

ORDINANCE NO. 2009 - _____

AN ORDINANCE AMENDING THE CITY CODE TO UPDATE AND ADD SPECIFICITY TO REGULATIONS CONCERNING BODY ART INCLUDING TATTOOING AND BODY PIERCING; AND THEREBY AMENDING CHAPTERS 14, 19 AND 21 OF THE CITY CODE.

The City Council of the City of Bloomington hereby ordains:

Section 1. That Chapter 14, of the City Code is hereby amended by deleting those words contained in brackets [] with strikethrough font and adding those words that are underlined, to read as follows:

Part II. THE Code

CHAPTER 14

LICENSES AND PERMITS

ARTICLE I. GENERAL PROVISIONS

SEC. 14.03. FEES.

Except as otherwise stated in this Code, the fees for the various licenses and permits shall be as hereinafter stated.

~~[Tattoo]~~Body art

| | | |
|---|---------------------|-----------------|
| (A) Establishments | 14.378 | 580.00 |
| (B) <u>Technician</u> | <u>14.378</u> | <u>30.00</u> |
| (B) <u>C</u> Temporary [Tattooing] <u>Body Art</u> Events | [14.388] | 42.00 per booth |
| | <u>14.389</u> | |
| (D) <u>Temporary Body Art Technician</u> | <u>14.389</u> | <u>30.00</u> |

Division Q. Sexually-Oriented Businesses

SEC. 14.342. PERSONS AND LOCATIONS INELIGIBLE FOR A LICENSE.

The Issuing Authority shall issue a license under this Division to an applicant unless one (1) or more of the following conditions exist:

- (7) The premises to be licensed as a sexually-oriented business is currently licensed by the City as a tanning facility, ~~[tattoo]body art~~ establishment, pawnshop, therapeutic massage enterprise, or an establishment licensed to sell alcoholic beverages;

Division T. ~~[Tattoo]~~Body Art Establishments

SEC. 14.376. ~~[PURPOSE]~~GENERAL PROVISIONS.

(a) Purpose. The purpose of this Division is to regulate the business of ~~[tattooing]~~body art in order to protect the health and welfare of the general public. ~~[The City Council finds that the experience of other cities indicates that there is a connection between tattooing and hepatitis and other health problems. The City Council finds that stringent regulations governing tattooing can minimize the hepatitis and disease risk and therefore protect the general health and welfare of the community.]~~The principal objectives of this Division are:

- (1) To prevent disease transmission;

- (2) To correct and prevent conditions that may adversely affect persons utilizing body art establishments;
- (3) To provide standards for the design, construction, operation, and maintenance of body art establishments; and
- (4) To meet consumer expectations of the safety of body art establishments.
- (b) **Scope.** This Division shall apply to all persons performing body art procedures and all body art establishments where tattooing and body piercing are conducted.
- (c) **Exemptions.** Board-certified medical or dental personnel that tattoo, pierce or remove tattoos as part of a medical or dental procedure is exempt from this Division. Also, persons piercing only the outer perimeter or lobe of the ear using pre-sterilized single use stud and clasp ear-piercing system are exempt from this Division's license requirements.
- (d) **Prohibitions.** No person shall:
 - (1) Conduct branding, cutting, implantation, suspension, or scarification of another person;
 - (2) Pierce or tattoo the genitalia or nipples of a minor;
 - (3) Practice tattooing or piercing while under the influence of alcohol, controlled substances as defined in Minnesota Statutes, section 152.01, subd. 4, or hazardous substances as defined in the rules adopted under Minnesota Statutes, Chapter 182; or
 - (4) Operate a body art establishment or perform body art procedures as described in this Division without a license.

SEC. 14.377. DEFINITIONS.

The following words and terms when used in this Division shall have the following meanings unless the context clearly indicates otherwise:

Aftercare - written instructions given to the client, specific to the procedure(s) rendered, on caring for the body art and surrounding area. These instructions shall include information on when to seek medical treatment.

Antiseptic - an agent that destroys disease-causing microorganisms on human skin or mucosa.

Apprentice - a person working under the direct supervision of a licensed technician(s) in a licensed body art establishment to learn the skills of the trade.

Apprenticeship - an agreement an apprentice has with a licensed technician(s) learning the skills of tattooing or piercing while working under the direct supervision of a licensed technician(s) in a licensed establishment.

Body Art - physical body adornment using, but not limited to, the following techniques: body piercing, tattooing, and cosmetic tattooing. This definition does not include practices that are considered part of a medical procedure performed by board certified medical or dental personnel, such as, but not limited to, implants under the skin. Such medical procedures shall not be performed in a body art establishment. This ordinance definition shall not include piercing of the outer perimeter or lobe of the ear using pre-sterilized single use stud and clasp ear piercing system.

Body Art Establishment - any place or premise, whether public or private, temporary or permanent in nature or location, where the practices of body art, whether or not for profit, are performed.

Body Piercing - the penetration or puncturing of human skin by any method, for the purpose of inserting jewelry or other objects, in or through the human body. Body Piercing shall not refer to any medical procedure performed by board certified medical or dental personnel. Also, Body Piercing shall not refer to the puncturing of the outer perimeter or lobe of the ear using pre-sterilized single use stud and clasp ear-piercing system.

Body Scarification or Scarring - any method of applying a scar to the body for the purpose of creating a permanent mark or design on the skin.

Branding - any method using heat, cold, or any chemical compound to apply a scar to the body for the purpose of creating a permanent mark or design on the skin.

Clean - the absence of dirt, grease, rubbish, garbage, and other offensive, unsightly, or extraneous matter.

Contaminated Waste - any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined in Code 29 of Federal Regulations Part 1910.1030, known as "Occupational Exposure to Bloodborne Pathogens."

Cosmetic Tattooing - also called permanent makeup. See definition of tattooing.

Cutting - the practice of cutting the skin, mucosa or part of the body to create a permanent scar or division of tissue for the purpose of body art. Cutting shall not refer to any medical procedure performed by board certified medical or dental personnel.

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

Equipment - all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in the operation of a body art establishment.

Establishment Plan - a to-scale drawing of the establishment's layout illustrating the requirements of this ordinance.

Good Repair - free of corrosion, breaks, cracks, chips, pitting, excessive wear and tear, leaks, obstructions, and similar defects so as to constitute a good and sound condition.

Guest Artist - a person who performs body art procedures under a current technician license or meets the apprenticeship requirements of section 14.379 (f).

Handsink - a lavatory equipped with hot and cold water held under pressure, used solely for washing hands, wrists, arms or other portions of the body.

Health [Officer] Authority - the [Director of the] City Environmental [Services] Health Division, designated employees, or other designated agents [or the Director's] [designee or any Inspector of such Division].

Issuing Authority - the City of Bloomington License Section.

Hot Water - water at least 110 degrees Fahrenheit.

Implanting - to fix or set securely an object in or under tissue and includes, but is not limited to, 3-dimensional body art applications. Implanting does not include medical procedures including, but not limited to, pacemaker insertion, cosmetic surgery, and reconstructive surgery performed by board certified medical and dental personnel.

Jewelry - any personal ornament inserted into a newly pierced area.

