

ORDINANCE No. 97- 12

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, TO BE KNOWN AS THE TOWN OF FORT MYERS BEACH BODY-PIERCING ORDINANCE; PROVIDING AUTHORITY; TITLE AND CITATION; PURPOSE; DEFINITIONS; MINORS, PIERCING PROHIBITED; RECORDS; EXEMPTIONS; SEVERABILITY AND EFFECTIVE DATE.

IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

SECTION 1. AUTHORITY. This Ordinance is enacted pursuant to the provisions of Chapter 95-494, Laws of Florida, Chapter 166, Florida Statutes, and other applicable provisions of law.

SECTION 2. TITLE AND CITATION. This Ordinance shall be known and may be cited as the Town of Fort Myers Beach Body-Piercing Ordinance.

SECTION 3. PURPOSE. It is the purpose of this ordinance to protect the health, safety and welfare of minors from the spread of infectious diseases and from disfiguring of their bodies.

SECTION 4. DEFINITIONS. For purposes of this ordinance, the terms listed below shall have the following meanings unless otherwise specifically stated. When not inconsistent to the context, words used in the present tense include the future, words in the plural include the singular and words in the singular number include the plural. The word "shall" is always mandatory and not merely discretionary.

a. Body Piercing means the act of penetrating the skin to make, generally permanent in nature, a hole, mark, or scar. Body Piercing does not include the use of a mechanized, pre sterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both.

b. Body-piercing salon means a place where body piercing occurs.

SECTION 5. MINORS, PIERCING PROHIBITED. A person may not pierce any body part of a minor unless the minor is accompanied by a parent or legal guardian who also must give written consent.

SECTION 6. RECORDS. Every body-piercing salon shall:

- a. maintain records for one year of the name and drivers license number of ever customer upon whom body piercing has been performed;
- b. maintain records of all written consents;
- c. provide each customer with written instructions on the proper care of the pierced area so as to prevent infection.

SECTION 7. EXEMPTIONS. This ordinance shall not be construed to alter the scope of practice authorized for any health care practitioner licensed under Florida Statutes chapter 458, 459, 460, 461, 466, 474 or 486, as such scope of practice is defined by statute.

SECTION 8. SEVERABILITY. If any one of the provisions of this ordinance should be held contrary to any express provision of law or contrary to the policy of express law, although not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such provision shall be null and void and shall be deemed separate from the remaining provisions of this ordinance, and in no way affect the validity of all other provisions of this ordinance.

SECTION 9. EFFECTIVE DATE. This ordinance shall become effective immediately upon its adoption.

The foregoing ordinance was enacted by the Town Council upon a motion by Council Member Murphy and seconded by Council Member Reynolds and, upon being put to a vote, the result was as follows:

Anita T. Cereceda	<u>yes</u>
Ted FitzSimons	<u>absent</u>
William (Rusty) Isler	<u>NO</u>
Garr Reynolds	<u>yes</u>
Ray Murphy	<u>yes</u>

DULY PASSED AND ENACTED this 8th day of September, 1997.

ATTEST:

TOWN OF FORT MYERS BEACH

By: Marsha Segal-George  
Marsha Segal-George, Town Clerk

By: Anita T. Cereceda  
Anita T. Cereceda, Mayor

Approved as to form by:

Richard V.S. Roosa  
Richard V.S. Roosa, Town Attorney