from a person who has had any body art establishment license revoked within twelve (12) months of the new application.

(3) *General personal history.* Such other facts relevant to the general personal history of the applicant as the director shall find necessary to a fair determination of the eligibility of the applicant.

(4) In making a determination as to license history or general personal history of the applicant, or considering the conviction of a crime, the director shall consider whether, in fact, the applicant is of good moral character at the time of the application. The intent of these provisions is to expand employment opportunities for persons who, notwithstanding the fact of conviction of an offense, have been rehabilitated and are ready to accept the responsibilities of a law-abiding and productive member of society.

(c) The applicant or local manager of the establishment, vehicle, or temporary facility has been convicted of maintaining a public nuisance, pursuant to chapter 37, article II, of this Code, within the past five (5) years; or the requested location has been adjudicated as a civil public nuisance, as defined within chapter 37, article III, of this Code, within the past five (5) years.

(d) If the applicant is found acceptable to the director and all the provisions of section 32-11 of the Revised Municipal Code have been met, the license or permit shall be granted. If the license is denied, upon the written request of the applicant, the director shall issue a written order stating the reasons supporting the denial of the license and a copy of this order shall be sent to the applicant at the applicant's last known address. Any applicant whose application has been denied and who has requested a written order of the denial of license shall be entitled to a hearing on the denial upon written request to the director made within thirty (30) days of the date the order was issued. Such hearing shall be held within thirty (30) days of receipt of the written request for hearing by the director.

(Ord. No. 886-98, § 1, 12-14-98)

Sec. 24-376. Inspections; corrective orders.

(a) The manager shall conduct periodic inspections of any body art establishment, mobile body art vehicle, and temporary special event facility, for the purpose of determining whether or not the establishment, vehicle, or facility and the persons performing body art techniques therein are in compliance with all applicable ordinances contained within this article, the rules and regulations promulgated by the board, and other applicable federal, state, or municipal laws. The manager, in carrying out his or her official duties, is authorized to, but not limited to, where otherwise lawful to do so, enter, inspect, issue citations, impound or copy records, and secure any samples, photographs, or other evidence from any body art establishment, mobile body art vehicle, or temporary special event body art facility, whether or not said establishment, vehicle, or facility has a valid license or permit.

(b) It shall be unlawful for any person, in any way, to willfully interfere with or hinder the manager while the manager is discharging or apparently discharging his or her duties.

(c) The manager may issue orders to any body artist, owner, or local manager to comply, within a specified reasonable time, with this article and the rules and regulations of the board. It shall be unlawful for any licensee, local manager, owner, or special event permittee to knowingly fail to obey a lawful order of the manager.

(Ord. No. 886-98, § 1, 12-14-98)

Sec. 24-377. Temporary summary suspension; hearing.

(a) Upon the apparent inability or willful failure of any licensee to comply with lawful corrective orders of the manager, the body art establishment or mobile body art vehicle

license, or any portion of the licensed premises that can be reasonably and reliably separated, isolated, and closed, may be temporarily or summarily suspended or closed, pending public proceedings by the director for suspension or revocation of said license.

(b) Upon the apparent inability or willful failure of any permittee to comply with lawful corrective orders of the manager, the temporary special event facility permit, or any portion of the permitted premises that can be reasonably and reliably separated, isolated, and closed, may be summarily suspended or closed.

(c) The manager may reinstate the privileges of said licensee or permittee prior to any public proceeding by the director, upon certification that both compliance with their previous orders and reasonable and reliable assurances of future compliance are present.

(d) It shall be unlawful for any licensee, local manager, owner, or special event permit holder to knowingly fail to obey an order of the manager to close any portion of a body art establishment, mobile body art vehicle, or temporary body art facility, or for any person to knowingly operate, manage, or work in any portion of a body art establishment, mobile body art vehicle, or temporary special event facility that has been ordered closed by the manager.

(e) No temporary or summary suspension of any portion of a licensed establishment premises or vehicle shall be longer than fifteen (15) days before a public show cause hearing shall be held before the director for the possible revocation or suspension of said license.

(Ord. No. 886-98, § 1, 12-14-98)

Sec. 24-378. Revocation or suspension; notice of hearing.

