



**PLANNING COMMISSION MEETING  
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS  
SEPTEMBER 24, 2018  
7:00 PM**

Call to Order

Approval of minutes of the regular Planning Commission meeting of August 27, 2018.

Opportunity for Citizens to Address the Commission on items not on the Agenda

**Agenda Approval**

1. Approval of the Agenda

**Public Hearings**

2. Public hearing to consider a resolution and zoning ordinance amending the Comprehensive Plan and Zoning designations for the property at 7301 Penn Avenue. Consideration of the approval of a resolution related to a stipulation placed upon the property by the City Council in 1995.

Zoning Case No. 18-CP-03, 18-RZN-04

3. Public hearing to consider changes to the City's Zoning Ordinance to make tattoo businesses 'permitted' rather than 'conditionally permitted' in the C-2 General Business District.

PC Letter #11

**Liaison Reports**

Community Services Advisory Commission  
City Council  
Housing and Redevelopment Authority (HRA)  
Richfield School Board  
Transportation Commission  
Chamber of Commerce  
Other

**City Planner's Reports**

4. City Planner's Report
5. Next Meeting Time and Location

October 22, 2018, at 7:00 p.m. in the Council Chambers.

6. Adjournment

**Auxiliary aids for individuals with disabilities are available upon request. Requests must be made at least 96**

hours in advance to the City Clerk at 612-861-9738.



# Planning Commission Minutes

August 27, 2018

MEMBERS PRESENT: Chairperson Sean Hayford Oleary, Commissioners Allysen Hoberg, Dan Kitzberger, James Rudolph, Bryan Pynn, Susan Rosenberg, and Kathryn Quam

MEMBERS ABSENT: None

STAFF PRESENT: John Stark, Community Development Director  
Julie Urban, Housing Manager  
Matt Brillhart, Associate Planner

OTHERS PRESENT: NHH Companies, LLC representatives  
Craig Olsen, 6305 Bloomington Ave

Chairperson Hayford Oleary called the meeting to order at 7:00 p.m.

## APPROVAL OF MINUTES

M/Rudolph, S/Rosenberg to approve the minutes of the July 23, 2018 meeting.

*Motion carried: 7-0*

## OPEN FORUM

Craig Olsen of 6305 Bloomington spoke in opposition to the proposed apartments and townhomes along 16<sup>th</sup> Ave and Richfield Parkway. He expressed concern about increased traffic, the height of the apartments, storm water runoff, and property tax implications.

## ITEM #1 APPROVAL OF AGENDA

M/Pynn, S/Quam to approve the agenda.

*Motion carried: 7-0*

## PUBLIC HEARING(S)

### ITEM #2

**18-PUD-03, 18-CUP-03, 18-RZN-03– Consideration of a variety of land use approvals related to a proposal to construct 218 apartments and 72 townhomes along 16<sup>th</sup> Avenue and Richfield Parkway between approximately Taft Park and 65<sup>th</sup> Street.**

Associate Planner Matt Brillhart presented the staff report.

In response to Commissioner Rudolph, Housing Manager Julie Urban clarified that the properties without purchase agreements are privately owned, not HRA-owned, and the developer is required to amend the PUD if not all of the properties are able to be purchased.

Petro Megits and Tony Simmons with the development team gave an overview of the project.

In response to Commissioner Rudolph, Mr. Simmons clarified the location of the un-acquired homes and explained where the townhomes would be built if no agreement was reached.

Lori Boisclair of the development team, in response to Mr. Olsen's comment during the open forum, clarified that the townhomes will pay property taxes, regardless of TIF district.

Craig Olsen of 6305 Bloomington Ave reiterated his concerns about the townhomes paying fewer property taxes, the height of the buildings and storm water runoff.

M/Pynn, S/Kitzberger to close the public hearing.

*Motion carried: 7-0*

Commissioner Rudolph inquired why there are not 1:1 underground parking ratios, which Brillhart responded that adequate surface parking is provided. Jeff Pearson, City Engineer, addressed Commissioner Rudolph's inquiry about opening 65<sup>th</sup> Street to two-way traffic.

Commissioner Rudolph expressed that he likes the transition from high-density to low-density housing, but inquired why this did not occur in prior developments. Community Development Director Stark provided an overview of the TIF district boundaries for this proposal as compared to other projects. Stark further stated that projects are reviewed independently of one another and the finances of the Chamberlain required a greater density on that site.

Commissioner Rudolph expressed concern about proceeding with the development in phases without all of the properties being purchased. Adam Seraphine with NHH properties stated that they are in negotiations with two of the four remaining properties. In response to Commissioner Quam, Mr. Seraphine commented that it would not make sense to intersperse townhomes with single-family homes. Mr. Megits clarified the height of the townhomes to be roughly 37'6" with an average height of a single-family home to be approximately 30 feet. Brillhart clarified that the maximum allowed height for single-family homes is 25 feet measured at the mid-point between eave and peak. Brillhart clarified the stipulation in the resolution that requires the developer to return to the Planning Commission and City Council to amend the PUD to remove properties not acquired.

In response to Commissioner Rudolph, Pearson explained the findings of the traffic study and stated that no capacity issues were identified. Pearson responded to Chair Hayford Oleary's question regarding addressing a sidewalk gap. Hayford Oleary stated to the developer that he would like to see the sidewalk routing within the development improved. He expressed support for the project but stated that he would like to see more front steps along 16<sup>th</sup> Ave and fewer driveways.

Commissioner Rudolph commended the developer on their public outreach with the residents.

Commissioner Quam commented that she mostly supports the development but inquired why they are asking for variances from setbacks, height and building coverage. Brillhart clarified that the reduced setback allowed for surface parking between the buildings and for the residents to be more engaged with the Parkway. He further stated that the setback requirements for the MR-3 district are greater than current development standards and trends.

In response to Chair Hayford Oleary, Brillhart commented that staff is working with the development team to address the issue of blank walls along Richfield Parkway.

M/Rudolph, S/Hoberg to recommend approval of an ordinance amending Appendix I of the Richfield City Code to change the zoning designation of Blocks 1 and 2, Iversons 2nd Addition from MR-3 (High-Density Residential) to PMR (Planned Multi-Family Residential).

*Motion carried: 7-0*

M/Rudolph, S/Hoberg to recommend approval of a resolution approving a Planned Unit Development, Conditional Use Permit, and Final Development Plan for a multi-family apartment and townhome development to be built on property legally described as Blocks 1 and 2, Iversons 2<sup>nd</sup> Addition.

*Motion carried: 7-0*

**ITEM #3**

**18-VAR-03 – Cancellation of the public hearing regarding a request for a variance at 6601 Nicollet Avenue S.**

Associate Planner Matt Brillhart presented the staff report.

M/Pynn, S/Quam to cancel the public hearing

*Motion carried: 7-0*

**ITEM #4**

**Consideration of a resolution finding that the disposition of property for the Cedar Point II redevelopment project is consistent with the Richfield Comprehensive Plan.**

Housing Manager Julie Urban presented the staff report.

M/Pynn, S/Rudolph to recommend approval of a resolution finding that the disposition of property by the HRA for the Cedar Point II redevelopment project is consistent with the Richfield Comprehensive Plan.

*Motion carried: 7-0*

**ITEM #5**

**Consideration of a resolution finding that the acquisition and disposition of 6501 Penn Avenue by the Housing and Redevelopment Authority is consistent with the Richfield Comprehensive Plan.**

Housing Manager Julie Urban presented the staff report.

M/Hoberg, S/Rosenberg to recommend approval of a resolution finding that the acquisition and disposition of 6501 Penn Avenue by the Housing and Redevelopment Authority is consistent with the Richfield Comprehensive Plan.

*Motion carried: 7-0*

**LIAISON REPORTS**

Community Services Advisory Commission: No report

City Council: No Report

HRA: Rudolph gave a brief update

Richfield School Board: No Report

Transportation Commission: No Report

**CITY PLANNER'S REPORT**

No report.

In response to Chair Hayford Oleary, Urban stated that the Planning Commission will be seeing the updated version of the Comprehensive Plan sometime in October.

**ADJOURNMENT**

M/Pynn, S/Rudolph to adjourn the meeting.

The meeting was adjourned by unanimous consent at **8:03 p.m.**

AGENDA SECTION:	Public Hearings
AGENDA ITEM #	2.
CASE NO.:	Zoning Case No. 18-CP-03, 18-RZN-04



## PLANNING COMMISSION MEETING 9/24/2018

REPORT PREPARED BY: Matt Brillhart, Associate Planner

CITY PLANNER REVIEW: Melissa Poehlman, Asst. Community Development Director  
9/13/2018

### **ITEM FOR COMMISSION CONSIDERATION:**

**Public hearing to consider a resolution and zoning ordinance amending the Comprehensive Plan and Zoning designations for the property at 7301 Penn Avenue. Consideration of the approval of a resolution related to a stipulation placed upon the property by the City Council in 1995.**

### **EXECUTIVE SUMMARY:**

The property at 7301 Penn Avenue, currently home to the Drapery Place business, is designated as Low Density Residential in the Comprehensive Plan, and zoned Single Family Residential (R). The property owner is applying to change that designation to Neighborhood Commercial, and to rezone the property to Neighborhood Business (C-1).