Liquid Chemical Germicide - a disinfectant or sanitizer registered with the Environmental Protection Agency.

Operator - any person who controls, operates, or manages body art activities at a body art establishment and who is responsible for compliance with these regulations, whether actually performing body art activities or not.

Person - any individual, partnership, corporation, or association.

Procedure Area - the physical space or room used solely for conducting body art procedures.

Procedure Surface - the surface area of furniture or accessories that may come into contact with the client's clothed or unclothed body during a body art procedure and the area of the client's skin where the body art procedure is to be performed and the surrounding area, or any other associated work area requiring sanitizing.

Remodel - any change to the current establishment requiring either a building or trades permit for the work to proceed. Remodel does not include changes to the front desk area, waiting area, painting, wallpapering, or carpeting, even if a permit is otherwise required. Adding a new workstation, plumbing changes, or expanding into an adjacent space to add workstations are examples of remodeling. Remodeling also means any changes to an establishment plan previously submitted to the Health Authority.

Sanitization - a process of reducing the numbers of microorganisms on clean surfaces and equipment to a safe level.

Safe Level - not more than 50 colonies of microorganisms per 4 square inches of equipment or procedure surface.

Sharps - any object, sterile or contaminated, that may purposefully or accidentally, cut or penetrate the skin or mucosa including, but not limited to, pre-sterilized single use needles, scalpel blades, and razor blades.

Sharps Container - a closed, puncture-resistant, leak-proof container labeled with the international biohazard symbol, used for handling, storage, transportation and disposal of sharps.

Single Use - products or items intended for one time use and are disposed of after use on each client including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, tattoo needles, scalpel blades, stencils, ink cups, and protective gloves.

Standard Precautions - guidelines and controls published by the Center for Disease Control (CDC) as "guidelines for prevention of transmission of human immunodeficiency virus and hepatitis B virus to health-care and public-safety workers" in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol. 38, No. S-6, and as "recommendation for preventing transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure-prone invasive procedures," in MMWR, July 12, 1991, Vol. 40, No. RR-Subd. T. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HVB and other blood pathogens. Precautions include handwashing, gloving, personal protective equipment, injury prevention, and proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.

Sterilization - a process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.

Suspension - the piercing of human tissue with large gauge fishing hooks or other piercing apparatus to raise or lower a person with pulleys or other apparatus.

Tattooing - any method of placing ink or other pigments into or under the skin or mucosa with needles or any other instruments used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This definition includes all forms of cosmetic tattooing.~~[the marking of the skin of a person by insertion of permanent colors by introducing them through puncture of the skin.]~~

Technician – any person who conducts or practices body art procedures at a body art establishment.

Temporary body art establishment - any place or premise operating at a fixed location where an operator or technician performs body art procedures for no more than four (4) continuous days, in conjunction with a single event and not more than three (3) events in a calendar year.

SEC. 14.378. LICENSE REQUIRED~~[- EXCEPTION].~~

No person shall own or operate ~~[any]~~a body art establishment without a body art establishment license.~~[where tattooing is practiced,] nor shall any person perform body art procedures or engage in any enterprises described in Section 14.376 of this Division, unless a technician license has been obtained. [engage in the practice of tattooing without being licensed pursuant to this Division. A state-licensed physician who engages in the practice of tattooing shall be exempt from the license requirements.]~~

SEC. 14.379. LICENSE APPLICATION.

No person shall engage in body art activities at any place other than a licensed body art establishment. Every application for a license under this Division shall be made on a form supplied by the Issuing Authority for approval by the Health Authority and shall request the following information:

- (a) **Individual Applicants.** If the applicant is a natural person:
 - (1) The name, place and date of birth, street residence address, and phone number of the applicant.
 - (2) Whether the applicant is a citizen of the United States~~[- a resident alien,]~~ or is able to legally be employed in the United States.
 - (3) Whether the applicant has ever used or has been known by a name other than the applicant's name, and if so, the name or names used and information concerning dates and places where used.
 - (4) The name of the business if it is to be conducted under a designation, name, or style other than the name of the applicant and a certified copy of the certificate as required by Minnesota Statutes, Section 333.0~~[4]~~2.
 - (5) The street addresses at which the applicant has lived during the preceding five (5) years.
 - (6) The type, name and location of every business or occupation in which the applicant has been engaged during the preceding five (5) years, and the name(s) and address(es) of the applicant's employer(s) and partner(s), if any, for the preceding five (5) years.
 - (7) Whether the applicant has ever been convicted of a felony, crime, or violation of any ordinance other than a petty misdemeanor. If so, the applicant shall furnish information as to the time, place and offense for which convictions were had.
- (b) **Partnership Applicants.** If the applicant is a partnership:
 - (1) The name(s) and address(es) of all general and limited partners and all information concerning each general partner required in subpart (a) of this Section.
 - (2) The name(s) of the managing partner(s) and the interest of each partner in the ~~[tattooing]~~body art establishment.
 - (3) A true copy of the partnership agreement shall be submitted with the application. If the partnership is required to file a certificate as to a trade name pursuant to Minnesota Statutes, Section 333.0~~[4]~~2, a certified copy of such certificate shall be attached to the application.
- (c) **Corporations and Other Associations.** If the applicant is a corporation or other type of business association:
 - (1) The name of the corporation or business formed, and if incorporated, the state of incorporation.
 - (2) A true copy of the certificate of incorporation. If the applicant is a foreign corporation, a certificate of authority as required by Minnesota Statutes, Section 303.0~~[6]~~2 shall be attached to the application.
 - (3) The name of the manager(s), proprietor(s), or other agent(s) in charge of the business and all information concerning each manager, proprietor, or agent required in subpart (a) of this Section.
- (d) **All Applicants.** For all applicants:
 - (1) Whether the applicant holds a current ~~[tattooing]~~body art license from any other governmental unit.
 - (2) Whether the applicant has previously been denied a ~~[tattooing]~~body art license from any other governmental unit.
 - (3) The location of the business premises and the legal description thereof.

- (4) Whether all real estate and personal property taxes that are due and payable for the premises to be licensed have been paid, and if not paid, the years and amounts that are unpaid.
- (5) Whenever the application is for premises either planned or under construction or undergoing substantial alterations, the application shall be accompanied by a set of preliminary plans showing the design of the proposed premises to be licensed. If the plans of design are on file with the City of Bloomington Building and Inspection Division or Health Authority, no plans need be submitted to the Issuing Authority.
- (6) Whether the applicant has had a registration or license for body art revoked or denied by the City or any other governmental body within three (3) years before the application date.
- (7) The applicant's hours of operation, on-site management and park facilities.
- (8) An executed data privacy advisory and consent from authorizing the release of criminal history information from each of the individuals, partners and corporate officers having an interest in the business.
- (9) Proof of Worker's Compensation Insurance as required by Minnesota Statutes, Section 176.182 and the applicant's Minnesota business tax identification number, as required by Minnesota Statutes, Section 270c.72.
- (10) The website and electronic mail address for business and each of the individuals, partners, and corporate officers having interest in the business.

([6]11) Such other information the City Council or the Issuing Authority may require.

