Report - Standing Policy Committee on Protection and Community Services - March 10, 2003

Item No. 5 Review of the Tattoo Studio By-law - Proposed Body Modification By-law File EL-1 (Vol. 32) [c/r EH-1 (Vol. 22)]

STANDING COMMITTEE RECOMMENDATION:

On March 18, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Protection and Community Services and submits the following to Council:

1. That the Administration be directed to develop a Body Modification By-law, based on the attached administrative report dated March 3, 2003, which by-law would then replace the existing Tattoo Studio By-law No. 4653/87.

2. That the Administration be directed to prepare a report on the following corresponding amendments to the License By-law, namely:

   A. That the License By-law be amended to include license categories consistent with the categories as determined by the proposed Body Modification By-law and that applicable license fees be recommended that will permit full cost recovery;

   B. That the License By-law be further amended to require that no license be issued to an applicant unless the applicant first obtains and files with the Chief License Inspector a Certificate of the Public Health Inspector that deems the establishment or practitioner to have met all necessary requirements of the Body Modification By-law;

   and the Standing Policy Committee on Property and Development be requested to give favorable consideration to the foregoing.

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3. That Council approve a one-time additional appropriation in the amount of $12,000.00 to the 2003 Operating Budget of the Community Services Department, to cover one-time costs for the additional training that Environmental Health Officers require to enforce a new by-law that regulates body modification practices not previously regulated; and for the costs associated with the preparation of the certification exam that industry practitioners must complete in order to be licensed.

4. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the preparation of the necessary by-law for submission to Council.

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DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 18, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Protection and Community Services and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On March 10, 2003, the Standing Policy Committee on Protection and Community Services concurred in the administrative recommendations 1 to 4, and submitted its recommendation to Executive Policy Committee and Council.

On May 7, 2001, the Standing Policy Committee on Protection and Community Services requested that the Administration review the proposed amendments to the Tattoo Studio By-law No. 4653/87, and other related by-laws affected by this change, and undertake a national analysis of other related by-laws with the intent of implementing strict enforcements of this industry.

Re: **Review and Recommendations Regarding the Tattoo Studio By-Law #4653/87**

For submission to: **Standing Policy Committee on Protection and Community Services**

Original Report Signed by: **U. Stelman, Director of Community Services Department**

Report date: **March 3, 2003**

In Camera Item: **No**

Recommendation(s):

1. That administration be directed to develop and submit to Council for consideration, a Body Modification By-law, based on the general provisions within this report. This by-law would then replace the existing Tattoo Studio By-law #4653/87.

2. That administration prepare a report for Standing Policy Committee on Property and Development to make the corresponding amendments to the License By-law:
   - That the License By-law 6551/95 be amended to include license categories consistent with the categories as determined by the proposed Body Modification By-law and that applicable license fees be recommended that will permit full cost recovery.

   a. That the License By-law 6551/95 be further amended to require that no license be issued to an applicant unless the applicant first obtains and files with the Chief License Inspector a Certificate of the Public Health Inspector that deems the establishment or practitioner to have met all necessary requirements of the Body Modification By-law.

3. That Standing Policy Committee on Protection and Community Services recommend to Standing Policy Committee on Property and Development that favorable consideration be given to effect the foregoing.

4. That City of Winnipeg Council approve a one-time extra appropriation of $12,000 for the Community Services Department in the budget year 2003. This will cover one-time costs for the additional training that Environmental Health Officers require to enforce a new by-law that regulates body modification practices not previously regulated; and for the costs associated with the preparation of the certification exam that industry practitioners must complete in order to be licensed.

- OR -

5. That the City of Winnipeg repeal the existing Tattoo Studio By-law #4653/87, and given that the regulation of the Body Modification industry is a health issue, request the Province of Manitoba, who has the mandate for health, to consider regulating this trade under Provincial legislation.