#### **Comprehensive Plan and Zoning Designations**

As part of a citywide zoning evaluation prepared for the Comprehensive Plan update, this property was among several commercial properties identified for reclassification to commercial designations. The draft 2040 Comprehensive Plan proposes redesignating this property from Low Density Residential to Neighborhood Commercial. Following approval of the Comprehensive Plan this November, staff would then begin work on a citywide zoning update to bring zoning designations into conformance with the Comprehensive Plan.

The property is currently on the market for sale or lease, and the current zoning designation R has been a hindrance to attracting a potential buyer or lessee. While the property owner could wait for the property to be rezoned as part of this citywide update, that process is not anticipated to be complete for 6-12 months. The property owner has submitted applications to redesignate and rezone 7301 Penn Avenue now. Given that the property is already planned to be redesignated and rezoned to Neighborhood Commercial, staff recommends approval of changing those designations at this time.

#### **Removal of 1995 "sublet stipulation"**

When from the Drapery Place moved to this this location in 1995, the following stipulation was placed on the property: "That any sublet of the 7301 Penn Avenue building require the approval of the City Council." Similar to the zoning issue, this sublet stipulation could also be a hindrance to finding a new business use and/or buyer for the property. The property owner has requested that this stipulation be removed at this time. By removing this stipulation, general retail/service uses similar to Drapery Place could open without further Council approval. Any substantial change in use

or conditionally permitted use (e.g. restaurant) would still require Council approval. Staff recommends approval of a resolution removing this stipulation from the property.

**RECOMMENDED ACTION:**

**Conduct and close a public hearing and by motion:**

- 1. Recommend approval of amending the Comprehensive Plan designation of 7301 Penn Avenue S from Low Density Residential to Neighborhood Commercial.**
- 2. Recommend approval of rezoning 7301 Penn Avenue S from Single Family Residential to Neighborhood Business.**
- 3. Recommend approval of a resolution removing the 1995 "sublet stipulation" from the property at 7301 Penn Avenue S.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

- The 1997-2007 Comprehensive Plan designated the property as Single Family Residential-High Density.
- Zoning of the property remained C-1 at that time.
- The 2008 (current) Comp Plan designation is Low Density Residential.
- In 2010, the property was rezoned from C-1 to R, in order to conform with Comprehensive Plan, per Minnesota Statutes.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

See Executive Summary.

**C. CRITICAL TIMING ISSUES:**

A complete application was received and the "60-day clock" started on August 27, 2018. The Council must make a decision, or extend the deadline by an additional 60 days, by October 26, 2018.

**D. FINANCIAL IMPACT:**

None.

**E. LEGAL CONSIDERATION:**

- Notice of this hearing was mailed to properties within 350 feet of the proposed development and published in the Sun Current Newspaper.
- Schedule for City Council actions:
  - October 9, 2018 - 1st Reading of rezoning.
  - October 23, 2018 - 2nd Reading of rezoning, Comprehensive Plan amendment

**ALTERNATIVE RECOMMENDATION(S):**

None.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Keith Glanzer, property owner

**ATTACHMENTS:**

Description	Type
□ Resolution - Comp Plan Amendment	Resolution Letter
□ Ordinance - Rezoning 7301 Penn	Ordinance
□ Resolution - remove 1995 sublet stipulation	Resolution Letter
□ Zoning Maps & Aerial Photo	Backup Material

**RESOLUTION NO.**

**RESOLUTION AMENDING THE CITY'S COMPREHENSIVE PLAN  
CHANGING THE DESIGNATION OF 7301 PENN AVENUE S  
TO "NEIGHBORHOOD COMMERCIAL"**

**WHEREAS**, the City's Comprehensive Plan provides a Guide Plan establishing particular planning needs for specific segments of the City; and

**WHEREAS**, the 2030 Comprehensive Plan designates the subject property as "Low Density Residential"; and

**WHEREAS**, 7301 Penn Avenue S ("subject property") has been used for commercial purposes since its construction in 1988, and specifically by the 'Drapery Place' business since 1995; and

**WHEREAS**, the draft Comprehensive Plan update, Richfield 2040, designates the subject property as "Neighborhood Commercial"; and

**WHEREAS**, the City has reviewed the Comprehensive Plan classification and determined that it would be appropriate to designate the subject property as "Neighborhood Commercial"; and

**WHEREAS**, the Planning Commission conducted a public hearing and recommended approval of amending the Comprehensive Plan at its September 24, 2018 meeting; and

**WHEREAS**, the City Council considered the amendment to the Comprehensive Plan on October 23, 2018; and

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Richfield, Minnesota that the City's Comprehensive Plan is hereby amended to designate 7301 Penn Avenue S as "Neighborhood Commercial" contingent upon the following:

1. The revision is submitted to and approved by the Metropolitan Council.

Adopted by the City Council of the City of Richfield, Minnesota this 23rd day of October, 2018.

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Pat Elliott, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE RELATING TO ZONING;  
AMENDING APPENDIX I TO THE RICHFIELD CITY CODE  
BY REZONING PROPERTY AT 7301 PENN AVENUE S  
AS NEIGHBORHOOD BUSINESS (C-1)**

**THE CITY OF RICHFIELD DOES ORDAIN:**

Section 1. Section 2, of Appendix I of the Richfield Zoning Code is amended by adding new Paragraph (18) as follows:

(18) M-11 (SE corner, 73rd and Penn). WEST 1/2 OF THAT PART  
OF THE NORTH 10 RODS OF SOUTH 40 RODS OF WEST 1/4 OF  
SOUTHWEST 1/4 OF NORTHWEST 1/4 LYING BETWEEN THE  
WEST LINE OF OLIVER AVE S AND THE EAST LINE OF PENN  
AVE S EX STREET

Sec. 2. This ordinance is effective in accordance with Section 3.09 of the Richfield City Charter.

Passed by the City Council of the City of Richfield, Minnesota this 23rd day of October, 2018.

\_\_\_\_\_  
Pat Elliott, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose, City Clerk

**RESOLUTION NO.**

**RESOLUTION AMENDING A PREVIOUSLY APPROVED  
CITY COUNCIL DETERMINATION REGARDING PROPERTY AT  
7301 PENN AVENUE S**

**WHEREAS**, the property at 7301 Penn Avenue S (“subject property”) has been used for commercial purposes since its construction in 1988, and specifically by the *Drapery Place* business since 1995; and

**WHEREAS**, on March 27, 1995, the City Council made a determination that a drapery service business is a permitted use in the C-1 Neighborhood Business District, and included a stipulation “That any sublet of the 7301 Penn Avenue building require the approval of the City Council” (herein “sublet stipulation”); and

**WHEREAS**, the owner of the subject property has requested that this stipulation be removed, as the property is currently being marketed for sale or for lease, and the sublet stipulation is a hindrance to finding a new user and/or buyer; and

**WHEREAS**, removal of the sublet stipulation would allow the property to be sold or leased to any similar retail/service use without Council approval; and

**WHEREAS**, any substantial change in use or a conditionally permitted use will require City Council approval of a site plan amendment or conditional use permit; and

**WHEREAS**, the Planning Commission conducted a public hearing and recommended approval of removing the sublet stipulation at its September 24, 2018 meeting; and

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Richfield, Minnesota that the sublet stipulation from the March 27, 1995 City Council decision is hereby removed, contingent upon the following:

1. Site landscaping shall be reestablished in accordance with previously approved plans, within one year of approval of this resolution.

Adopted by the City Council of the City of Richfield, Minnesota this 23rd day of October, 2018.

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Pat Elliott, Mayor

ATTEST:

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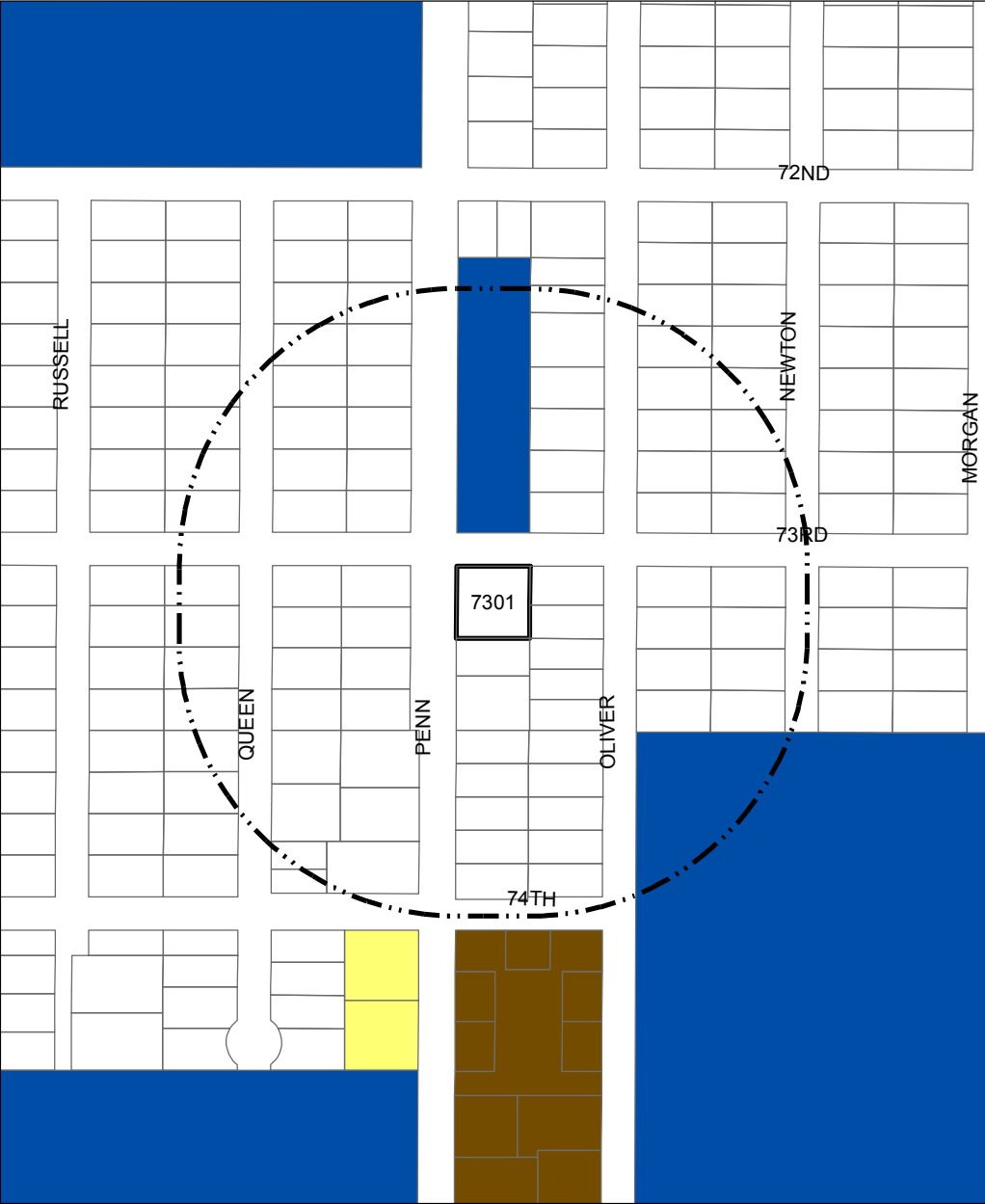
Elizabeth VanHoose, City Clerk

# 7301 Penn Ave S - Comp Plan Amendment

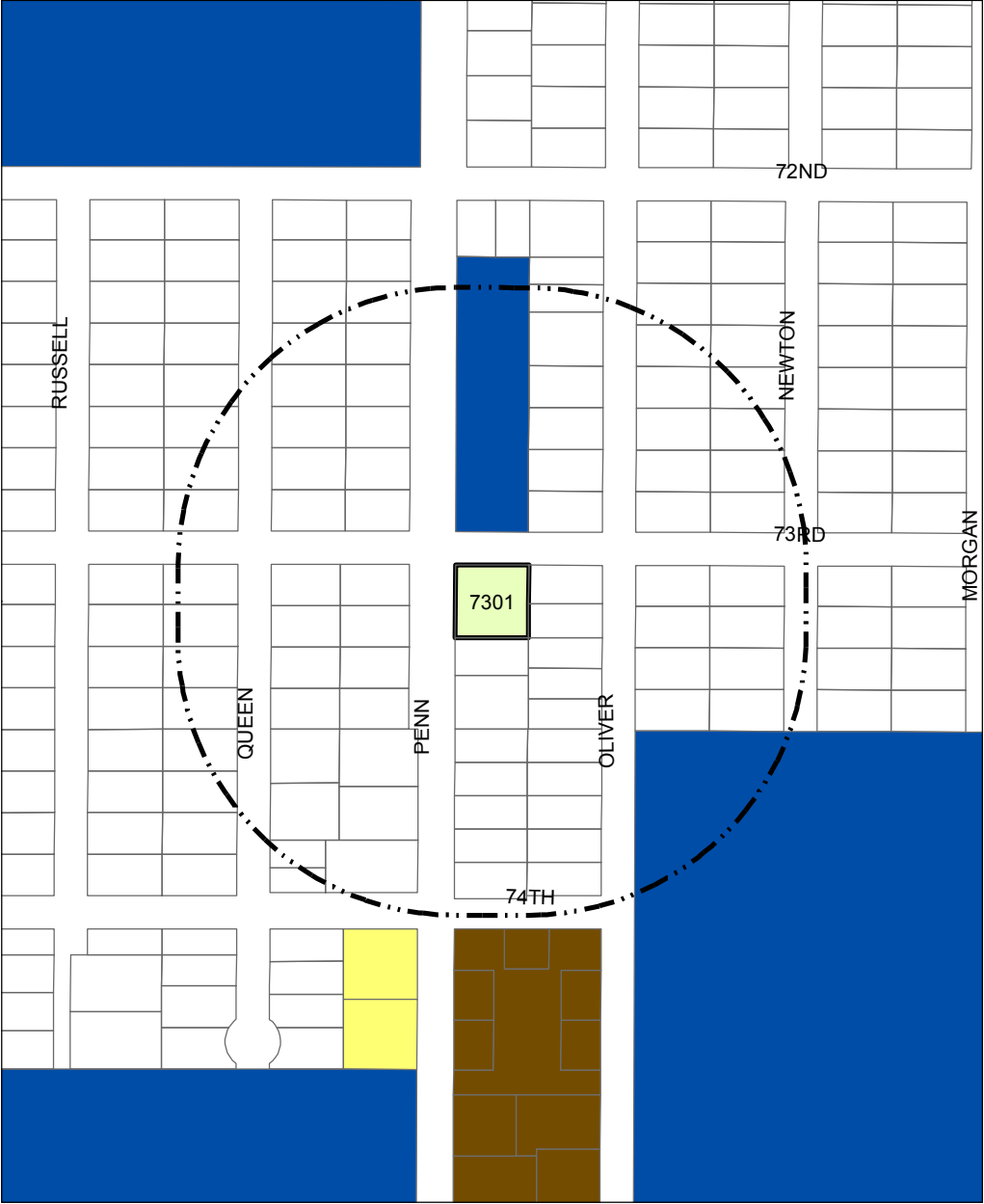


## Comp Plan Designation

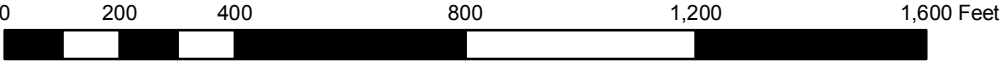
- 500' mailed notice boundary
- Regional Commercial
- Regional Commercial/Office
- Comm Commercial
- Comm Commercial/Office
- Neighborhood Commercial
- Office
- High Density Res
- High Density Res/Office
- Medium-High Density Res
- Medium Density Res
- Low Density Res
- Mixed Use
- Park
- Public
- Quasi-Public
- School/QP
- Church / QP
- ROW