(e) Technician License Application. An application for a body art technician license shall be made on a form supplied by the Issuing Authority and shall request the following information:

- (1) The applicant's name and current address.
- (2) The applicant's current employer.
- (3) The applicant's employers for the previous five (5) years, including the employer's name, address and dates of employment.
- (4) The applicant's addresses for the previous five (5) years.
- (5) The applicant's date of birth, home telephone number, weight, height, color of eyes, and color of hair.
- (6) Whether the applicant has ever been convicted of any felony, crime, or violation of any ordinance other than a minor traffic offense and, if so, the time, place, and offense for which convictions were had.
- (7) Whether the applicant has ever used or been known by a name other than the applicant's name, and if so, the name or names and information concerning dates and places where used.
- (8) Description of body art procedures to be performed.
- (9) Name and business address of licensed body art establishment(s) where body art procedures will be performed.
- (10) Current proof successful completion of an approved course on bloodborne pathogens and prevention of disease transmission. Courses considered approved by the Health Authority may include those administered by on the following: the American Red Cross, United States Occupational Safety and Health Administration (OSHA), or the Alliance of Professional Tattooists.
- (11) Each technician license shall include proof of training and experience, which may include proof of completion of an apprenticeship or current license issued from another health agency.
- (12) Such other information as the City Council or Issuing Authority shall require.

(f) Apprenticeship and Guest Artist Procedures.

- (1) No person shall start an apprenticeship or conduct body art procedures as a guest artist, until a licensed technician registers the apprenticeship or guest artist with the Health Authority on forms provided by the Health Authority. The following information is required for registration:
 - A. The name and address of the licensed establishment where the apprentice or guest artist will be training or working;
 - B. The name of the apprentice or guest artist;
 - C. The name(s) of the licensed technician(s) conducting the apprenticeship or sponsoring the guest artist. If more than one person is conducting the apprenticeship, then a lead technician must be identified on the application;
 - D. The starting date of the apprenticeship or guest artist; and
 - E. The anticipated completion date of the apprenticeship or guest artist.
- (2) At least one of the licensed technician(s) listed in 14.379, (f), C., shall be present at all times when the apprentice is conducting body art procedures.

- (3) The sponsoring licensed technician is not required to be present at all times when a guest artist is conducting body art procedures if the guest artist provides to the Health Authority, upon registration, the information required in section 14.379, (e), (10) and (11).
- (4) An apprentice shall complete a minimum of 200 hours of training under the direct supervision of licensed technician(s) before becoming eligible for a technician license.
- (5) The length of time the guest artist may conduct body art procedures shall not exceed 30 days per calendar year per licensed establishment. If the length of time exceeds this, then the guest artist shall apply for a technician license.
- (6) If the apprenticeship or guest artist procedure is not followed, the person, apprentice, or guest artist and/or licensed technician(s) conducting the apprenticeship may be subject to penalties.

SEC. 14.380. LICENSE FEE.

The fee for a license under this Division shall be as set forth in Section 14.03 of this Code. The fee shall be submitted at the time the application is filed and any refund shall be in accordance with Section 14.15 of this Code.

SEC. 14.381. LICENSE APPLICATION EXECUTION.

All applications for a license under this Division shall be signed and sworn to. If the application is that of a natural person, it shall be signed and sworn to by such person; if that of a corporation, by an officer thereof; if that of a partnership, by one of the general partners; and if that of an unincorporated association, by the manager or managing officer thereof.

SEC. 14.382. LICENSE APPLICATION VERIFICATION AND CONSIDERATION.

- (a) **Verification.** Applications for licenses under this Division shall be submitted to the Issuing Authority. The Issuing Authority is empowered to conduct any and all investigations to verify the information on the application, including ordering a computerized criminal history inquiry and/or a driver's license history inquiry on the applicant.
- (b) **Consideration.** Within a reasonable period of time after the completion of the license verification process by the Issuing Authority, the Issuing Authority shall accept or deny the license application in accordance with this Division. If the application is denied, the Issuing Authority shall notify the applicant of the determination in writing. The notice shall be mailed by regular mail to the applicant at the address provided in the application and it shall inform the applicant of the applicant's right, within twenty (20) days after receipt of the notice by the applicant to request an appeal of the Issuing Authority's determination to the City Council. If an appeal to the City Council is timely received by the Issuing Authority, the hearing before the City Council shall take place within a reasonable period of receipt of the appeal by the Issuing Authority.

SEC. 14.383. PERSONS INELIGIBLE FOR LICENSE.

- (a) **Natural Persons.** No license under this Division shall be issued to an applicant who is a natural person if such applicant:
 - (1) Is not eighteen (18) years of age or older on the date the license application is submitted to the Issuing Authority;
 - (2) Has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statutes, Section 364.03, subdivision 2, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of the licensed occupation as prescribed by Minnesota Statutes, Section 364.03, subdivision 3;
 - (3) Is not a citizen of the United States~~[-, a resident alien, or]~~and does not have the legal authority to be employed in the United States;
 - (4) Is not of good moral character or repute;
 - (5) Knowingly falsifies or misrepresents information on the license application;
 - (6) Owes taxes and assessments to the State, County, School District, or City that are due and delinquent; ~~[or]~~
 - (7) Is not the real party in interest in the business to be licensed~~[-]; or~~
 - (8) Has had a registration or license for body art revoked or denied by the City or any other governmental body within three (3) years before the application date.
- (b) **Partnerships.** No license under this Division shall be issued to a partnership if such partnership has any general partner or managing partner:
 - (1) Who is not eighteen (18) years of age or older on the date the license application is submitted to the Issuing Authority;
 - (2) Who has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statutes, Section 364.03, subdivision 2, and who has not shown competent evidence of

sufficient rehabilitation and present fitness to perform the duties of the licensed occupation as prescribed by Minnesota Statutes, Section 364.03, subdivision 3;

- (3) Is not a citizen of the United States~~[-, a resident alien, or]~~ and does not have the legal authority to be employed in the United States;
- (4) Is not of good moral character or repute;
- (5) Knowingly falsifies or misrepresents information on the license application;
- (6) Owes taxes and assessments to the State, County, School District, or City that are due and delinquent; ~~[or]~~
- (7) Is not the real party in interest in the business to be licensed~~[-]; or~~
- (8) Has had a registration or license for body art revoked or denied by the City or any other governmental body within three (3) years before the application date.

(c) **Corporate or Other Organizations.** No license under this Division shall be issued to a corporation or other organization if such applicant has any manager, proprietor, or agent in charge of the business to be licensed:

- (1) Who is not eighteen (18) years of age or older on the date the license application is submitted to the Issuing Authority;
- (2) Who has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statutes, Section 364.03, subdivision 2, and who has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of the licensed occupation as prescribed by Minnesota Statutes, Section 364.03, subdivision 3;
- (3) Is not a citizen of the United States~~[-, a resident alien, or]~~ and does not have the legal authority to be employed in the United States;
- (4) Is not of good moral character or repute;
- (5) Knowingly falsifies or misrepresents information on the license application;
- (6) Owes taxes and assessments to the State, County, School District, or City that are due and delinquent; ~~[or]~~
- (7) Is not the real party in interest in the business to be licensed~~[-]; or~~
- (8) Has had a registration or license for body art revoked or denied by the City or any other governmental body within three (3) years before the application date.