(a) The director, on his or her own motion or on complaint, after investigation and public hearing, at which the licensee shall be afforded an opportunity to be heard, may suspend, for a period up to six (6) months, or revoke any body art establishment or mobile body art vehicle license, or may revoke any temporary special event permit, if the director finds that:

(1) There have been violations of this article, the rules and regulations of the manager, the health statutes or regulations of the State of Colorado, or any other municipal ordinance at the licensed premises by the licensee, or by the licensee's agent, employee, servant, local manager, or by any body artist; or

(2) The conduct of persons on the licensed premises, or in the licensed vehicle, is such as to either disturb or tend to disturb the peace of residents in the vicinity or passersby; or

(3) The conduct of persons on the licensed premises or in the licensed vehicle, or adjacent thereto, is such as to obstruct or interfere with the public's use of any public sidewalk, street, highway or any other public right-of-way; or

(4) The licensee does not possess or maintain possession of the premises for which the license has issued by ownership, lease, rental, or other arrangement for possession of such premises; or

(5) The licensee has engaged in advertising which is misleading, deceptive, or false; or

(6) Any of the grounds shown in chapter 32 of this Code for revocation or suspension of a license exist.

(b) Notice of such hearing shall be given by mailing the same in writing to the licensee at the address of the licensee or the registered local resident agent of said licensee.

(c) The director may, in his or her discretion, place conditions upon any suspended license or permit, during the period of suspension, reasonably related to the rehabilitation of the licensee or the prevention of future violations of any provision of this article, the rules or regulations promulgated by the board under this article, or the laws or

regulations of the State of Colorado relating to body art, health, or the practice of medicine.

(d) Every licensee whose license has been suspended by the director shall post two (2) notices in the most conspicuous places on the exterior and interior of the premises or vehicle for the duration of the suspension. The notices shall be two (2) feet in length and fourteen (14) inches in width, consist of black lettering on a white background, at least one (1) inch in height and appropriate width, and in the following form:

**NOTICE OF SUSPENSION
THE LICENSE ISSUED
FOR THESE PREMISES HAS BEEN
SUSPENDED BY ORDER OF THE
DIRECTOR OF EXCISE AND LICENSES
OF THE CITY AND COUNTY OF DENVER
FOR VIOLATION OF THE
DENVER REVISED MUNICIPAL CODE.**

(Ord. No. 886-98, § 1, 12-14-98)

Sec. 24-379. Renewals.

(a) Application for the renewal of an existing body art establishment license or mobile body art vehicle license shall be made to the director not less than thirty (30) days prior to the date of expiration.

(b) The director may refuse to renew any license for good cause, subject to judicial review.

(c) *Good cause* means the violation of any of the following provisions, requirements, or conditions:

(1) The licensee has violated any terms of the provisions pertaining to the license, or any regulation or order lawfully made under and within the authority of this article; or

(2) The licensee has failed to meet the requirements for the issuance of a new license pursuant to this article; or

(3) The licensee has failed to maintain the premises in compliance with the requirements of the department or other municipal agencies.

(Ord. No. 886-98, § 1, 12-14-98)

Sec. 24-380. Records.

Permanent records for each body artist and client shall be maintained by the licensee of a body art establishment or mobile body art vehicle, and the temporary permittee of a temporary special event body art facility, in compliance with the rules and regulations of the board.

(Ord. No. 886-98, § 1, 12-14-98)

Sec. 24-381. Registration of local resident agent required.

It shall be unlawful for any person to own or operate a body art establishment, mobile body art vehicle, or temporary special event body art facility, unless they have filed a current registration statement with the department of excise and licenses, designating an authorized local resident agent, who is at least twenty-one (21) years of age, who resides or has an office within the City and County of Denver, for receipt of legal notices of violations and receiving service of process for violations of this Code. Whenever such local resident agent is changed, or the address of the local resident agent is changed, such owner or local manager shall, within five (5) days, register the name and address of the new local resident agent or the new address of the local resident agent with the director.

(Ord. No. 886-98, § 1, 12-14-98)

Sec. 24-382. Existing licenses.

Establishments licensed as tattoo establishments, under chapter 52 of this Code, as of the effective date of this article, shall be allowed to pay a five-dollar fee to convert an existing tattoo establishment license to a body art establishment license, upon submitting verification of compliance with this article, no later than thirty (30) days after the effective date of this article. Such converted body art establishment licenses shall be valid only until such date as the tattoo establishment license was scheduled to expire.
(Ord. No. 886-98, § 1, 12-14-98)