Current



Proposed



# 7301 Penn Ave S - Rezone from R to C-1

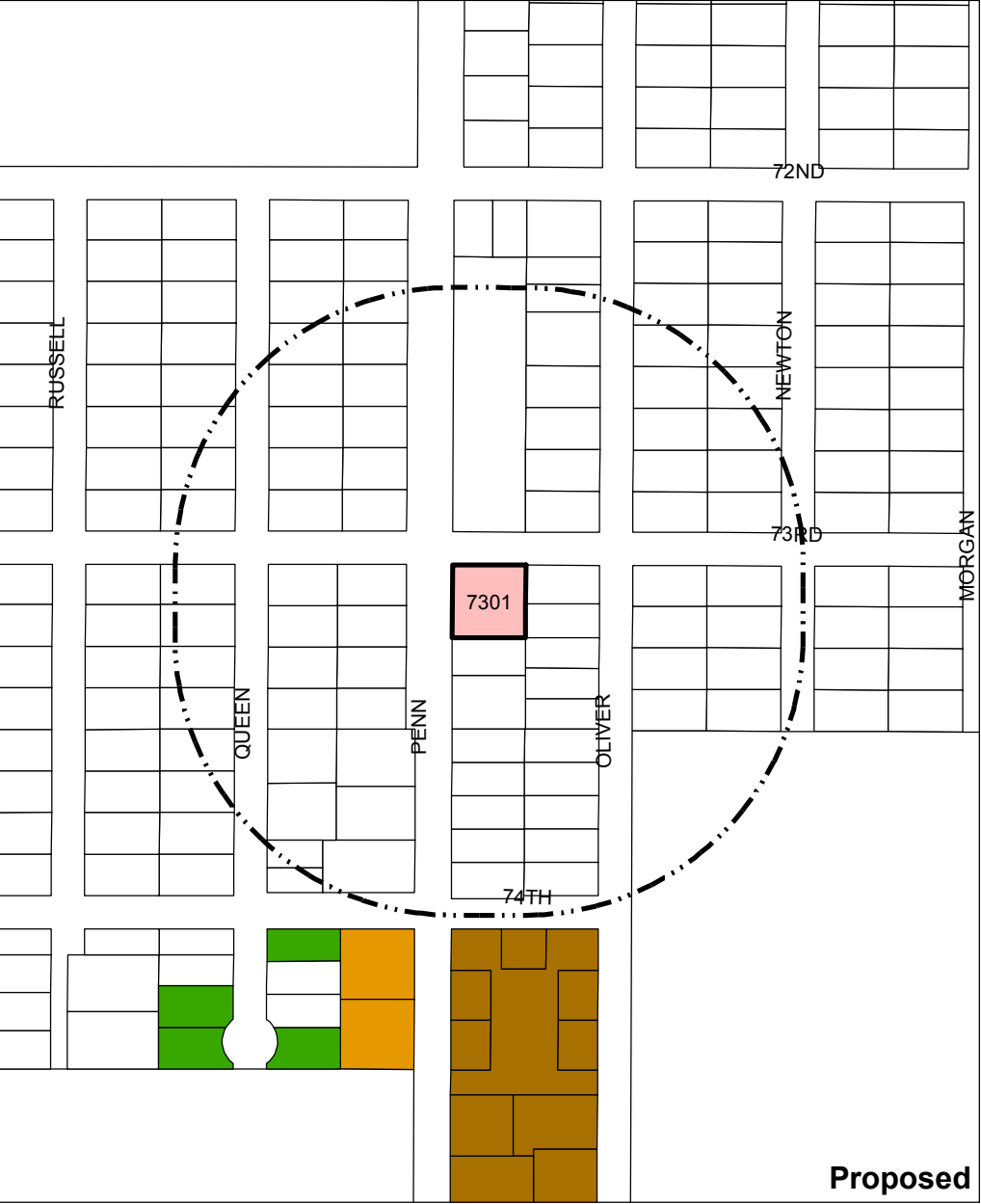


## Zoning Designation

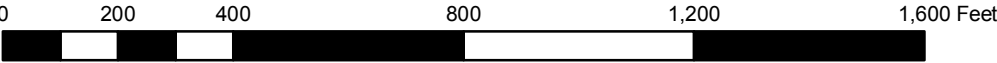
- 500' mailed notice boundary
- Park (Zoning District is R)
- R Single-Family
- R-1 Low-Density Single-Family
- MR-1 Two-Family
- PMR Planned Multi-Family
- MR-2 Multi-Family
- MR-2/CAC Multi-Fam + Cedar Overlay
- MR-3 High-Density Multi-Family
- SO Service Office
- C-1 Community Commercial
- C-2 General Commercial
- PC-2 Planned General Commercial
- I Industrial
- MU-N Mixed Use-Neighborhood
- MU-C Mixed Use-Community
- MU-C/CAC Mixed Use + Cedar Overlay
- MU-C/PAC Mixed Use + Penn Overlay
- MU-R Mixed Use-Regional
- PMU Planned Mixed Use



Current



Proposed





7301 PENN AVE S & SURROUNDING PROPERTIES – AERIAL PHOTO (2015)





# 7301 PENN AVE S – Google Street View (2016)



AGENDA SECTION:	Public Hearings
AGENDA ITEM #	3.
CASE NO.:	PC Letter #11



## PLANNING COMMISSION MEETING 9/24/2018

REPORT PREPARED BY: Matt Brillhart, Associate Planner

CITY PLANNER REVIEW: Melissa Poehlman, Asst. Community Development Director  
9/17/2018

### **ITEM FOR COMMISSION CONSIDERATION:**

**Public hearing to consider changes to the City's Zoning Ordinance to make tattoo businesses 'permitted' rather than 'conditionally permitted' in the C-2 General Business District.**

### **EXECUTIVE SUMMARY:**

In August 2018, representatives from MN Luxury Laser Education contacted City staff about relocating their facilities to Richfield Shoppes, located at 6501 Nicollet Avenue. MN Luxury Laser Education, currently based in Bloomington, is a private career school providing instruction in laser hair removal, skin tightening, tattoo removal, and cosmetic tattoo services, also known as microblading or permanent makeup. The definition of tattooing in the City's Public Health Code includes all forms of cosmetic tattooing. In addition to Public Health regulations under City Code Section 630, tattoo businesses are also regulated through the Zoning Code.

Tattoo businesses are currently permitted only in the Mixed Use Zoning Districts (Community and Regional), which are generally located along 77th Street, the Cedar Avenue Corridor, and Penn Central. In the General Business (C-2) District, tattoo businesses are conditionally permitted, when these five buffer distance conditions are met:

- *Such uses shall be located not less than 100 feet from any residentially zoned property;*
- *Such uses shall be located not less than 350 feet from any school, church, park, day care center, or public library;*
- *Such uses shall be located not less than 350 feet from any establishment selling and/or serving alcoholic beverages;*
- *Such uses shall be located not less than 100 feet from the right-of-way of an entry street to the City. For purposes of this subdivision, an entry street is defined as Penn Avenue, Lyndale Avenue, Nicollet Avenue, Portland Avenue, Cedar Avenue and 12th Avenue; and*
- *Such uses shall be located not less than 1,000 feet from other tattoo establishments.*

These regulations would prohibit MN Luxury Laser, or any other tattooing business, from locating in many commercial properties within the C-2 Zoning District. In the specific case of Richfield Shoppes, the space MN Luxury Laser intends to lease is adjacent to El Tejaban restaurant, which holds a full liquor license. Additionally, the "entry street" 100-foot setback would apply, as the Richfield Shoppes building is within 100 feet of Nicollet Avenue. In order for MN Luxury Laser to locate within Richfield Shoppes, they would need to apply for a conditional use permit, as well as variances from four of the five buffer criteria. Rather than directing MN Luxury Laser request a conditional use permit and multiple variances, staff recommended that the applicant request an ordinance amendment to reevaluate these regulations.

Staff is recommending an ordinance amendment that would make tattoo businesses permitted, rather than conditional, in the C-2 Zoning District. While the City could take a narrower approach to the matter, such as making minor adjustments to the buffer conditions or specifically allowing only cosmetic tattoo businesses, staff's research into Richfield's Zoning Code and the codes of peer cities indicated that a broader change to zoning regulations for tattoo business may be more appropriate. Making tattoo businesses permitted would bring the C-2 District into conformance with the Mixed Use Districts (Commercial and Regional), where tattoo businesses are permitted without any buffer distance requirements. Under the proposed amendment, tattoo businesses would remain prohibited in the Neighborhood Commercial (C-1) and Mixed Use Neighborhood (MU-N) Zoning Districts. A map is attached to this report, showing the Mixed Use Districts where tattoo businesses are permitted currently, as well as the C-2/PC-2 Districts that are proposed to be amended to make tattoo businesses permitted, rather than conditionally permitted.

In researching peer cities, staff found that Bloomington, St. Louis Park, and Hopkins all permit tattoo businesses in their commercial districts. St. Louis Park and Hopkins consider them as "service" and "art" businesses, respectively. In Bloomington, tattoo businesses formerly required a conditional use permit, but they were made permitted in recent years. Bloomington staff cited that the city's strict controls on the licensing of body art establishments had made it onerous to regulate such businesses through the zoning code. For the past several years, there has been just one tattoo business operating in Richfield, located in Penn Central. Based on this recent history and the low number of annual requests staff receives relating to tattoo businesses, staff finds that the market is capable of determining the appropriate locations and quantity of tattoo businesses in the City. The regulation and licensure of tattoo establishments remains tightly regulated by Richfield Public Health Code Section 630, which is attached to this report for reference. No changes are proposed to Section 630.

### **RECOMMENDED ACTION:**

**Conduct and close a public hearing and by motion: Recommend approval of the attached ordinance amendment, making tattoo businesses 'permitted' rather than 'conditionally permitted' in the C-2 General Business District.**

### **BASIS OF RECOMMENDATION:**

#### **A. HISTORICAL CONTEXT**

- This is the second such request that the City has received in recent years. A previous request in 2016 sought to locate a scalp micropigmentation (cosmetic tattooing) business at Woodlake Centre, although the application was ultimately withdrawn.
- Societal perceptions of tattoos have changed over the years. While once considered to be undesirable uses, tattoo and body art businesses, including cosmetic procedures such as microblading and micropigmentation, have become accepted and commonplace local businesses in many communities.

#### **B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

The attached ordinance amendment is quite simple in terms of text changes to the code:

- In Section 534.07 (Conditional uses in the C-2 General Business District), Subdivision 18 relating to tattoo businesses is repealed.
- In Section 512.07, which is a table of the permitted, conditional, accessory, and prohibited uses in the Commercial Districts (SO, C-1, and C-2), tattoo businesses are now 'permitted', rather than 'conditional'.

If these changes are adopted, tattoo businesses will become permitted uses in the C-2 and PC-2 Zoning Districts. Tattoo businesses would remain prohibited in the Neighborhood Commercial (C-1) and Mixed Use Neighborhood (MU-N) Zoning Districts.



The regulation and licensure of tattoo establishments remains tightly regulated under City Code Chapter VI (Public Health), Section 630: Tattoo, body piercing, body branding and body painting establishments. No changes are proposed to City Code Section 630. Body art establishments are also regulated by Minnesota State Statutes.

**C. CRITICAL TIMING ISSUES:**

None.

**D. FINANCIAL IMPACT:**

None.

**E. LEGAL CONSIDERATION:**

- Notice of this public hearing was published in the Sun Current newspaper on September 13, 2018.
- The Council will consider a first reading of the ordinance on October 9 and a second reading and summary publication on October 23, 2018.