SEC. 14.384. LOCATIONS INELIGIBLE FOR A LICENSE.

The following locations shall be ineligible for a license under this Division.

- (a) **Taxes Due on Property.** No license shall be granted or renewed for operation on any property on which taxes, assessments, or other financial claims of the State, County, School District, or City are past due, delinquent, or unpaid. In the event a suit has been commenced under Minnesota Statutes, Section 278.01 - 278.13, questioning the amount of validity of taxes, the City Council may on application waive strict compliance with this provision; no waiver may be granted, however, for taxes or any portion thereof which remain unpaid for a period exceeding one (1) year after becoming due.
- (b) **Improper Zoning.** No license shall be granted if the property is not properly zoned for ~~[tattooing]~~ body art establishments under Chapters 19 and 21 of this Code unless the business is a legal, nonconforming use.
- (c) **Premises Licensed for Alcoholic Beverages.** No license shall be granted or renewed if the premises is licensed for the furnishing of alcoholic beverages pursuant to Chapter 13 of this Code or is licensed as a sexually-oriented business pursuant to this Division.

SEC. 14.385. LICENSE REQUIREMENTS.

- ~~[(a) **Tattoos on Minors.** No person shall tattoo any person under the age of eighteen (18) except in the presence of, and with the written permission of, the parent or legal guardian of such minor.]~~
- ~~[(b)]~~ [a] **Prohibition on License Transfer.** The license granted under this Division is for the person and the premises named on the approved license application. No transfer of a license shall be permitted from place-to-place or from person-to-person without first complying with the requirements of an original application, except in the case in which an existing noncorporate licensee is incorporated and incorporation does not affect the ownership, control, and interest of the existing licensed establishment.
- ~~[(e)]~~ [b] **Hours of Operation.** A licensee under this Division shall not be open for business~~[-for tattooing]~~ before 7:00 a.m. nor after 11:00 p.m.
- ~~[(d)]~~ [c] **Licensed Premises.** The ~~[tattoo]~~ body art establishment license is only effective for the compact and contiguous space specified in the approved license application. If the licensed premises is enlarged, altered, or extended, the licensee shall inform the Issuing and Health Authority~~[y]~~ lies.
- ~~[(e)]~~ [d] **Effect of License Suspension or Revocation.** No person shall solicit business or offer to perform ~~[tattooing services]~~ body art procedures while under license suspension or revocation by the City.

- (f)e) **Maintenance of Order.** The licensee shall be responsible for the conduct of the business being operated and shall at all times maintain conditions of order.
- (g)f) **Employee Lists.** The licensee shall provide to the Issuing Authority a list of employees who perform [tattooing]body art procedures at the licensed establishment and shall verify that each employee is licensed as a technician or registered as an apprentice or guest artist and has received a copy of this Division of the City Code.
- (h)g) **Liability Insurance.** All licensees shall have at all times a valid certificate of insurance issued by an insurance company licensed to do business in the State of Minnesota indicating that the licensee has current coverage of one million dollars (\$1,000,000) for professional liability in the practice of [is currently covered in the tattoo]body art.~~business by a liability insurance policy.~~ The minimum limits of coverage for such insurance shall be:

- (1) ~~each claim, at least \$200,000;~~
- (2) ~~each group of claims, at least \$500,000.]~~

Such insurance shall be kept in force during the term of the license and shall provide for notification to the City prior to termination or cancellation. A certificate of insurance shall be filed with the City.

SEC. 14.386. STANDARDS FOR HEALTH AND SAFETY[~~SANITATION RESTRICTIONS~~].

No person shall perform body art procedures [engage in the practice of tattooing at any place] in the City without complying with the following regulations:

(a) Clients.

- (1) Minors. No person shall tattoo any person under the age of eighteen (18) except with the written permission of both custodial and noncustodial parents of such person according to Minnesota Statutes, Chapter 609.2246. Additionally, no person shall tattoo or pierce a minor without written permission from a custodial parent given in person at the body art establishment. Nipple and genital piercing or tattooing is prohibited on minors regardless of parental consent.
- (2) Client Identification. Technicians shall request proof of age prior to performing procedures on any client. Proof of age is established by one of the following:
 - A. A valid driver's license or identification card issued by the State of Minnesota, or other state, and including the photograph and date of birth of the person;
 - B. A valid military identification card issued by the United States Department of Defense;
 - C. A valid passport; or
 - D. A resident alien card.
- (3) Release Form. In order to aid in proper healing following the procedure, the technician shall provide a release form to the client and the client may indicate if he or she has:
 - A. Diabetes;
 - B. A history of hemophilia;
 - C. A history of skin diseases, skin lesions, or skin sensitivities to soap, disinfectants, etc.;
 - D. A history of allergies to metals;
 - E. A history of epilepsy, seizures, fainting or narcolepsy;
 - F. A condition where the client takes medications, such as anticoagulants, that thin the blood and/or interferes with blood clotting; or
 - G. Any other information that would aid the technician in body art procedure process evaluation. The technician shall ask the client to sign and date the release form confirming that the information listed in Section 14.386 (3) A.-G. was obtained or was attempted to be obtained.
- (4) Consent Form. Before performing a body art procedure, the client must sign and date a consent form. The consent form shall disclose:
 - A. That any tattoo should be considered permanent; it may only be removed with a surgical procedure; and any effective removal may leave scarring; or
 - B. That any piercing may leave scarring.
- (5) Client Record Management. The body art establishment operator shall maintain proper records for each client. The records of the procedure shall be kept for two years and shall be available for inspection by the Health Authority, Issuing Authority, or City Police Department upon request. The records shall include the following:
 - A. The date of the procedure.
 - B. Record of information on picture identification showing name, age, and current address of the client.
 - C. Copy of the release form signed and dated by the client.
 - D. The nature of the body art procedure performed.
 - E. The name and license number of the technician performing the procedure.

F. A copy of the consent form to perform the body art procedure on a minor with required signatures as defined in 14.386(a)(1), if applicable.

(b) Technician Information. The following information shall be kept on file for two years on the premises and available for inspection by the Health Authority, Issuing Authority, or City Police Department for each technician, guest artist or apprentice:

- (1) Full name;
- (2) Home address;
- (3) Home phone number;
- (4) Date of birth;
- (5) Identification photo;
- (6) Exact duties; and
- (7) Proof of a license from the Issuing Authority, guest artist registration or current apprenticeship registration.

(c) Establishment Information. The following information shall be kept on file for two years on the premises and available for inspection by the Health Authority, Issuing Authority, or City Police Department:

- (1) A description of all body art procedures performed.
- (2) An inventory of instruments, body jewelry, sharps, and inks or pigments used for all procedures including the names of manufacturers, serial and lot numbers. Invoices or orders shall satisfy this requirement.
- (3) Copies of spore tests conducted on the sterilizer.
- (4) A copy of this ordinance shall be available at all times on premises.

(d) Under the Influence. No technician shall perform body art procedures while under the influence of alcohol, controlled substances as defined in Minnesota Statutes, Section 152.01, subd. 4, or hazardous substances as defined in the rules adopted under Minnesota Statutes, Chapter 182.