- OR -

6. That the City of Winnipeg retain the current Tattoo Studio By-law #4653/87 as it exists.

Report Summary

Key Issues:

b. The impetus for this report was a request by business operators within the Body Modification industry that the City of Winnipeg increase regulation beyond the current Tattoo Studio By-law, in response to the changing techniques and to ensure that safe practices are being carried out by all operators.

c. Body modification is fast becoming prevalent and popular in all communities.

d. "Body modification" includes body piercing, tattooing, permanent cosmetics, branding, and scarification. Injuries, infections, and transmission of disease, particularly blood-borne illnesses, can and are occurring as a result of improper body modification or aftercare procedures. The majority of these practices are not regulated.

e. The City of Winnipeg has been in the business of regulating the tattoo industry for many years. The current Tattoo Studio By-law 4653/87 has been in place since 1987. It does not address regulation related to this newly emerging range of body modification practices.

f. When the City of Winnipeg considers the licensing of a health related trade such as the Body Modification industry, it is important to question whether this type of regulation is most appropriate at the municipal or provincial level of government. The legislated mandate for health resides with the Province of Manitoba. Provinces, however, have also extended authority to municipalities to regulate and license, building on complementary provincial legislation. Municipalities may elect to put in place license requirements to regulate and control various activities, reduce risk, and provide protection and support within the community where there is a clear risk or danger to the public's health or safety.

Specifically, Section148 of the *City of Winnipeg Charter* describes the City's general authority with respect to *Activities of Business*.

> *148 Council may, in the interest of the health, safety, welfare and protection of persons, or in the interest of preventing or minimizing nuisances, pass by-laws in respect of the following matters:*
>
> *(a) businesses;*
>
> *(b) the carrying on of businesses;*
>
> *(c) persons carrying on businesses;*
>
> *(d) premises in which businesses are carried on.*

g. If the City of Winnipeg wishes to continue to regulate this trade, there are two options. These include:

i. The current Tattoo Studio By-law #4653/87 could be retained as it exists. In this case, the City of Winnipeg would be maintaining regulation over the practice of tattooing only and would not increase the scope of its regulation to include newly emerging practices.

ii. The City of Winnipeg may wish to expand its regulation and implement a comprehensive Body Modification By-law that incorporates the newly emerging practices.

1. If a comprehensive Body Modification By-law is implemented, then it is important that the municipality, the Health Authority and the industry work together to develop an approach that is based on a by-law supported by licensing regulations for establishments and practitioners; that provides for inspection, monitoring and enforcement; and the provision of educational information for clients.

- A Body Modification By-law would be enforced by the Community Services Department Environmental Health Services Branch and the License Branch. Provincial Health Inspectors will continue to carry out enforcement in the suburbs.

- Financial impacts of implementing a Body Modification By-law would include:
  - a one-time extra appropriation of $12,000 for the Community Services Department in the budget year 2003. This will cover one-time costs for the additional training that Environmental Health Officers require to enforce a new by-law that regulates body modification practices not previously regulated; and for the costs associated with the preparation of the certification exam that industry practitioners must complete in order to be licensed.
  - beginning in the year 2004, enforcement costs will be fully cost-recovered on a three year cycle, through recommended license and exam certification fees.

- The contents of the proposed by-law described within this report will address the following:
  - It will require the licensing of the body modification establishment and of each operator/technician
  - Body modification operators and technicians will be required to
    - demonstrate, by successfully completing a certification exam set by Environmental Health Services, a minimum level of skills and knowledge in routine precautions, disease transmission, sterilization procedures, and the conduct of proper hygienic practices
    - obtain and file with the Chief License Inspector a Certificate of the Record Review Board, including a Vulnerable Sector Search, stating the applicant has not been convicted of an offense, which in the opinion of the Record Review Board indicates that the issuance of the License would not be injurious to the public interest.
  - Operators will be required to obtain consent of parent/legal guardian for minors
  - Structural and sanitary requirements will be imposed, including but not limited to, sterilization and proper storage of equipment, to ensure a clean and hygienic environment

- All temporary establishments must meet the same minimum requirements as permanent establishments
- Penalties will be defined.