**ALTERNATIVE RECOMMENDATION(S):**

Recommend approval of the attached ordinance with modifications.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Carly Williams, MN Luxury Laser

**ATTACHMENTS:**

Description	Type
▣ Ordinance - Tattoos in C-2 District	Ordinance
▣ Luxury Laser - Executive Summary	Backup Material
▣ City Code Section 630 - Tattoo, Body Piercing establishments	Backup Material
▣ Zoning map - Tattoo Businesses in C2, MU districts	Backup Material

BILL NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE RICHFIELD CITY CODE  
TO ALLOW TATTOO ESTABLISHMENTS  
IN THE GENERAL BUSINESS (C-2) ZONING DISTRICT**

**THE CITY OF RICHFIELD DOES ORDAIN:**

Section 1                      Section 534 of the Richfield City Code is amended by repealing Subsection 534.07, Subdivision 18 as follows:

- ~~**Subd. 18.** Tattoo establishments, provided the following conditions are met:~~
- ~~a) Such uses shall be licensed under Section 630 of the City Code;~~
  - ~~b) Such uses shall be located not less than 100 feet from any residentially zoned property;~~
  - ~~c) Such uses shall be located not less than 350 feet from any school, church, park, day care center, or public library;~~
  - ~~d) Such uses shall be located not less than 350 feet from any establishment selling and/or serving alcoholic beverages;~~
  - ~~e) Such uses shall be located not less than 100 feet from the right-of-way of an entry street to the City. For purposes of this subdivision, an entry street is defined as Penn Avenue, Lyndale Avenue, Nicollet Avenue, Portland Avenue, Cedar Avenue and 12th Avenue; and~~
  - ~~f) Such uses shall be located not less than 1,000 feet from other tattoo establishments.~~

Section 2                      Subsection 512.07 of the Richfield City Code relating to Permitted, Conditional, Accessory and Prohibited Uses in Commercial Districts is amended to read as follows:

**512.07. - Permitted, Conditional, Accessory and Prohibited Uses in Commercial Districts.**

The following table summarizes which land uses are classified as permitted, accessory, conditional or prohibited in the Commercial Districts. Refer to Sections 529 through 534 for complete regulations. (Amended, Bill No. 2011-19)

P: Permitted  
A: Accessory  
C: Conditional  
N: Null or not Permitted

Land Use	S-O	C-1	C-2
Adult businesses	N	N	P
Animal kennels	N	N	P/C
Apartments within a commercial building	A	A/C	C
Assembly, light manufacturing, warehouse	N	N	A
Auction houses	N	N	P

<b>Land Use</b>	<b>S-O</b>	<b>C-1</b>	<b>C-2</b>
Auto mechanical/body repair	N	N	C
Auto detailing	N	N	C
Auto or boat sales	N	N	C
Auto stereo installation service	N	N	P
Auto washes	N	N	C
Barber or beauty shops	P/C	P/C	P/C
Bicycle stores	N	P/C	P/C
Bicycle repair shops	P/C	P/C	P/C
Bowling alleys	N	N	P
Carpet or paint stores	N	P/C	P/C
Cemeteries	N	N	C
Convenience store	N	P	P
Day care facilities	C	P	P
Drug stores without drive-up facility	N	P/C	P/C
Drug stores with drive-up window	N	N	C
Emergency shelter	N	N	C
Enclosed storage	A	A	A
Fences, walls and hedges	A	A	A
Financial institutions without drive-up service	N	N	P
Financial institutions with drive-up service	N	N	C
Firearms related uses	N	N	C
Fortune telling	N	N	P
Funeral homes, mortuaries	N	N	C
Furniture or appliance stores	N	P/C	P/C
Governmental buildings	P	P	P
Grocery stores	N	P/C	P/C
Health club or studio, spa	N	P	P
Hospital or 24-hour urgent care	P/C	P/C	P/C
Hotel or motel (6 or more units)	N	N	C
Junk yard	N	N	N
Libraries, public	P	P	P
Liquor store, municipal	N	N	P
Marijuana (medical) dispensaries	N	N	C
Marijuana (recreational) sales outlets	N	N	N
Micro-production facility (micro-brewery/micro-distillery)	N	N	C
Nursing home	P	P	N

<b>Land Use</b>	<b>S-O</b>	<b>C-1</b>	<b>C-2</b>
Office, single-tenant, professional, executive or business	P/C	P/C	P/C
Office, multi-tenant, professional, executive, or business	P/C	P/C	P/C
Outdoor merchandising or storage (except as allowed by Section 1135 of the City Code)	N	N	N
Parking	A	A	A
Pawn shops and second hand goods dealers licensed under Section 1186 or 1187 of the City Code	N	N	C
Public utility, minor	A	A	A
Public utility, major	C	C	C
Religious institutions	N	N	P
Restaurant, take-out only (Class IV)	N	C	P
Restaurant, fast food/convenience food (Class III) or any restaurant with drive-up service	N	N	C
Restaurant, traditional or cafeteria (Class II)	N	C	C
Restaurant, full service (Class I)	N	N	C
Retail, general (single or multi-tenant)	N	P/C	P/C
Schools, public or private	N	N	P
Service station	N	N	C
Service station/convenience store	N	N	C
Service or non-auto repair shop	P/C	P/C	P/C
Taproom/cocktail room	N	N	A/C
<b>Tattoo shops</b>	<b>N</b>	<b>N</b>	<b>PG</b>
Taxi or limousine service	N	N	P
Theater, movie or live entertainment	N	N	C
Veterinary clinic	N	N	P

(Amended, Bill No. 2011-13; 2011-19; 2014-4; 2015-5; 2015-15)

Section 3            This Ordinance is effective in accordance with Section 3.09 of the Richfield City Charter.

Passed by the City Council of the City of Richfield, Minnesota this 23rd day of October, 2018.

\_\_\_\_\_  
Pat Elliott, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose, City Clerk

## Our Mission

Luxury Laser Medspa offers superior aesthetic services, including microblading. We also hold the only licensed Laser Certification course in the state. Our team provides top-notch services to our guests and ensures that every experience with us is outstanding. We have a team of results-driven laser technicians and estheticians who are experienced instructors as well.

## The Company and Management

Luxury Laser is currently located in Bloomington, MN, but will potentially be relocating to Richfield. The company is owned by Carly Williams, who has over seven years of experience in the medical aesthetic industry. She is a Board Certified Esthetics Instructor, Medical Laser Safety Officer, as well as apart of the Associated Skincare Professionals. We are medical directed by Dr. Yasmin Orandi.

## Our Services

Luxury Laser's aesthetic services include laser hair removal, cellulite removal, photo-rejuvenation, lesions removal, micro-needling, facial skin tightening, body skin tightening, scar removal, stretch mark removal, freckle removal, vein removal, tattoo removal, medical grade chemical peels, and microdermabrasion.

Luxury Laser Edu is held within the same facility and is MN's only licensed laser certification program, and only 1 of 6 in the country. Students attend 40 hours of class time and then complete their internship, which consists of bringing in clients. This program will bring many clients into Richfield every week. We remain quite busy and keep our calendar booked weeks out in advance.

Another important aspect of Luxury Laser Edu is our microblading program. This semi-permanent makeup application course will bring in clients weekly as well.

## Body Art in Richfield

We are requesting that body art be permitted in Richfield. Microblading is a very in-demand body art service that brings us a large percentage of our revenue. Microblading is tattooing eyebrows, which is a very sought after service by men and women of all ages. This is a high-end service that can only be administered by experienced professionals.

We are seeking to relocate to Richfield because it is a central location. We have students and clients that come to us from all over the state, as well as Wisconsin and Iowa.

We hope that the city will consider this awesome opportunity to bring body art to Richfield.  
Thank you.

**SECTION 630. - TATTOO, BODY PIERCING, BODY BRANDING AND BODY PAINTING ESTABLISHMENTS**

(Added, Bill No. 1997-21)

**630.01. - Regulation of body art establishments .**

**Subdivision 1. Purpose statement.** The purpose of this section is to regulate the business of body art in order to protect the health and welfare of the general public. The principal objectives of this Section are:

- (a) To prevent disease transmission;
- (b) To correct and prevent conditions that may adversely affect persons utilizing body art establishments;
- (c) To provide standards for the design, construction, operation, and maintenance of body art establishments; and
- (d) To meet consumer expectations of the safety of body art establishments.

**Subd. 2. Scope.** This Section shall apply to all persons performing body art procedures and all body art establishments where tattooing and body piercing are conducted.

**Subd. 3. Exemptions.** Board-certified medical or dental personnel that tattoo, pierce or remove tattoos as part of a medical or dental procedure are exempt from this Section. 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 Section's license requirement.

**Subd. 4. Prohibitions.** No person shall:

- (a) Conduct branding, cutting, subdermal implantation, microdermal, suspension, tongue bifurcation, or scarification of another person;
  - (b) Tattoo a minor;
  - (c) Pierce or tattoo the genitalia or nipples of a minor;
  - (d) 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
  - (e) Operate a body art establishment or perform body art procedures as described in this Section without a license.
- (Amended, Bill No. 2013-15)

**630.03. - Definitions .**

For purposes of this subsection, the terms defined in this subsection have the meanings given them.

**Subdivision 1.** "Aftercare" means written instructions given to the client, specific to the procedure(s) rendered, on caring for the body art and surrounding area. These instructions must include information on when to seek medical treatment.