(e) Aftercare. Technicians shall provide each client with printed instructions on recommended care of the body art during the healing process.

(d) Notification. Operators and technicians shall notify the Health Authority immediately of any reports they receive of a potential bloodborne pathogen transmission.

(f) Industry Self-Survey and Training Responsibility. Every licensee of a body art establishment shall arrange for and maintain a program of sanitation self-inspection conducted by the owner, operator, technician, or apprentice and approved by the Health Authority. The self-inspection program shall include written policies, appropriate forms for logging self-inspections, and evidence that routine self-inspection of all aspects of the body art establishment takes place. A description of the body art establishment self-inspection program shall be available for review.

(g) Facilities.

- (1) Plans. Any new or remodeled establishment shall submit to the Health Authority a to-scale establishment plan in sufficient detail to ascertain compliance with conditions in this ordinance.
- (2) Procedure Areas. There shall be no less than forty-five (45) square feet of floor space for each procedure area. The procedure area(s) must be separated from the bathroom, retail sales area, hair salon area, or any other area that may cause potential contamination of work surfaces. For clients requesting privacy, dividers, curtains, or partitions at a minimum shall separate multiple procedure areas.
- (3) Handsinks. Each establishment shall have a readily accessible handsink that is not in a public restroom and is equipped with:
 - A. Hot and cold running water under pressure;
 - B. No touch faucet controls such as wrist or foot operated;
 - C. Liquid hand soap;
 - D. Single use paper towels; and
 - E. A garbage can.
- (4) Bathrooms. Every establishment shall have at least one available bathroom equipped with a toilet and a hand lavatory. The hand lavatory shall be supplied with:
 - A. Hot and cold running water under pressure;
 - B. Liquid hand soap;
 - C. Single use paper towels or mechanical hand drier/blower;
 - D. A garbage can;
 - E. A door that closes; and
 - F. Adequate ventilation.
- (5) Lighting. The establishment shall have an artificial light source equivalent to 20 foot-candles at three feet above the floor. At least 100 foot-candles of light shall be provided at the level where body art

procedures are performed, where sterilization takes place, and where instruments and sharps are assembled.

- (6) Procedure Surfaces. All procedure surfaces shall be smooth, nonabsorbent and easily cleanable. Procedure surfaces shall be cleaned and sanitized after each client.
- (7) Ceilings. All ceilings shall be in good condition.
- (8) Walls and Floors. All walls and floors shall be maintained in good repair free of open holes or cracks and washable.
- (9) Facilities Maintenance. All facilities shall be maintained in good working order and in good condition.
- (10) Clean Facilities. All facilities shall be maintained in a clean and sanitary condition.
- (11) Facilities Use. No establishment shall be used or occupied for living or sleeping quarters.
- (12) Animals. Only service animals may be allowed in the establishment. No animals shall be allowed in the procedure area(s).
- (13) Pest Control. Effective measures shall be taken by the operator to prevent entrance, breeding, and harborage of insects, vermin, and rodents in the establishment.

(h) Equipment and Instruments.

- (1) Sterile Jewelry and Instruments. All jewelry used as part of a piercing procedure shall be sterilized before use. All reusable instruments shall be thoroughly washed to remove all organic matter, rinsed, and sterilized before and after use. All needles shall be single use needles and sterilized before use. All sterilization shall be conducted using steam heat. Steam heat sterilization units shall be operated according to the manufacturer's specifications.
- (2) Spore Testing. At least once a month, but not to exceed 30 days between tests, a spore test shall be conducted on the sterilizer to ensure that it is working properly. If a positive spore test result is received, the sterilizer cannot be used until a negative result is obtained. This may result in ceasing operation until the situation is corrected.
- (3) Jewelry. Jewelry must be made of surgical implant grade stainless steel, solid 14k or 18k white or yellow gold, niobium, titanium or platinum, and/or a dense low-porosity plastic. Jewelry must be free of nicks, scratches or irregular surfaces and must be properly sterilized prior to use.
- (4) Inks, Dyes, and Pigments. All inks, dyes, and other pigments shall be specifically manufactured for tattoo procedures. The mixing of approved inks, dyes, or pigments, or their dilution with distilled water or alcohol is acceptable.
- (5) Single Use Ink Cups. Immediately before applying a tattoo, the quantity of the dye used shall be transferred from the dye bottle and placed into single use paper or plastic cups. Upon completion of the tattoo, these single use cups and their contents shall be discarded.
- (6) Procedure Surfaces and Sanitization. All tables, chairs, furniture or other procedure surfaces that may be exposed to blood or body fluids during the tattooing or piercing procedure shall be constructed of stainless steel, or other suitable material that will allow complete sanitization, and shall be sanitized between uses with a liquid chemical germicide.
- (7) Single Use Towels. Single use towels or wipes shall be provided to the client. These towels shall be dispensed in a manner that precludes contamination and disposed of in a cleanable garbage container with a liner.
- (8) Storage of Bandages. All bandages and surgical dressings used shall be sterile or bulk-packaged clean and stored in a clean, closed container.
- (9) Equipment and Instrument Maintenance. All equipment and instruments shall be maintained in a good working order and in a clean and sanitary condition.
- (10) Supply Storage. All instruments and supplies shall be stored clean and dry in covered containers stored up off the floor.

(i) Skin Preparation.

- (1) Whenever it is necessary to shave the skin, a new disposable razor must be used for each client.
- (2) The skin area subject to a body art procedure must be thoroughly cleaned with soap and water, rinsed thoroughly, and swabbed with an antiseptic solution. Only single use towels or wipes shall be used in the skin cleaning process.
- (3) No body art procedure shall be performed on any area of the skin where there is an evident infection, irritation, or open wound.

(j) Hand Washing and Hygiene.

- (1) Each technician shall scrub his or her hands and wrists thoroughly for 20 seconds before and after performing a body art procedure.
- (2) Technicians with skin infections of the hand shall not perform body art procedures.
- (3) The technician must wash his or her hands after contact with the client receiving the procedure or after contact with potentially contaminated articles.

- (4) Technicians shall wear clean clothing and use a disposable barrier such as a lap cloth when performing body art procedures.
- (5) For each client, single use disposable barriers shall be provided on all equipment used as part of the procedure that cannot be sterilized according to 14.386 (h)(1). Examples may include, but not limited to spray bottles, procedure light fixture handles, and tattoo machines.
- (6) Technicians shall not smoke, eat, or drink while performing body art procedures.

(k) Glove Use.

- (1) Single use gloves of adequate size and quality as to preserve dexterity shall be used for touching clients, for handling sterile instruments, or for handling blood or body fluids.
- (2) Gloves must be changed if:
 - A. They become damaged;
 - B. They come in contact with any non-clean surface or objects; or
 - C. They come in contact with a third person.
- (3) At a minimum, gloves shall be discarded after the completion of a procedure on a client.
- (4) Hands and wrists must be washed before putting on a clean pair of gloves and after removing a pair of gloves.
- (5) Gloves shall not be reused.

(l) Proper handling and disposal of needles, other sharp instruments, blood, other body fluids, and contaminated products.