Implications of the Recommendation(s):

General Implications

ð None

X For the organization overall and/or for other departments

X For the community and/or organizations external to the City of Winnipeg

ð Involves a multi-year contract

Comment: Many operators within the industry are committed to promoting safe practices and support an update of the current by-law. Affected businesses and organizations will need to make adjustments such as structural changes, training of their staff and changes in their practice to meet the new requirements. If Council approves a new by-law, businesses and administration would require a minimum of one year prior to the by-law taking effect in order to make these adjustments.

Additional inspections will result for Environmental Health Services and the License Branch in order to ensure that facilities meet health and licensing requirements.

Policy implications

ð No

X Yes

Comment: When the City of Winnipeg considers the licensing of a health related trade such as the Body Modification industry, it is important to question whether this type of regulation is most appropriate at the municipal or provincial level of government. The legislated mandate for health resides with the Province of Manitoba. Provinces, however, have also extended authority to municipalities to regulate and license, building on complementary provincial legislation. Municipalities may elect to put in place license requirements to regulate and control various activities, reduce risk, and provide protection and support within the community where there is a clear risk or danger to the public's health or safety.

The City of Winnipeg has been in the business of regulating the Tattoo industry for many years. The current Tattoo Studio By-law 4653/87 has been in place since 1987. It does not address regulation related to this newly emerging range of body modification practices.

If the City of Winnipeg wishes to continue to regulate this trade, there are two options. These include:

i. The current Tattoo Studio By-law #4653/87 could be retained as it exists. In this case, the City of Winnipeg would be maintaining regulation over the practice of tattooing only, and would not increase the scope of its regulation to include newly emerging practices. If the current by-law is retained, the City of Winnipeg will not be extending itself further into the realm of health regulations.

Tattooing has become only one small component of the range of body modification practices now occurring. Retaining the current Tattoo Studio By-law will continue to provide minimal regulation with respect to the practice of tattooing. Additionally, the current Tattoo Studio By-law has a minimal impact with respect to protecting the health of Winnipeg citizens within the changing environment of the body modification industry.

ii. The City of Winnipeg may wish to expand its regulation and implement a comprehensive Body Modification By-law that incorporates the newly emerging practices.

Financial Implications

ð Within approved current and/or capital budget

X Current and/or capital budget adjustment required

Comment: In 2003, an additional appropriation of $12,000 for the Community Services Department would be required. This covers one time costs of $6,000 for staff training ($200 x 30 staff) and $6,000 to develop the exam and database.

Beginning in 2004, The City of Winnipeg's annual inspection and certification admin costs are estimated to be $25,200. **Beginning in the year 2004, these costs will be fully cost-recovered on a three year cycle, based on the license and exam certification fees described below.**

Also beginning in 2004, annual estimated revenues include: Annual License fees of $20,200 ($460 X 20 establishments) and ($110 X 100 practitioners); and Certification revenues of $15,000 every third year (5 staff x 20 establishments x $150) which reflect a three year certification cycle; plus $750 annually due to some practitioner turnover within establishments, who will require certification in the intervening years.

Report

Recommendation(s):

1. That administration be directed to develop and submit to Council for consideration, a Body Modification By-law, based on the general provisions within this report. This by-law would then replace the existing Tattoo Studio By-law #4653/87.

2. That administration prepare a report for Standing Policy Committee on Property and Development to make the corresponding amendments to the License By-law:
    - That the License By-law 6551/95 be amended to include license categories consistent with the categories as determined by the proposed Body Modification By-law and that applicable license fees be recommended that will permit full cost recovery.
    - That the License By-law 6551/95 be further amended to require that no license be issued to an applicant unless the applicant first obtains and files with the Chief License Inspector a Certificate of the Public Health Inspector that deems the establishment or practitioner to have met all necessary requirements of the Body Modification By-law.

3. That Standing Policy Committee on Protection and Community Services recommend to Standing Policy Committee on Property and Development that favorable consideration be given to effect the foregoing.