**Subd. 2.** "Antiseptic" means an agent that destroys disease-causing microorganisms on human skin or mucosa.

**Subd. 3.** "Apprentice" means 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.

**Subd. 4.** "Apprenticeship" means 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.

**Subd. 5.** "Body Art" means 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 definition does not include piercing of the outer perimeter or lobe of the ear using pre-sterilized single use stud and clasp ear piercing system.

**Subd. 6.** "Body Art Establishment" means any structure or venue, whether permanent, temporary, or mobile, where the practices of body art, whether or not for profit, are performed. Mobile establishments include vehicle-mounted units, either motorized or trailered, and readily moveable without disassembling and where body art procedures are regularly performed in more than one (1) geographic location.

**Subd. 7.** "Body Piercing" means 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.

**Subd. 8.** "Body Scarification" or "Scarring" means any method of applying a scar to the body for the purpose of creating a permanent mark or design on the skin.

**Subd. 9.** "Branding" means any method using thermal cautery, radio hyfrecation, striking or any other 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.

**Subd. 10.** "Clean" means the absence of dirt, grease, rubbish, garbage, and other offensive, unsightly, or extraneous matter.

**Subd. 11.** "Contaminated Waste" means 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 "Occupational Exposure to Bloodborne Pathogens."

**Subd. 12.** "Cosmetic Tattooing" - also called micropigmentation or permanent makeup. See definition of tattooing.

**Subd. 13.** "Cutting" means 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.

**Subd. 14.** "Disinfection" means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering the objects safe for use or handling.

**Subd. 15.** "Equipment" means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, storage areas, sinks, and all other apparatus and appurtenances used in the operation of a body art establishment.

**Subd. 16.** "Establishment Plan" means a to-scale drawing of the establishment's layout illustrating the requirements of this ordinance.

**Subd. 17.** "Good Repair" means 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.

**Subd. 18.** "Guest Artist" means a person who performs body art procedures under a current technician license or meets the apprenticeship requirements of subsection 630.07, subd. 8.

**Subd. 19.** "Handsink" means a lavatory equipped with hot and cold water held under pressure, used solely for washing hands, wrists, arms or other portions of the body.

**Subd. 20.** "Health Authority" means the designated agent of the City to perform health and safety inspections and other delegated duties.

**Subd. 21.** "Issuing Authority" means the Director of Public Safety or designee.

**Subd. 22.** "Hot Water" means water at least 110 degrees Fahrenheit.

**Subd. 23.** "Implanting" means to fix or set securely an object in or under tissue and includes, but is not limited to, three-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.

**Subd. 24.** "Jewelry" means any personal ornament inserted into a newly pierced area.

**Subd. 25.** "Liquid Chemical Germicide" means a tuberculocidal disinfectant or sanitizer registered with the Environmental Protection Agency.



**Subd. 26.** "Microdermal" means a single-point perforation of any body part other than an earlobe for the purpose of inserting an anchor with a step either protruding from or flush with the skin.

**Subd. 27.** "Operator" means 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.

**Subd. 28.** "Person" means any individual, partnership, corporation, or association.

**Subd. 29.** "Procedure Area" means the physical space or room used solely for conducting body art procedures.

**Subd. 30.** "Procedure Surface" means 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.

**Subd. 31.** "Remodel" means 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.

**Subd. 32.** "Sanitization" means a process of reducing the numbers of microorganisms on clean surfaces and equipment to a safe level.

**Subd. 33.** "Safe Level" means not more than 50 colonies of microorganisms per four (4) square inches of equipment or procedure surface.

**Subd. 34.** "Scarification" means an indelible mark fixed on the body by the production of scars.

**Subd. 35.** "Sharps" means any object, sterile or contaminated, that may purposefully or accidentally, cut or penetrate the skin mucosa including, but not limited to, pre-sterilized single use needles, scalpel blades, and razor blades.

**Subd. 36.** "Sharps Container" means a closed, puncture-resistant, leak-proof container labeled with the international biohazard symbol, used for handling, storage, transportation and disposal of sharps.

**Subd. 37.** "Single Use" means products or items intended for one (1) 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.

**Subd. 38.** "Standard Precautions" means 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.

**Subd. 39.** "Sterilization" means a process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.

**Subd. 40.** "Subdermal implantation" means the implantation of an object entirely below the dermis.

**Subd. 41.** "Suspension" means 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.

**Subd. 42.** "Tattooing" means 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.

**Subd. 43.** "Technician" means any person licensed by the Minnesota Department of Health and registered with the City under this Section who conducts or practices body art procedures at a body art establishment.

**Subd. 44.** "Temporary body art establishment" means 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 four (4) events in a calendar year.

**Subd. 45.** "Tongue bifurcation" means the cutting of the tongue from the tip to the base, forking at the end. (Amended, Bill No. 2013-15)

630.05. - License required.

No person shall own or operate any body art establishment without a body art establishment license, nor shall any person engage in the practice of body art without first procuring technician registration from the Issuing Authority. Licenses must be prominently displayed in a public area of the establishment. (Amended, Bill No. 2013-15)

630.07. - Contents of application for license.

**Subdivision 1. Forms.** Every application for a license under this subsection shall be made on a form supplied by the Issuing Authority.

**Subd. 2. Contents of application.** In addition to information which may be required, the applicant shall state whether the applicant is a natural person, corporation, partnership, or other form of organization.

**Subd. 3. Additional information: natural persons.** If the applicant is a natural person, the following information shall be furnished:

- (a) The name, place and date of birth, street residence address, and phone number of the applicant.
- (b) 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.
- (c) 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 333.01.
- (d) The street addresses at which the applicant has lived during the preceding five (5) years.
- (e) 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.
- (f) 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.

**Subd. 4. Additional information: partnership.** If the applicant is a partnership, the following information shall be furnished:

- (a) The name(s) and address(es) of all general and limited partners and, for each general partner, require the information under subdivisions 3 and 6 of this subsection.
- (b) The name(s) of the managing partner(s) and the interest of each partner in the business to be licensed.
- (c) 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 333.01, a certified copy of such certificate shall be attached to the application.

**Subd. 5. Additional information: corporation.** If the applicant is a corporation or other organization, the following information shall be furnished:

- (a) The name of the corporation or business formed, and if incorporated, the state of incorporation.
- (b) 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 303.06, shall be attached to the application.
- (c) The name of the manager(s) proprietor(s), or other agent(s) in charge of the business and, for each such person, the information required under subdivisions 3 and 6 of this subsection.

**Subd. 6. All applicants.** All applicants must furnish the following information:

- (a) Whether the applicant holds a current tattooing, body piercing, body branding or body painting license from any other

governmental unit.

- (b) Whether the applicant has previously been denied a tattooing, body piercing, body branding or body painting license from any other governmental unit.
- (c) The location of the business premises and the legal description thereof.
- (d) 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.
- (e) Whenever the application is for premises either already in existence, 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 Richfield, building and inspection division, no plans need be submitted to the Issuing Authority.
- (f) Whether the applicant has had a license for body art revoked or denied by the City or any other governmental body within three (3) years before the application date.
- (g) The applicant's hours of operation, on-site management and parking facilities.
- (h) An executed data privacy advisory and consent form authorizing the release of criminal history information for each of the individuals, partners and corporate officers having an interest in the business.
- (i) 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.
- (j) The website and electronic mail address for the business and each of the individuals, partners, and corporate officers having an interest in the business.
- (k) Such other information the City Council or the Department of Public Safety may require.

**Subd. 7. Technician registration.** An application for a body art technician registration shall be made on a form supplied by the Issuing Authority and shall request the following information:

- (a) The applicant's name and current address.
- (b) The applicant's current employer.
- (c) The applicant's employers for the previous five (5) years, including the employer's name, address and dates of employment.
- (d) The applicant's addresses for the previous five (5) years.
- (e) The applicant's date of birth, home telephone number, weight, height, color of eyes, and color of hair.
- (f) 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.
- (g) 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.
- (h) Description of body art procedures to be performed.
- (i) Name and business address of licensed body art establishment(s) where body art procedures will be performed.
- (j) Current proof of successful completion of an approved course on bloodborne pathogens and prevention of disease transmission. Courses considered approved may include those administered by the following: the American Red Cross, United States Occupational Safety and Health Administration (OSHA), or the Alliance of Professional Tattooists.
- (k) Each technician registration application shall include proof of training and experience, which may include a signed affidavit as proof of completion of supervised apprenticeship for a minimum of 200 hours in the area which the applicant is seeking a license or current license issued from another health agency.
- (l) Proof of licensure by the State of Minnesota Department of Health.
- (m) Such other information as the City Council or Issuing Authority shall require.

**Subd. 8. Apprenticeship and guest artist procedures.**

- (a) No person shall start an apprenticeship or conduct body art procedures as a guest artist, until a licensed and registered technician registers the apprenticeship or guest artist with the Issuing Authority on forms provided by the Issuing Authority. The following information is required for registration:

- (1) The name and address of the licensed establishment where the apprentice or guest artist will be training or working;
  - (2) The name of the apprentice or guest artist.
- (3) The name(s) of the licensed and registered technician(s) conducting the apprenticeship or sponsoring the guest artist. If more than one (1) person is conducting the apprenticeship, then a lead technician must be identified on the application;
- (4) The starting date of the apprenticeship or guest artist;
- (5) The anticipated completion date of the apprenticeship or guest artist; and
- (6) Proof of licensure by the State of Minnesota Department of Health.
- (b) At least one of the licensed and registered technician(s) listed in (a)(3) above, shall be present at all times when the apprentice is conducting body art procedures.
- (c) The sponsoring licensed and registered 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 Issuing Authority, upon registration, the information required in subsection 630.07, subd. 7(j) and (k).
- (d) An apprentice shall complete a minimum of 200 hours of training under the direct supervision of licensed and registered technician(s) before becoming eligible for a technician license and registration.
- (e) 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 with the Minnesota Department of Health and register as a technician with the Issuing Authority.
- (f) 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.

