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Title: Repealing Chapter 367 of the Saint Paul Legislative Code pertaining to Tattoo Parlors.

Sponsors: Kathy Lantry

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Attachments:

Date	Ver.	Action By	Action	Result
9/19/2012	1	Mayor's Office	Signed	
9/12/2012	1	City Council	Adopted	Pass
9/5/2012	1	City Council	Public Hearing Closed; Laid Over to Fourth Reading/Final Adoption	Pass
8/22/2012	1	City Council	Laid Over to Third Reading/Public Hearing	
8/15/2012	1	City Council	Laid Over to Second Reading	

Repealing Chapter 367 of the Saint Paul Legislative Code pertaining to Tattoo Parlors.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

SECTION 1

Saint Paul Legislative Code chapter 367 has regulated tattoo parlors within the City since 1977.

In 2010, the Minnesota Legislature enacted Minnesota Statutes chapter 146B, which licenses and regulates body art technicians and establishments statewide. Minnesota Statutes sections 146B.02 regulates body art and tattoo establishments in the absence of City regulation that meets or exceeds state law. Minnesota Statutes section 146B.03 preempts City regulation of body art and tattoo technicians. The state law regulates the same risks to public health, safety and welfare addressed in Saint Paul Legislative Code chapter 367. Because body art and tattoo technicians and establishments are comprehensively regulated under Minnesota Statutes chapter 146B, Saint Paul Legislative Code chapter 367 is hereby repealed. Chapter 367 of the Saint Paul Legislative Code is hereby repealed as follows:

~~Chapter 367. -- Tattoo Parlors~~

~~Sec. 367.01. -- Definitions.~~

The following definitions shall apply in the interpretation and enforcement of this chapter:

(1)

~~*Change of ownership:* The word "change of ownership" means a licensed business is sold or transferred to another person, business or corporation. A change of ownership, as it relates to an environmental plan review, does not include the changing or adding of officers to an existing partnership or corporation or change of a mailing address.~~

(2)

~~Director: The word "director" means the director of the department of safety and inspections or his/her designated agent.~~

(3)

~~Tattooing: The word "tattooing" means and includes any method of placing designs, letters, scrolls, figures, symbols, or any other marks upon or under the skin of a person with ink or colors, by the aid of needles or instruments.~~

(4)

~~Person: The word "person" means and includes any individual, firm or corporation, owner or operator of a tattooing establishment.~~

(5)

~~Remodel: The word "remodel" means any reconstruction, alteration or repair that requires structural, plumbing, mechanical and/or electrical permits; changing the location of walls; expanding the area of the facility; substantially changing or expanding the character of the business. "Remodel" does not include replacing a piece of equipment with a like piece of equipment; replacing wall, floor or ceiling finishes; repositioning equipment; providing new equipment that does not significantly alter the character of the business. The director shall have discretion in determining when this section applies.~~

~~(Ord. No. 16357, § .01, 10-14-77; Ord. No. 03-895, § 1, 11-5-03; C.F. No. 07-149, § 116, 3-28-07)~~

Sec. 367.02. -- License.

~~It shall be unlawful for any person to engage in the business of tattooing for a fee without first obtaining a license.~~

~~(Ord. No. 16357, § .02, 10-14-77)~~

Sec. 367.03. -- Investigation and inspection.

(1)

~~It shall be the duty of the health officer to investigate the premises where tattooing is proposed to be practiced, and if it shall appear to the director that the sanitary conditions prevailing upon the premises comply with the provisions of this chapter and conform to the rules and regulations promulgated by the director, the license application for the establishment shall be approved.~~

(2)

~~Environmental plan review required. A person shall not begin to construct, remodel, or alter a tattoo parlor until the director has reviewed and approved the plans and specifications required by this subsection. The tattoo parlor shall be constructed and finished in conformance with the approved plans. The director may inspect the tattoo parlor as frequently as deemed necessary during construction to ensure that construction occurs in conformance with this chapter. The director shall conduct a final inspection prior to the start of operations and issuance of an approved license. If work has commenced prior to approval of plans when required, the director may issue orders to halt the construction, extensive remodeling, expansion, or alteration, or may issue orders, including demolition or removal, if reasonably necessary to determine compliance with the standards of this chapter.~~

(3)

~~Change of ownership review required. Upon a change of ownership of a tattoo parlor, the director shall conduct a change of ownership review of the premises to determine compliance with the requirements of this chapter.~~

~~(Ord. No. 16357, § .03, 10-14-77; Ord. No. 03-895, § 2, 11-5-03)~~

Sec. 367.04. -- Fee.

~~The annual fee for a license to engage in the practice of tattooing along with the fees for an environmental plan review and change of ownership review shall be established by ordinance as specified in [section 310.09](#) (b) of the Saint Paul Legislative Code.~~

(Ord. No. 16357, § .04, 10-14-77; C.F. No. 99-518, § 1, 7-7-99; Ord. No. 03-895, § 3, 11-5-03)

Sec. 367.05. -- Tattooing of minors.

It shall be unlawful to tattoo any person under the age of eighteen (18) years.

(Ord. No. 16357, § .05, 10-14-77)

Sec. 367.06. -- General instructions.

The tattooing license and regulations of the department of safety and inspections shall be posted at all times in a conspicuous place in the tattooing establishment.

(Ord. No. 16357, § .06, 10-14-77; Ord. No. 03-895, § 4, 11-5-03; C.F. No. 07-149, § 117, 3-28-07)

Sec. 367.07. -- Rules and regulations.

The director shall promulgate rules and regulations reasonably necessary to the safe and sanitary operation of tattooing establishments after giving the parties affected thereby notice and opportunity to comment. The director shall make available at least one (1) free copy of the proposed rules and regulations to any party requesting them. The director shall allow written comments to be submitted for ten (10) days after notice of the proposed promulgation is given. If, at the end of the ten-day period, the director chooses to adopt the proposed rules and regulations, whether in the original or in an amended form, he shall make available a copy of such rules and regulations to all affected persons upon request for at least five (5) days before filing them with the city clerk. Rules and regulations promulgated pursuant to the provisions of this section shall be effective upon filing with the office of the city clerk. Amendments to rules and regulations promulgated pursuant to this section shall be effective twenty (20) days after filing with the office of the city clerk. *(Ord. No. 16357, § .07, 10-14-77; Ord. No. 03-895, § 5, 11-5-03)*

Sec. 367.08. -- Penalty.

Any person who violates any provision of this chapter or any provision of the rules and regulations promulgated thereunder shall be subject to a fine of up to three hundred dollars (\$300.00) or imprisonment of up to ninety (90) days or both.

(Ord. No. 16357, § .08, 10-14-77)

Sec. 367.09. -- License revocation.

Any license granted under this chapter may be revoked by the city council whenever the holder thereof has been convicted a second time for any violation of its provisions or for any violation of the rules and regulations promulgated thereunder.

(Ord. No. 16357, § .09, 10-14-77)

SECTION 2

The repeal of this Ordinance shall take effect and be in force thirty (30) days following its passage, approval and publication.