4. That City of Winnipeg Council approve a one-time extra appropriation of $12,000 for the Community Services Department in the budget year 2003. This will cover one-time costs for the additional training that Environmental Health Officers require to enforce a new by-law that regulates body modification practices not previously regulated; and for the costs associated with the preparation of the certification exam that industry practitioners must complete in order to be licensed.

- OR -

5. That the City of Winnipeg repeal the existing Tattoo Studio By-law #4653/87, and given that the regulation of the Body Modification industry is a health issue, request the Province of Manitoba, who has the mandate for health, to consider regulating this trade under Provincial legislation.

- OR –

6. That the City of Winnipeg retain the current Tattoo Studio By-law #4653/87 as it exists.

Reason for the report:

On May 7, 2001 the Standing Policy Committee on Protection and Community Services directed that civic administration:

- *Review proposed amendments to the Tattoo Studio By-law No. 4653/87, and other related by-laws affected by this change,*
- *Undertake a national analysis of other related by-laws with the intent of implementing strict enforcements of this industry.*

Council approval is required to repeal the existing By-law To Regulate Tattoo Studios 4653/87; adopt a new Body Modification By-law and amend the License By-law 6551/95.

History:

The current Tattoo Studio By-law No. 4653/87 has been in place since 1987. It was developed to regulate the establishment and maintenance of tattoo studios and has been consolidated to reflect subsequent amendments as of April 26, 2000.

Over the last several years there have been many changes within the body modification industry, in that services such as body piercing, tattooing, scarification, etc. have become more widely practiced. Currently, the majority of these practices are not regulated.

On May 7, 2001 the Standing Policy Committee on Protection & Community Services heard a presentation from a local tattoo studio owner and operator requesting that the Committee give favorable consideration to amending the existing Tattoo Studio by-law to include these services.

Discussion:

In the last decade practices involving body modification, tattooing, body piercing, etc. have become much more commonplace in society. Replacing the Tattoo Studio By-law with a Body Modification By-law that regulates the range of current types of invasive body procedures would increase the health protection of the public.

- ***Municipal Regulation of Trades***

The services of Environmental Health and the License Branch are components of a set of protection and safety services provided by the City of Winnipeg. As described in *The Law of Canadian Municipal Corporations*, "the power of local authorities relating to the regulation and licensing of trade and business is often referred to as the municipal police power. Generally speaking, whatever affects the health, welfare and safety of the inhabitants is within the scope of the police power." The "police power" referred to in terms of licensing, is the authority enacted primarily for the purpose of enabling the municipality to regulate, control and govern the licensed trade or business or those engaged in it.

When the City of Winnipeg considers the licensing of a health related trade such as the Body Modification industry, it is important to question whether this type of regulation is most appropriate by the municipal or provincial level of government. The legislated mandate for health resides with the Province of Manitoba. Provinces, however, have also extended authority to municipalities to regulate and license, building on complementary provincial legislation. Municipalities may elect to put in place license requirements to regulate and control various activities, reduce risk, and provide protection and support within the community where there is a clear risk or danger to the public's health or safety.

Specifically, *The City of Winnipeg Charter* - Section 148 describes the City's general authority with respect to *Activities of Business*.

> *148 Council may, in the interest of the health, safety, welfare and protection of persons, or in the interest of preventing or minimizing nuisances, pass by-laws in respect of the following matters:*
>
> *(a) businesses;*
>
> *(b) the carrying on of businesses;*
>
> *(c) persons carrying on businesses;*
>
> *(d) premises in which businesses are carried on.*

The City of Winnipeg currently has a Tattoo Studio By-law that has been in place since 1987. It does not address regulation related to this newly emerging range of body modification practices.

If the City of Winnipeg wishes to continue to regulate this trade, there are two options. These include:

i. The current Tattoo Studio By-law #4653/87 could be retained as it exists. In this case, the City of Winnipeg would be maintaining regulation over the practice of tattooing only and would not increase the scope of its regulation to include newly emerging practices.