- (1) Contaminated waste that may release liquid blood or body fluids when compressed or that may release dried blood or body fluids when handled, must be placed in an approved "red" bag that is marked with the international biohazard symbol. It must be disposed of by a licensed waste hauler at an approved site, or at a minimum, in accordance with the requirements contained in 29 CFR Part 1910.1030, Occupational Exposure to Bloodborne Pathogens.
- (2) Contaminated waste that does not release liquid blood or body fluids when compressed or handled may be placed in a covered receptacle and disposed of through normal, approved disposal methods.
- (3) Sharps ready for disposal shall be disposed of in an approved sharps container.
- (4) Storage of contaminated waste on-site shall not exceed the period specified by 29 CFR Part 1910.1030, Occupational Exposure to Bloodborne Pathogens.

~~(a) **Lavatory Requirement.** Every place where tattooing is practiced shall be equipped with an adequate and conveniently located toilet room and hand lavatory for the accommodation of employees and patrons. The hand lavatory shall be supplied with hot and cold running water under pressure; shall be maintained in good repair at all times; and shall be kept in a clean and sanitary condition. Toilet fixtures and seats shall be of a sanitary open front design and readily cleanable. Easily cleanable, covered receptacles shall be provided for waste materials. Every lavatory facility shall be provided with an adequate supply of hand cleansing compound and single-service sanitary towels or hand-drying devices.~~

~~(b) **Skin Infection.** No person having any skin infection or other diseases of the skin shall be tattooed.~~

~~(c) **Sterilization and Disposal of Bio-Hazardous Materials.** All needles and razor blades shall be individually pre-packaged, pre-sterilized and disposable. No such equipment shall be used on more than one (1) customer. All bio-hazardous waste shall be disposed of in accordance with law, and disposal procedures shall be approved by the Health Officer. Sterilizing solutions and methods may be used for the purpose of sterilizing instruments other than needles and razor blades when such sterilizing solutions and methods are approved by the Health Officer.~~

~~(d) **Skin Preparation Procedures.** The following procedures shall be used for skin preparation:~~

- ~~(1) Each operator shall wash his or her hands thoroughly with soap and water and then dry them with a clean towel before and after each tattooing. Operators with skin infections of the hand shall not perform any tattooing services.~~
- ~~(2) Whenever it is necessary to shave the skin, pre-packaged, pre-sterilized, disposable, razor blades shall be used.~~
- ~~(3) The skin area to be tattooed shall be thoroughly cleaned with germicidal soap, rinsed thoroughly with water, and sterilized with an antiseptic solution approved by the Health Officer. Only single-service towels and wipes shall be used in the skin cleaning process.~~

~~(e) **Operating Furniture.** All tables, chairs, furniture, or area on which a patron receives a tattoo shall be covered by single-service disposable paper or clean linens, or in the alternative, the table, chair, or furniture on which the patron receives a tattoo shall be impervious to moisture and shall be properly sanitized after each tattoo.~~

~~(f) **Towels.** Every operator shall provide single-service towels or wipes for each customer or person and such towels or wipes shall be stored and disposed of in a manner acceptable to the Health Officer.~~

- (g) ~~**Garments of Operator.** Every operator shall wear clean, washable garments when engaged in the practice of tattooing. If garments are contaminated with blood or body fluids, such garments shall be removed and changed.~~
- (h) ~~**Pigments.** Pigments used in tattooing shall be sterile and free from bacteria and noxious agents and substances including mercury. The pigments used from stock solutions for each customer shall be placed in a single service receptacle, and such receptacle and remaining solution shall be discarded after use on each customer in accordance with procedures approved by the Health Officer.~~
- (i) ~~**Minimum Floor Space.** There shall not be less than one hundred fifty (150) square feet of floor space at the place where the practice of tattooing is conducted, and said place shall be so lighted and ventilated as to comply with the standards approved by the Health Officer.~~
- (j) ~~**Influence of Alcohol and Drugs.** No person shall practice tattooing while under the influence of alcoholic beverages or illicit drugs. No customer shall be tattooed while under the influence of alcoholic beverages or illicit drugs.~~
- (k) ~~**Written Instructions.** The operator shall provide the person tattooed with printed instructions on the approved care of the tattoo during the healing process.~~
- (l) ~~**Living Quarters.** No place licensed as a tattoo establishment shall be used or occupied as living or sleeping quarters.]~~

SEC. 14.387. INSPECTIONS AND PLAN REVIEW.[SANCTIONS FOR LICENSE VIOLATIONS.]

- (a) **Inspection Required.** The Health Authority shall inspect each body art establishment:
 - (1) Before issuing a license for a new establishment;
 - (2) As part of a construction or remodeling plan review;
 - (3) As part of a complaint investigation; or
 - (4) At least once a year for a routine inspection.
- (b) **Construction Inspections.** The body art establishment shall be constructed in conformance with the approved plans. The Building and Inspection Division shall not issue a building permit for a body art establishment or remodeling or alteration permit for such establishment until such plans have the approval of the Health Authority. The Health Authority shall inspect the body art establishment as frequently as necessary during the construction to ensure that the construction occurs in conformance with this Division. The Health Authority shall conduct a final construction inspection prior to the start of operations and issuance of a license.
- (c) **Access to Premises and Records.** The operator of the body art establishment shall, upon request of the Health Authority, Issuing Authority, or City Police Department and after proper identification, permit access to all parts of the establishment at any reasonable time, for the purpose of inspection. The operator shall allow review of any records necessary for the Health Authority to ascertain compliance to this ordinance.
- (d) **Interference with the Health Authority.** No person shall interfere with or hinder the Health Authority in the performance of its duties, or refuse to permit the Health Authority to make such inspections.
- (e) **Removal and Correction of Violations.** Operator(s) or technician(s) shall correct or remove each violation upon receipt of an inspection report giving notification of one or more violations of this Division in a reasonable length of time as determined by the Health Authority. The length of time for the correction or removal of each such violation shall be noted on the inspection report. Failure to remove or correct each violation within the time period noted on the inspection report shall constitute a separate violation of this Division. The Health Authority may issue orders to halt construction or remodeling, or to take corrective measures to ensure compliance with this Division.
- (f) **Grounds for Emergency Closure.**
 - (1) Single Violations. If any of the following conditions exist, the operator(s) or technician(s) may be ordered to discontinue all operations of the body art establishment. Body art establishments shall only reopen with permission from the Health Authority.
 - A. Failure to possess a license required by this Division;
 - B. Evidence of a sewage backup in an area of the establishment where body art activities are conducted;
 - C. Lack of potable, plumbed, hot or cold water to the extent that hand washing, or toilet facilities are not operational;
 - D. Lack of electricity or gas service to the extent that hand washing, lighting, or toilet facilities are not operational;
 - E. Significant damage to the body art establishment due to tornado, fire, flood, or other disasters;
 - F. Evidence of an infestation of rodents or other vermin;
 - G. Evidence of contamination, filthy conditions, untrained staff or poor personal hygiene;
 - H. Any time a public health nuisance exists;

- I. Using instruments or jewelry that are not sterile;
- J. Failure to maintain required records;
- K. Failure to use gloves as required;
- L. Failure to properly dispose of sharps, blood or body fluids, or blood or body fluid contaminated items;
- M. Failure to report complaints of potential bloodborne pathogen transmission to the Health Authority;
- N. Evidence of violations to Section 14.376 (d) of this Division; or
- O. Evidence of a positive spore test on the sterilizer or an inoperable sterilizer.