**Subd. 9. Execution.** The application must be executed as follows:

- (a) An application by a natural person, by that person;
- (b) An application by a corporation, by an officer of the corporation;
- (c) An application by a partnership, by a partner;
- (d) An application by an incorporated association, by the manager or managing officer.

Any falsification on a license application shall result in the denial of a license. (Amended, Bill No. 2013-15)

#### 630.09. - Application verification and consideration.

**Subdivision 1.** All applications shall be referred to the Issuing Authority for verification and investigation of the facts set forth in the application, including any necessary criminal background checks to assure compliance with this subsection.

**Subd. 2. 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 subsection. 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 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 time after receipt of the appeal by the Issuing Authority. (Amended, Bill No. 2013-15)

#### 630.11. - License period and fees.

**Subdivision 1. Fees and term.** The license fees are fixed in appendix D. The term of a license is the calendar year or the remaining portion thereof. Licenses will not be prorated. Licenses expire on December 31 of each year.

**Subd. 2. Payment.** At the time of an original application for a license, the license fee shall be paid when the application is filed. At the time of renewal of a license, the total license fee shall be paid when the application is filed.

**Subd. 3. Investigation fee.** At the time of each original application for a license, the applicant shall also pay an investigation fee set by appendix D. If the expenses of the investigation exceed the investigation fee, the Issuing Authority shall so notify the applicant and shall require the applicant to pay an additional investigation fee as provided in appendix D which the Public Safety Director deems necessary to

complete the investigation of the applicant. The applicant shall pay such an additional investigation fee within five (5) days after notification. If such additional investigation fee is not paid within the five-day period, the City will give no further consideration to the application.

**Subd. 4. Refunds.** No part of a license or investigation fee shall be refunded except in accordance with this subsection. (Amended, Bill No. 2013-15)

630.13. - Persons ineligible for license.

**Subdivision 1.** No license shall be issued to an applicant who is a natural person if such applicant:

- (a) Is a minor at the time the application is filed;
- (b) Has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statutes, section 364.03, subd. 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, subd. 3;
- (c) Does not have the legal authority to be employed in the United States;
- (d) Is not of good moral character or repute;
- (e) Knowingly falsifies or misrepresents information on the license application;
- (f) Owes taxes or assessments to the State, County, School District or City that are due and delinquent;
- (g) Is not the real party in interest in the business to be licensed; or
- (h) Has had a license for body art revoked or denied by the City or another governmental body within three (3) years before the application date.

**Subd. 2.** No license shall be issued to a partnership if such partnership has any general partner or managing partner:

- (a) Who is a minor at the time the application is filed;
- (b) Who has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statutes, section 364.03, subd. 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, subd. 3;
- (c) Does not have the legal authority to be employed in the United States;
- (d) Is not of good moral character or repute;
- (e) Knowingly falsifies or misrepresents information on the license application;
- (f) Owes taxes or assessments to the State, County, School District or City that are due and delinquent;
- (g) Is not the real party in interest in the business to be licensed; or
- (h) Has had a license for body art revoked or denied by the City or another governmental body within three (3) years before the application date.

**Subd. 3.** No license 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:

- (a) Who is a minor at the time the application if filed;
- (b) Who has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statutes, section 364.03, subd. 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, subd. 3;
- (c) Does not have the legal authority to be employed in the United States;
- (d) Is not of good moral character or repute;
- (e) Knowingly falsifies or misrepresents information on the license application;
- (f) Owes taxes or assessments to the State, County, School District or City that are due and delinquent;
- (g) Is not the real party in interest in the business to be licensed; or
- (h) Has had a license for body art revoked or denied by the City or another governmental body within three (3) years before the application date. (Amended, Bill No. 2013-15)

## 630.14. - Locations ineligible for a license.

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

**Subdivision 1. 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, Chapter 278, questioning the amount or 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.

**Subd. 2. Improper zoning.** No license shall be granted if the property is not properly zoned for body art establishments unless the business is a legal, nonconforming use.

**Subd. 3. Premises licensed for alcoholic beverages.** No license shall be granted or renewed if the premises is licensed for the furnishing of alcoholic beverages or is licensed as a sexually-oriented business. (Added, Bill No. 2013-15)

## 630.15. - General license requirements.

**Subdivision 1.** General licensing requirements are as follows:

- (a) **Minors.** No person shall tattoo any person under the age of 18. No person shall pierce, brand or paint any person under the age of 18 except in the presence of, and with the written permission of, the parent or legal guardian of such minor.
- (b) **Prohibition on license transfer.** The license granted 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.
- (c) **Hours of operation.** A licensee shall not be open for business for tattooing before 7:00 a.m. nor after 11:00 p.m.
- (d) **Licensed premises.** The 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 Authority.
- (e) **Effect of license suspension or revocation.** No person shall solicit business or offer to perform body art procedures while under license suspension or revocation by the City.
- (f) **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) **Employee lists.** The licensee shall provide to the Issuing Authority a list of employees who perform body art procedures at the licensed establishment and shall verify that each employee has received a copy of Section 630.
- (h) **Liability insurance.** All licensees of establishments 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 \$1,000,000.00 for professional liability in the practice of body art.

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.

**Subd. 2. Renewal of license or registration.** An application for the renewal of an existing license or registration shall be made at least 30 days prior to the expiration date of the license or registration and shall be made in such form as the Issuing Authority requires. Within a reasonable period after the completion of the renewal license or registration verification process, the Issuing Authority shall accept or deny the license or registration application in accordance with this Section. 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 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. (Amended, Bill No. 2013-15)

## 630.17. - Standards for health and safety.

**Subdivision 1.** No person shall perform body art procedures in the City without complying with the following regulations:

(a) Clients.

- (1) Minors. No person shall tattoo any person under the age of 18. Additionally, no person shall pierce a minor without written permission from a custodial parent given in person at the body art establishment. Nipple and genital piercing is prohibited on minors regardless of parental consent.
- (2) Client identification. Technicians shall require proof of age prior to performing procedures on any client. Proof of age is established by one (1) 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;
  - (D) A resident alien card; or
  - (E) A tribal identification card.
- (3) Release form. Before performing a body art procedure, the client must sign and date a release form detailing if the client has any of the following conditions:
  - (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.
- (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 (2) years and shall be available for inspection by the Health Authority and Issuing Authority. 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 (a)(1) above, if applicable.

(b) Technician information. The following information shall be kept on file for three (3) years on the premises and available for inspection by the Health Authority and Issuing Authority 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 registration from the Issuing Authority, guest artist registration or current apprenticeship registration.
- (c) Establishment information. The following information shall be kept on file for three (3) years on the premises and available for inspection by the Health Authority and Issuing Authority:
- (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 Section 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. Upon completion of the body art procedure, technicians shall provide each client with verbal and printed instructions on recommended care of the body art during the healing process. The printed instructions must advise the client of the difference between normal skin or tissue irritation and infection and to consult a health care professional upon indication of infection of the skin or tissue.
- (f) Notification. Operators and technicians shall notify the Health Authority immediately of any reports they receive of a potential bloodborne pathogen transmission.
- (g) 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.
- (h) 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 Section.
  - (2) Procedure areas. There shall be no less than 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 or a mechanical hand dryer or blower;
    - (E) A nonporous washable garbage receptacle with a foot-operated lid or without a lid and a removable liner; and
    - (F) A sign reminding technicians to properly wash their hands.
  - (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 (3) 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 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. Floors of procedure areas shall not be carpeted.
- (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.
- (i) 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 or chemical vapor. Steam heat and chemical vapor sterilization units shall be operated according to the manufacturer's specifications and the sterilizer operations shall be recorded in a written log that includes at a minimum the following information:
    - (A) Date of sterilizer operation;
    - (B) Name of the person operating the sterilizer;
    - (C) Contents or items sterilized; and
    - (D) Run temperature, pressure and duration in minutes.
  - (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. Use of jewelry that is constructed of wood, bone, or other porous material is prohibited.
  - (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 nonporous 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.
  - (11) Single-use disposable barriers or a chemical germicide must be used on all equipment that cannot be sterilized as

part of the procedure as required under this section, including but not limited to, spray bottles, procedure light fixture handles, and tattoo machines.

(j) 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.

(k) Hand washing and hygiene.

- (1) Each technician shall scrub his or her hands and wrists thoroughly using soap, warm water and a nail brush for 20 seconds before and after performing a body art procedure.
- (2) Technicians with skin infections of the hand or open sores visible or in a location that may come in contact with the client 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 (i)(1) above. 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.
- (7) Technicians shall not allow clients to leave the procedure area without first covering the tattooed area with a bandage or other clean covering.

(l) 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.
- (6) Nonlatex gloves must be used with clients or employees who request them or when petroleum products are used.