   Tattooing has become only one small component of the range of body modification practices now occurring. If the current by-law is retained, the City of Winnipeg will not be extending itself further into the realm of health regulations. Retaining the current Tattoo Studio By-law will continue to provide minimal regulation with respect to the practice of tattooing. Additionally, the current Tattoo Studio By-law has a minimal impact with respect to protecting the health of Winnipeg citizens within the changing environment of the body modification industry.

ii. The City of Winnipeg may wish to expand its regulation and implement a Body Modification By-law that includes the newly emerging practices in a comprehensive way.

- ***Regulation in Other Municipalities***

Most Canadian municipalities do not regulate body modification practices in a comprehensive way. Similar to Winnipeg, personal services related to body modification have become more prevalent and regulations have not kept pace with the growing trend.

Research indicates that none of the major Canadian cities contacted have by-laws that regulate body modification practices. Most cities have guidelines for the practice but have no enforcement systems that regulate this industry. Most major cities are also in the process of developing new by-laws in this area.

> **Toronto** - has no specific by-law to deal with this issue, but uses a provincial Ministry of Health protocol to provide guidelines to operators. Enforcement of any complaint related to unsafe practices must be done by proving that the infraction is a health hazard under those covered in the Health Promotion and Protection Act. This is a cumbersome process for laying of any charges. The municipality is working on the development of a by-law, including a certification process for operators.
>
> **Vancouver** – the municipality applies the Personal Services Establishments Regulation, which is a provincial regulation that includes body piercing on the list with hairdressing, etc., and is supplemented by safe practice guidelines. New facilities must be inspected and approved by environmental health officers before they are able to obtain their business license. All facilities are inspected annually with higher risk businesses being monitored twice a year.
>
> **Calgary** - has a Business License by-law that defines "personal service" to include body or ear piercing, tanning, and tattooing. They do not have a specific by-law to regulate the safe practices of this trade.

- ***Health Implications***

Since these body modification practices involve causing a break in the skin of individuals, there are associated health and safety risks, particularly the spread of infections such as Hepatitis B, Hepatitis C, and HIV. The risk of infections particularly blood borne viral infections including Hepatitis B, Hepatitis C, and HIV can lead to both short term and chronic health problems for individuals who acquire these infections.

> *A recent study in Dallas, Texas published in April 2001 concluded that those getting a tattoo in a commercial tattoo parlor were nine times more likely to be infected with hepatitis C, the most common chronic viral infection affecting almost 2% of the U.S.A. population than individuals who did not receive a tattoo. The study author states that "tattooing appears to be an important risk factor" for the acquisition of blood-borne viral infections. In Manitoba there has been no direct connection yet identified between cases of hepatitis infection and body modification practices.*

The Winnipeg Regional Health Authority has direct responsibility for mandated public health services including communicable disease control within Winnipeg, and is supportive of a by-law

that would further reduce the possibility of disease transmission through body modification procedures.
Regulating both the operators and the facilities would decrease the risk of infections.

- ***Local Industry Consultations***

Operators within the industry committed to promoting safe practices, have made a presentation to Standing Policy Committee on Protection and Community Services requesting changes to current regulations.

In the Fall 2001, Civic administration held focus group sessions with one representative from each body modification business within Winnipeg, in order to gather feedback on the proposed direction of the by-law. Generally, operators were demanding stricter enforcement in the interest of achieving higher standards of care in performing these practices, and thus ensuring safer practices. Many recommendations from these groups have been incorporated into the proposed by-law and implementation strategy.

The National Environmental Health Association (NEHA) has developed nationally recognized standards in the USA that are comprehensive and widely used throughout North America. These guidelines, along with the Canadian Infection Control Guidelines published by Health Canada, have also been used to develop this report.

