

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE 2251

AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON AMENDING THE CITY'S BUSINESS AND LICENSING REGULATIONS, AS SET FORTH IN TITLE 5 OF THE SNOHOMISH MUNICIPAL CODE (SMC), REPEALING CHAPTER 5.66 SMC "PUBLIC BATH HOUSES, BODY SHAMPOO PARLORS AND TATTOO PARLORS"; ADDING A NEW CHAPTER 5.65 SMC "BODY ART, PIERCING, AND TATTOOING"; AND PROVIDING SEVERABILITY

WHEREAS, in accordance with the City's right, duty, and authority to enact laws for the protection of the public health, safety, and general welfare, the City has established regulations for adult-oriented businesses; and

WHEREAS, the City Council finds that it is appropriate to review and amend the Snohomish Municipal Code (SMC) from time to time as social and legal circumstances warrant; and

WHEREAS, pursuant to Ordinance 1791 adopted by the City Council in 1995, the Snohomish Adult Use Study Committee was established to determine if there were secondary land use impacts related to adult businesses or adult clubs; to determine the nature of these impacts on the community; and to develop recommendations for future action to address such impacts, including revised regulations for adult use businesses and adult clubs; and

WHEREAS, following from the work of the Snohomish Adult Use Study Committee and attendant review by the Planning Commission, the City Council passed Resolution 956, which confirmed and ratified land use regulations for adult entertainment businesses as adopted in Ordinance 1867, and adopted Ordinance 1880, which established business regulations for certain adult entertainment businesses, including adult motion picture theaters, adult drive-in theaters, adult cabarets, adult panorams, bikini clubs, bath houses, body shampoo parlors, tattoo parlors, and body studios; and

WHEREAS, the business regulations for tattoo parlors in Ordinance 1880 included operational standards for tattoo parlors and a special business license fee to offset City costs incurred to ensure that such uses do not harm the public health and safety; and

WHEREAS, in 2009 the State of Washington adopted a new Chapter 18.300 RCW establishing state requirements for licensing and regulation of body art, body piercing, and tattooing, for which administrative rules in WAC Chapters 308-22 and 246-145 became effective in 2010; and

WHEREAS, the state licensing and health and safety rules established by the State of Washington make local tattoo business regulations to protect the public health, safety, and welfare of the community redundant; and

WHEREAS, without the requirement for local health and safety oversight, it is appropriate to revise the business license fee for tattoo businesses for consistency with the fee for other businesses within the City; and

WHEREAS, WAC 197-11-800(19) exempts adoption of ordinances relating solely to governmental procedures, which contain no substantive standards regarding use or modification of the environment, from environmental review under the State Environmental Policy Act (SEPA), RCW Chapter 43.21C; and

WHEREAS, on May 7, 2013, following notice as required by law, a public hearing was held before the City Council and all who wished to be heard were heard; and

WHEREAS, the City Council has determined and hereby finds that the amendments to the Snohomish Municipal Code adopted in this ordinance will preserve the public health, safety, and welfare of Snohomish residents;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF SNOHOMISH, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Chapter 5.66 SMC, entitled “PUBLIC BATH HOUSES, BODY SHAMPOO PARLORS AND TATTOO PARLORS” is hereby repealed in its entirety.

Section 2. A new Chapter 5.65 SMC, entitled “BODY ART, BODY PIERCING, AND TATTOOING” is hereby adopted as set forth in the attached Exhibit A which is incorporated herein by this reference.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

Section 6. Effective Date. This ordinance shall be effective five days after adoption and publication by summary.

ADOPTED by the City Council and **APPROVED** by the Mayor this 7th day of May, 2013.

CITY OF SNOHOMISH

By _____
KAREN GUZAK, MAYOR

ATTEST:

APPROVED AS TO FORM:

By _____
TORCHIE COREY, CITY CLERK

By _____
GRANT K. WEED, CITY ATTORNEY

Date of Publication: _____

Effective Date (5 days after publication): _____

EXHIBIT A

Chapter 5.65

BODY ART, BODY PIERCING, AND TATTOOING

Sections:

- 5.65.010 Definitions
- 5.65.020 Licensing
- 5.65.030 Work Unlawful

5.65.010 Definitions.

For the purposes of this chapter, the following definitions are adopted.

- A. “Body art” means the practice of invasive cosmetic adornment including the use of branding and scarification. “Body art” also includes the intentional production of scars upon the body. “Body art” does not include any health-related procedures performed by licensed health care practitioners under their scope of practice.
- B. “Body piercing” means the process of penetrating the skin or mucous membrane to insert an object, including jewelry, for cosmetic purposes. “Body piercing” also includes any scar tissue resulting from or relating to the piercing. “Body piercing” does not include the use of stud and clasp piercing systems to pierce the earlobe in accordance with the manufacturer’s directions and applicable United States Food and Drug Administration requirements. “Body piercing” does not include any health-related procedures performed by licensed health care practitioners under their scope of practice, nor does it include the implantation of foreign objects into the human body.
- C. “Tattooing” means to pierce or puncture the human skin with a needle or other instrument for the purpose of implanting an indelible mark or pigment into the skin. “Tattooing” includes the application of permanent cosmetics such as permanent eyeliner, eyebrows, lip liner, and full lip color.

5.65.020 Licensing. All business license applications and fees for body art, body piercing, and tattooing shall be processed pursuant to SMC Chapter 5.02 and shall comply with all City laws and regulations and all State licensing laws and regulations. Issuance of a City business license for body art, body piercing, and/or tattooing shall be subject to documentation of a state-issued location license.

5.65.030 Work Unlawful.

- A. It is unlawful for a manager or an employee or independent contractor to work in a body art, body piercing, or tattoo business unless the manager or employee or independent contractor is a holder of a valid and subsisting license from the state and City to do so.
- B. RCW 26.28.085, Applying a tattoo to a minor – Penalty, including all future amendments, additions or deletions, is incorporated and adopted by reference.