[(a) — Suspension or Revocation.

The City Council may suspend or revoke a license issued pursuant to this Division for a violation of:

- (1) ~~Fraud, misrepresentation, or false statement contained in a license application or a renewal application.~~
- (2) ~~Fraud, misrepresentation, or false statement made in the course of carrying on the licensed occupation or business.~~
- (3) ~~Any violation of this Division or state law.~~
- (4) ~~A licensee's criminal conviction that is directly related to the occupation or business licensed as defined by Minnesota Statutes, Section 364.03, subdivision 2, provided that the licensee cannot show competent evidence of sufficient rehabilitation and present fitness to perform the duties of the licensed occupation or business as defined by Minnesota Statutes, Section 364.03, subdivision 3.~~
- (5) ~~Conducting the licensed business or occupation in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the community.~~

- (b) **Notice and Hearing.** ~~A revocation or suspension by the City Council shall be preceded by written notice to the licensee and a hearing. The notice shall give at least eight (8) days' notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice shall be mailed by regular mail to the licensee at the most recent address listed on the license application.]~~

SEC. 14.388. RENEWAL OF LICENSE.

A license issued under this Division, except Temporary Body Art Event Licenses, shall expire on the first anniversary of issuance of the license. An application for the renewal of an existing license shall be made at least thirty (30) days prior to the expiration date of the license and shall be made in such form as the Issuing Authority requires. Within a reasonable period after the completion of the renewal license verification process, the Issuing Authority shall accept or deny the license application in accordance with this Division. If the application is denied, the Issuing Authority shall notify the applicant of the determination in writing and by regular mail to the address provided on the application form. The notice shall inform the applicant of the right, within twenty (20) days after receipt of the notice by the applicant, to request an appeal of the Issuing Authority's denial to the City Council. If an appeal to the City Council is timely received by the Issuing Authority, the hearing before the City Council shall take place within a reasonable period of receipt of the appeal by the Issuing Authority.

SEC. ~~14.388~~14.389. ISSUANCE OF TEMPORARY ~~[TATTOOING]~~BODY ART EVENT LICENSES.

- (a) **Requirements.** The Issuing Authority may issue a temporary ~~[tattooing]~~body art event license, provided that the following license requirements are met:

- (1) **Duration of Event.** The event is no longer than four (4) continuous days.
- (2) **Number of Events.** The same person or organization has had no more than ~~[four]~~three ([4]3) ~~[tattooing]~~body art events in the same calendar year.
- (3) **Security Measures.** The Chief of Police has approved the security measures for the event.
- (4) **Health Inspection.** The Health ~~[Officer]~~Authority has reviewed the health and ~~[sanitation]~~safety measures for the event and has inspected each vendor space for the event.
- (5) **Liability Insurance.** Liability insurance coverage of one million dollars (\$1,000,000) has been obtained to cover the event or in the alternative each vendor has procured insurance to cover the vendor's operations at the event for professional liability in the practice of body art. ~~[The minimum limits of coverage for such insurance shall be:~~
 - (A) ~~each claim, at least \$200,000;~~
 - (B) ~~each group of claims, at least \$500,000.]~~

A certificate of insurance shall be filed with the City.

- (6) **Hours of Operation.** No ~~[tattooing]~~body art procedures can take place before 7:00 a.m. nor after 11:00 p.m.

- (7) ~~[Maintenance of Order. The licensee shall be responsible for the conduct of persons during the event and shall at all times maintain conditions of order.~~
- (8) ~~**Toilet Rooms.** The event shall take place at a location equipped with adequate and conveniently located toilet rooms and hand lavatories for the accommodation of employees and patrons. The hand lavatory shall be supplied with hot and cold running water under pressure; shall be maintained in good repair at all times; and shall be kept in a clean and sanitary condition. Toilet fixtures and seats shall be of a sanitary open front design and readily cleanable. Easily cleanable, covered receptacles shall be provided for waste materials. Every lavatory facility shall be provided with an adequate supply of hand-cleansing compound and single-service sanitary towels or hand-drying devices.~~
- (9) ~~**Skin Infections.** No person having any skin infection or other disease of the skin shall be tattooed during the event.~~
- (10) ~~**Sterilization and Disposal of Bio-Hazardous Materials.** All needles and razor blades shall be individually pre-packaged, pre-sterilized and disposable. No such equipment shall be used on more than one (1) customer. All bio-hazardous waste shall be disposed of in accordance with law, and disposal procedures shall be approved by the Health Officer. Sterilizing solutions may be used for the purpose of sterilizing instruments other than needles and razor blades when such sterilizing solutions are approved by the Health Officer.~~
- (11) ~~**Skin Preparation Procedures.** The following procedures shall be used for skin preparation:
 - (A) Each operator shall wash his or her hands thoroughly with soap and water and then dry them with a clean towel before and after each tattooing. Operators with skin infections of the hand shall not perform any tattooing services.
 - (B) Whenever it is necessary to shave the skin, pre-packaged, pre-sterilized, disposable, razor blades shall be used.
 - (C) The skin area to be tattooed shall be thoroughly cleaned with germicidal soap, rinsed thoroughly with water, and sterilized with an antiseptic solution approved by the Health Officer. Only single-service towels and wipes shall be used in the skin-cleaning process.~~
- (12) ~~**Garments of Operator.** Each operator at the event shall wear clean, washable garments when engaged in the practice of tattooing. If garments are contaminated with blood or body fluids, such garments shall be removed and changed.~~
- (13) ~~**Pigments.** Pigments used in tattooing during the event shall be sterile and free from bacteria and noxious agents and substances including mercury. The pigments used from stock solutions for each customer shall be placed in a single-service receptacle, and such receptacle and remaining solution shall be discarded after use on each customer in accordance with procedures approved by the Health Officer.~~
- (14) ~~**Influence of Alcohol and Drugs.** No person shall practice tattooing while under the influence of alcoholic beverages or illicit drugs. No customer shall be tattooed during the event while under the influence of alcoholic beverages or illicit drugs.~~
- (15) ~~**Written Instructions.** Each operator at the event shall provide the person tattooed with printed instructions on the approved care of the tattoo during the healing process.~~
- (16) ~~**Tattoos on Minors.** No person shall tattoo any person under the age of eighteen (18) except in the presence of, and with the written permission of, the parent or legal guardian of such minor.]~~
- (b) **Event Application.** The temporary body art event license application shall request the following information:
 - (1) The applicant's name and current address.
 - (2) The applicant's current employer.
 - (3) The applicant's addresses for the previous five (5) years.
 - (4) The applicant's date of birth, home telephone number, weight, height, color of eyes, and color of hair.
 - (5) Whether the applicant has ever been convicted of any felony, crime, or violation of any ordinance other than a petty misdemeanor, and, if so, the time, place, and offense for which convictions were had.
 - (6) Whether the applicant has ever used or been known by a name other than the applicant's name, and if so, the name or names and information concerning dates and places where used.
 - (7) The location where the event will be conducted.
 - (8) The number of ~~[tattoo]~~body art booths that will be operational at the event.
 - (9) A list of names of body art technicians who will be working the event.
 - (9)(10) The names and addresses of persons in charge of the event.