If Standing Policy Committee approves the general provisions within this report, a draft by-law will be developed for consideration. The draft by-law will be structured to deal with the following:

- It will require the licensing of the body modification establishment and of each operator/technician
- Body modification operators and technicians will be required to
    - demonstrate, by successfully completing a certification exam set by Environmental Health Services, a minimum level of skills and knowledge in routine precautions, disease transmission, sterilization procedures, and the conduct of proper hygienic practices
    - obtain and file with the Chief License Inspector a Certificate of the Record Review Board, including a Vulnerable Sector Search, stating the applicant has not been convicted of an offense, which in the opinion of the Record Review Board indicates that the issuance of the License would not be injurious to the public interest.
- Operators will be required to obtain consent of parent/legal guardian for minors
- Structural and sanitary requirements will be imposed, including but not limited to, sterilization and proper storage of equipment, to ensure a clean and hygienic environment
- All temporary establishments must meet the same minimum requirements as permanent establishments
- Penalties will be defined.

➢ *Proposed By-law Contents*

Scope of the proposed By-law

- The proposed by-law will regulate practices of tattooing, body piercing, branding, and scarification.

- The piercing of the outer perimeter (cartilage) of the ear and the lobe of the ear is exempted from this by-law for the following reasons:

    a) as per the National Environmental Health Association, there is a lack of current epidemiological evidence of disease transmission or conclusive medical evidence of cartilage injury from the use of ear-piercing guns on the outer perimeter and lobe of the ear and

    b) Inclusion and enforcement of ear piercing establishments would result in a significant impact on workload and resources. Given the low health risk associated with ear piercing, inclusion of this practice cannot be justified.

- The proposed by-law will prohibit implants under the skin from being performed in body modification establishments, since it is believed that these are medical procedures.

Licensing Requirements

- The proposed by-law will require that establishments comply with the provisions of the new Body Modification By-law, and be inspected, approved and licensed annually.
    - An annual license fee, expected to be in the range of $460 for each establishment, will be proposed. This license fee will permit full cost recovery for the inspection of each establishment, and education and administration of the by-law, carried out by the Environmental Health Services Branch and the License Branch.

- The proposed by-law will require each individual practitioner to be licensed. The practitioner will be required to:
    - successfully complete a certification exam every three (3) years. The purpose of the exam will be to ensure practitioners have adequate knowledge to safely administer their trade. Environmental Health Services will develop and administer the exam.

    - obtain and file with the Chief License Inspector a Certificate of the Record Review Board, including a Vulnerable Sector Search, stating the applicant has not been convicted of an offense, which in the opinion of the Record Review Board indicates that the issuance of the License would not be injurious to the public interest.

    - An annual license fee of approximately $110 for each practitioner will be proposed. In addition, a fee of approximately $150, for taking the required certification exam every three years, will be proposed

Proposed By-law Contents (continued):

Educational Strategies

- The City will not deliver a course related to safe body art practices. At this time, no known courses of this nature are being provided on a regular basis within Winnipeg.
- The industry, however, has invited trainers from the United States to provide training to local practitioners. Practitioners will also receive training through their apprenticeship, self-learning and study.
- Additionally, this provides an opportunity for the local private sector to provide the required training.
- Client information related to the procedure, what to expect, aftercare, signs of infections and how to manage infections will be developed by Environmental Health Services in collaboration with the WRHA. This information will allow clients to make informed decisions and take appropriate actions related to aftercare and possible infections.

Consent Issues

- Operators will be required to use a standard consent form for all clients; signed by the client and kept on file at the establishment for a minimum of two years. The consent process ensures that the client has the necessary information and is capable of making an informed decision before having the procedure.
- In addition, the by-law will require that a parent or legal guardian accompany each individual under the age of 18 years to the facility, remain present during each procedure, and provide written consent at the time of the procedure.
- It is recognized that requiring consent may result in some minors going to "underground" unlicensed practitioners. This could potentially place them at an increased risk of infection related to unhygienic practices. Environmental Health Services will respond to any information received regarding facilities operating contrary to the provisions of the Body Modification By-law and will forward appropriate information to other enforcement agencies as required. The Body Modification By-law and the License By-law will provide for penalties.