(m) 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.
- (5) Maintain proof of proper disposal service at the establishment in the form of invoices or bills for three (3) years.  
(Amended, Bill No. 2013-15)

## 630.18. - Inspection and plan review.

**Subdivision 1. Inspection required.** The Health Authority shall inspect each body art establishment:

- (a) Before a license is issued for a new establishment;
- (b) As part of a construction or remodeling plan review;
- (c) As part of a complaint investigation; or
- (d) At least once a year for a routine inspection.

**Subd. 2. Construction inspections.** The body art establishment shall be constructed in conformance with the approved plans. No building permit for a body art establishment or remodeling or alteration permit for such establishment may be issued until such plans have the approval of the Health Authority and the City of Richfield. 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 Section. The Health Authority and the City of Richfield shall conduct a final construction inspection prior to the start of operations and issuance of a license.

**Subd. 3. Access to premises and records.** The operator of the body art establishment shall, upon request of the Health Authority or Issuing Authority, 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 or Issuing Authority to ascertain compliance to this Section.

**Subd. 4. 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.

**Subd. 5. 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 (1) or more violations of this Section 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 Section. The Health Authority or the City of Richfield may issue orders to halt construction or remodeling, or to take corrective measures to ensure compliance with this Section.

**Subd. 6. Grounds for emergency closure.**

- (a) **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 and the City of Richfield.
  - (1) Failure to possess a license or registration required by this Section;
  - (2) Evidence of a sewage backup in an area of the establishment where body art activities are conducted;
  - (3) Lack of potable, plumbed, hot or cold water to the extent that hand washing, or toilet facilities are not operational;
  - (4) Lack of electricity or gas service to the extent that hand washing, lighting, or toilet facilities are not operational;
  - (5) Significant damage to the body art establishment due to tornado, fire, flood, or other disasters;
  - (6) Evidence of an infestation of rodents or other vermin;
  - (7) Evidence of contamination, filthy conditions, untrained staff or poor personal hygiene;
  - (8) Any time a public health nuisance exists;
  - (9) Using instruments or jewelry that are not sterile;
  - (10) Failure to maintain required records;
  - (11) Failure to use gloves as required;
  - (12) Failure to properly dispose of sharps, blood or body fluids, or blood or body fluid contaminated items;
  - (13) Failure to report complaints of potential bloodborne pathogen transmission to the Health Authority;
  - (14) Evidence of violations of subsection 630.01, subd. 4; or
  - (15) Evidence of a positive spore test on the sterilizer or an inoperable sterilizer. (Added, Bill No. 2013-15)

## 630.19. - Penalties and sanctions.

**Subdivision 1. Suspension or revocation.** The City Council may revoke or suspend a license if the licensee submitted false information or omitted material information in the license process required. The City Council may also suspend or revoke a license for the violation of any provision or condition of this section or any other local law governing the same activity during the license period or any criminal law during the license period which adversely affects on the ability to honestly, safely, or lawfully conduct a body art establishment.

**Subd. 2. Notice.** A revocation or suspension shall be preceded by written notice to the licensee and a hearing before the City Council. 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 to the licensee at the most recent address listed on the application.

**Subd. 3. Criminal penalties.** A violation of this Section shall be a misdemeanor or gross misdemeanor as defined under Minnesota law. (Amended, Bill No. 2013-15)

630.21. - Issuance of temporary body art event license.

**Subdivision 1.** The Issuing Authority may issue a temporary body art event license, provided that the following license requirements are met:

- (a) Duration of event. The event is no longer than four (4) continuous days.
- (b) Number of events. The same person or organization has had no more than four (4) body art events in the same calendar year.
- (c) Security measures. The Director of Public Safety or designee has approved the security measures for the event.
- (d) Health inspection. The Health Authority has reviewed the health and sanitation measures for the event and has inspected each vendor space for the event.
- (e) Liability insurance. Liability insurance coverage of \$1,000,000.00 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.
- (f) A certificate of insurance shall be filed with the City.
- (g) The licensee must comply with the requirements at subsection 630.15(a), (c), (f), and subsection 630.17, subdivision 1.

**Subd. 2. Temporary application.** The temporary license application shall request the following information:

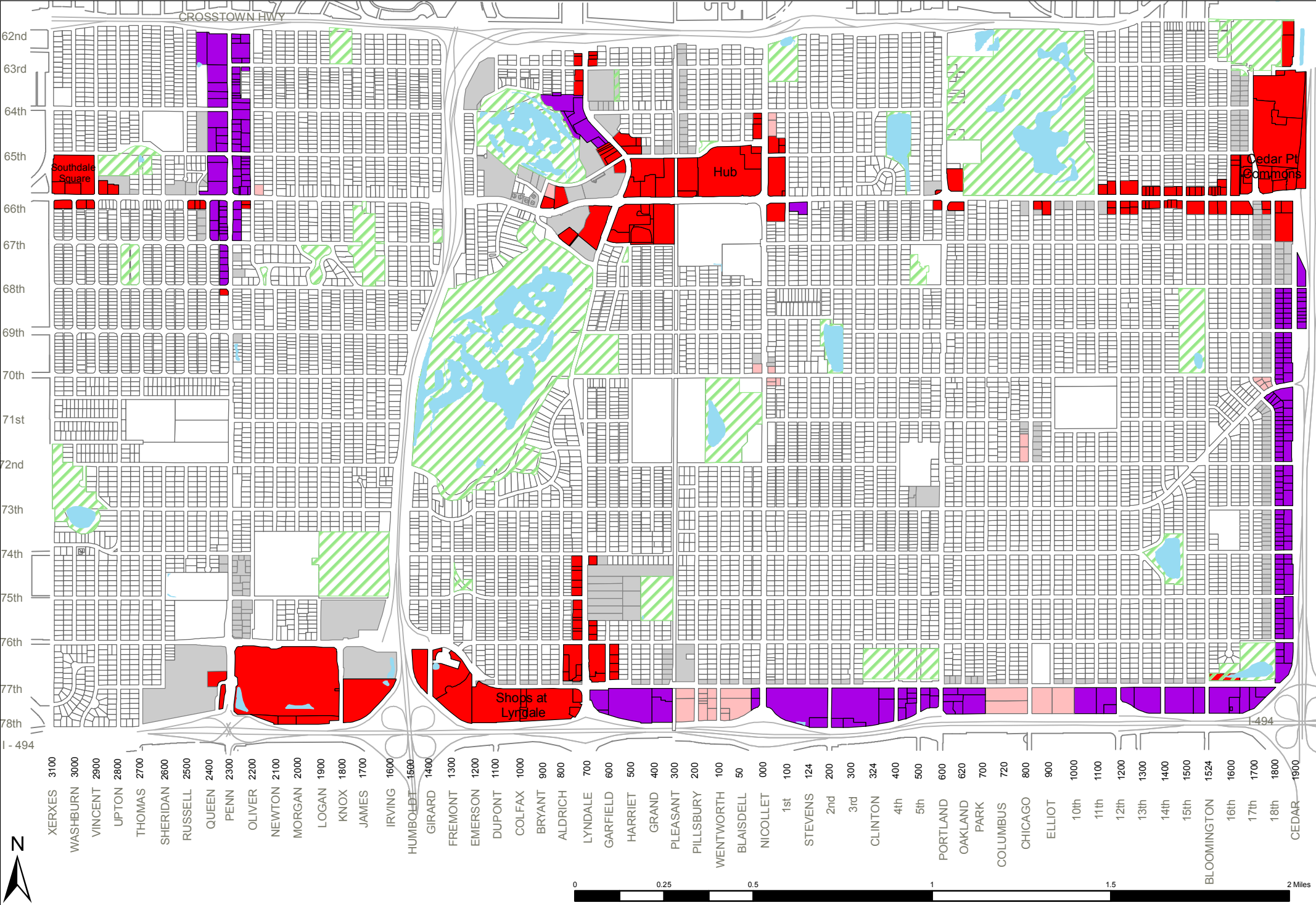
- (a) The applicant's name and current address.
- (b) The applicant's current employer.
- (c) The applicant's addresses for the previous five (5) years.
- (d) The applicant's date of birth, home telephone number, weight, height, color of eyes, and color of hair.
- (e) Whether the applicant has ever used 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.
- (f) The location where the event will be conducted.
- (g) The number of body art booths that will be operational at the event.
- (h) The names and addresses of persons in charge of the event.
- (i) A list of names of body art technicians who will be working the event.

**Subd. 3. Background investigation.** The Issuing Authority shall verify the information supplied on the temporary license application and shall investigate the background, including the current background of 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 shall have a right to appeal to the City Council. (Amended, Bill No. 2013-15)

630.23. - Severability .

If any subsection, subdivision, paragraph, or clause of this Section is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Section. (Added, Bill No. 2013-15)

# Tattoo Businesses - Permitted, Conditional, Not Permitted Zones



### Not Permitted Zones

- Park (Zoning District is R)
- All other commercial/multifamily districts
- R/R1 Single-Family
- MR-1 Two-Family
- C-1 Community Commercial
- MU-N Mixed Use Neighborhood

### Permitted Zones

- MU-C Mixed Use-Community
- MU-R Mixed Use-Regional

**current: Conditionally Permitted**  
**proposed: Permitted**

- C-2 General Commercial
- PC-2 Planned General Commercial