(c) Technician Application. A temporary body art technician license shall be issued only upon receipt of the fee for a temporary body art technician license as set forth in Section 14.03 of this Code, and a complete license application, which shall be submitted at least seven (7) days prior to requested effective date of the temporary license. The temporary license application shall request the following information:

- (1) The applicant's name and current address.
- (2) The applicant's current employer.
- (3) The applicant's employers for the previous five (5) years, including the employer's name, address, and dates of employment.
- (4) The applicant's addresses for the previous five (5) years.
- (5) The applicant's date of birth, home telephone number, weight, height, color of eyes, and color of hair.
- (6) Whether the applicant has ever been convicted of any felony, crime, or violation of any ordinance other than a minor traffic offense and, if so, the time, place, and offense for which convictions were had.
- (7) Whether the applicant has ever used or been known by a name other than the applicant's name, and if so, the name or names and information concerning dates and places where used.
- (8) Whether the applicant has had a registration or license for body art revoked or denied by the City or any other governmental body within three (3) years before the application date.

(e)d) License Verification and Issuance. The Issuing Authority is empowered to conduct any and all investigations to verify the information on the application, including ordering a computerized criminal history inquiry and/or a driver's license history inquiry on the applicant. Within seven (7) days of receipt of a complete application, the Issuing Authority shall grant or deny the application. An applicant who is denied a license by the Issuing Authority shall be granted a right to appeal to the City Council.

SEC. ~~[14.389]~~14.390. PENALTY AND SANCTIONS.

~~[A violation of this Division shall be a misdemeanor under Minnesota law.]~~

- (a) **License Suspension or Revocation.** The City Council may suspend or revoke a license issued pursuant to this Division for a violation of:
- (1) Fraud, misrepresentation, or false statement contained in a license application or a renewal application.
 - (2) Fraud, misrepresentation, or false statement made in the course of carrying on the licensed occupation or business.
 - (3) Any violation of this Division or state law.
 - (4) A licensee's criminal conviction that is directly related to the occupation or business licensed as defined by Minnesota Statutes, Section 364.03, subdivision 2, provided that the licensee cannot show competent evidence of sufficient rehabilitation and present fitness to perform the duties of the licensed occupation or business as defined by Minnesota Statutes, Section 364.03, subdivision 3.
 - (5) Conducting the licensed business or occupation in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the community.
- (b) **Notice of Hearing.** A revocation or suspension by the City Council shall be preceded by written notice to the licensee and a hearing. The notice shall give at least eight (8) days' notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice shall be mailed by regular mail to the licensee at the most recent address listed on the license application.
- (c) **Criminal Penalties.** A violation of this Division shall be a misdemeanor under Minnesota law. Civil penalties shall be subject to assessment pursuant to Section 12.15 of the City Charter and Section 1.19 of this City Code. However, nothing in this Article shall be construed to limit the City's other available legal remedies for any violation of the law, including without limitation, licensing sanctions, criminal, civil, and injunctive actions. In addition, violations or failure to pay civil fines may result in future license ineligibility.

SEC. ~~[14.390]~~14.391. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this Division is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Division. The City Council hereby declares that it would have adopted the Division in each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 2. That Chapter 19, of the City Code is hereby amended by deleting those words contained in brackets [] with strikethrough font and adding those words that are underlined, to read as follows:

CHAPTER 19

ZONING

ARTICLE I. GENERAL PROVISIONS

Division B. Definitions

SEC. 19.03. DEFINITIONS.

The following words and terms when used in this Chapter shall have the following meanings unless the context clearly indicates otherwise:

~~[Tattoo]~~Body art establishment – ~~[A licensed establishment (according to the provisions of Section 14.376 of this Code) primarily engaged in the marking or decoration of persons by insertion of pigment under the skin or by production of scars]~~A place or premise, whether public or private, temporary or permanent in nature or location, where the practice of body art, whether or not for profit, is performed according to the provisions of Section 14.376 of this Code.

SEC. 19.31.01. REGIONAL COMMERCIAL (CR-1) DISTRICTS.

(c) **Provisional Uses** - The uses described below are permitted uses, provided that:

- (1) The following uses are located in a structure containing a permitted principle use, or are located in a structure meeting the minimum floor area requirement of the CR-1 District:

- (G) Licensed ~~[Tattoo]~~Body Art Establishments.

SEC. 19.40.06. MIXED-USE DISTRICT CX-2.

(c) **Provisional Uses.** If the following uses are developed with direct pedestrian access to a mixed-use center, they are permitted in the CX-2 district.

- (12) Licensed Body Art Establishments.

(d) **Conditional Uses.** If the following uses are developed with direct pedestrian access to a mixed-use center and if they meet any other conditions which may be attached, they may be permitted in the CX-2 district.

- (19) Reserved~~[Licensed tattoo establishments].~~

SEC. 19.63.09. HOME ENTERPRISES.

(a) **Home Occupations.**

- (3) **Prohibited Uses.** The following home occupations are prohibited: motor vehicle or boat repair; small engine and major household appliance repair, motor vehicle or boat service; painting or repair of motor vehicles or boats, the sale, lease, or trade of firearms or ammunition, manufacturing, taxidermy shops, unlicensed massage or escort businesses, and body art establishments. Music and dance schools with three or more students at any one time, repair shops not expressly prohibited in this section, catering, photography studios, home medical offices, and the like, shall not

be allowed as a home occupation but may make application for a Conditional Use Permit pursuant to the standards outlined in Section 19.63.09(b)(4) of the City Code. All other home enterprises not meeting the standards of this Section, and which are not expressly prohibited, may also make application for a Conditional Use Permit pursuant to the standards outlined in Section 19.63.09(b)(4) of the City Code.

(b) **Home Businesses.**

- (3) **Prohibited Uses.** The following home businesses are prohibited without limitation: motor vehicle or boat repair; small engine and major household appliance repair, motor vehicle or boat service; painting or repair of motor vehicles or boats, the sale, lease, or trade of firearms or ammunition, manufacturing, taxidermy shops, unlicensed massage or escort businesses, and body art establishments.

Section 3. That Chapter 21, of the City Code is hereby amended by deleting those words contained in brackets [] with strikethrough font and adding those words that are underlined, to read as follows:

CHAPTER 21

ZONING AND LAND DEVELOPMENT

Division H. Uses

SEC. 21.209. USE TABLES.

(d) **Neighborhood and Freeway Commercial Zoning Districts.**

| USE TYPE | ZONING DISTRICT | | | | | | | | REFERENCES |
|---|-----------------|-----------------|-----|-----|------------------|-----|-----|-----|--------------------|
| | B-1 | B-2 | B-4 | C-1 | C-2 | C-3 | C-4 | C-5 | See Listed Section |
| [Tattoo] <u>Body art establishment</u> | | <u>P</u> [G] | | | <u>P</u> [CA] | | | | 14.376 to 14.390 |

Passed and adopted this _____ day of _____, 2009.

Mayor

ATTEST:

Secretary to the Council

APPROVED:

City Attorney