➢ ***Resource Implications***

Enforcement of the proposed Body Modification By-law will be the responsibility of Environmental Health Officers, as they have health expertise and organized systems for inspection, complaint response, and laying of charges for any infractions of by-laws. Enforcement of the License By-law is the responsibility of the License Branch.

Enforcement of the new by-law will require the inspectors to receive additional training and a higher level of basic knowledge related to the practices that the by-law will regulate. Outside sources will be contracted to provide this training.

Additional resources will also be utilized to develop, administer and regularly review and update the exam process. Most of the staff time would be utilized in the first year of implementation, to develop and administer the exam. In subsequent years, the resource implications would be considerably less.

Seventeen of the current estimated twenty body modification facilities that provide these services are located within central Winnipeg. Historically, Manitoba Conservation Public Health Inspectors are responsible for the enforcement of City of Winnipeg health-related by-laws within the suburbs of the City. This group has been working collaboratively with City of Winnipeg Environmental Health Services in the development of the content of the proposed new by-law and will continue to inspect body modification establishments in the suburbs.

- ***Implementation Strategies***

Prior to implementation, the following actions need to be carried out:

- Development of the actual by-law
- Training of environmental health inspectors of the specific requirements
- Development of a certification exam
- Confirmation of specific license fee structures
- Development of a corresponding amendment to the License By-law 6551/95
- Development of a communication strategy.

Legal Services indicates that a number of months will be needed to draft the detailed by-law. Given the complexities of the proposed by-law, adequate preparation time is crucial. Research across Canada found no other comprehensive Body Modification by-laws to model, therefore development of this detailed by-law will require significant work on the part of Legal Services.

It is proposed that the new by-law would come into effect one year after the date that Council approves the by-law. This would allow time for businesses to make the necessary changes to their facility required by the new by-law and for all the body modification technicians to receive certification. During this time Civic administration will develop several different certification exams and educational information for clients; train staff for inspection using the new by-law; and work with operators to identify necessary improvements to their facility, equipment, and practices.

Financial Impact Statement:

Project Name: Tatto Studio By-law #4653/87

Date: 3-Mar-03 First Year of Program **2003**

	2003	2004	2005	2006	2007
Capital					
Capital Expenditures Required					
Less: Existing Budgeted Costs					
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal					
Debt - External					
Grants (Enter Description Here)					
Reserves, Equity, Surplus					
Other - Enter Description Here					
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ 12,000	$ 25,200	$ 25,200	$ 25,200	$ 25,200
Less: Incremental Revenue/Recovery		35,200	20,200	20,200	35,200
Net Cost/(Benefit)	$ 12,000	$ (10,000)	$ 5,000	$ 5,000	$ (10,000)
Less: Existing Budget Amounts					
Net Budget Adjustment Required	$ 12,000	$ (10,000)	$ 5,000	$ 5,000	$ (10,000)

Additional Comments: In 2003, an one-time additional appropriation of $12,000 to the Community Services Department's current budget would be required. This covers one time costs of $6,000 for staff training ($200 x 30 staff) and $6,000 to develop the exam and database.

In addition, beginning in 2004, The City of Winnipeg's ongoing annual inspection and certification admin costs are estimated to be $25,200. **These costs are fully recovered on a three year cycle, based on the license and certification fees described below .**

Beginning in 2004, estimated annual revenues include: Annual License fees of $20,200 ($460 X 20 establishments) and ($110 X 100 practitioners); and Certification revenues of $15,000 every third year (5 staff x 20 establishments x $150) which reflect a three year certification cycle.

Manager of Finance & Administration

In preparing this report there was consultation with and concurrence by:
Corporate Services Department, Legal Services Division and
The Community Services Department, License Branch.

This Report Submitted By:

Department	Community Services
Division	Community Resource, Protection, & Safety Services
Prepared by:	Kelly Goldstrand, Manager
File No.	