

# ORDINANCE 1489

## AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, ADOPTING FINDINGS OF FACT IN SUPPORT OF ORDINANCE NO. 1482, WHICH ESTABLISHED INTERIM ZONING REGULATIONS RELATING TO HOME OCCUPATION BUSINESS LICENSES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

**WHEREAS**, the City of North Bend adopted Ordinance No. 1482 on March 5, 2013, establishing interim zoning regulations related to home occupation business licenses; and

**WHEREAS**, pursuant to state law, the City held a public hearing on the interim zoning regulations established by Ordinance No. 1482 on April 16, 2013; and

**WHEREAS**, the City adopted Findings of Fact when it passed Ordinance No. 1482 and reserved the right to supplement with additional Findings of Fact; and

**WHEREAS**, the City now desires to enter additional Findings of Fact in support of the interim zoning regulations;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1. Findings of Fact Adopted:** The City Council hereby enters the following findings of fact to support Ordinance No. 1433, which established interim zoning regulations relating to home occupation business licenses:

- A. The Council finds that it was the intent of the 2008 Council to prohibit tattoo parlors and body piercing studios from the Downtown Commercial (DC) zone.
- B. The Council finds that the 2008 Council intended to locate tattoo parlors and body piercing studios only in the EP2 zone so as to disperse the secondary effects of businesses of a sensitive nature such as tattoo parlors, body piercing studios and adult entertainment.
- C. The Council finds that preservation of neighborhood quality and other growth goals underlying the City's comprehensive plan are best served by location of tattoo parlors and body piercing studios in the EP2 zone.
- D. The Council finds that tattoo parlors and body piercing studios pose health risks to the community. Such businesses involve needles and therefore, the potential

transmission of communicable diseases and bloodborn pathogens, including hepatitis B and C, HIV, and tuberculosis. Reports from the Centers for Disease Control and Prevention and the Food and Drug Administration confirm these significant health risks. *See* Center for Disease Control and Prevention, *Body Art: Tattoos and Piercings* (Jan. 21, 2008), available at <http://www.cdc.gov/features/bodyart> (last visited May 25, 2010) (noting risks of infection, tuberculosis, Hepatitis B and C, and HIV); United States Food and Drug Administration, *Tattoos & Permanent Makeup* (Nov. 29, 2000), available at <http://www.fda.gov/cosmetics/productandingredientsafety/productinformation/ucm108530.htm> (last visited May 25, 2010) (discussing risks of infection, removal problems, potential allergic reactions, and MRI complications).

- E. The Council finds that tattoo parlors and body piercing studios pose sanitation risks to the community. The use of needles and ink that contains potentially harmful metals and contaminants requires the City to ensure that precautions are taken in the proper disposal of such items. *See* Center for Disease Control and Prevention, *Body Art: Tattoos and Piercings* (Jan. 21, 2008), available at <http://www.cdc.gov/features/bodyart> (last visited May 25, 2010); *see also* Mayo Clinic, *Tattoos: Understand Risks and Precautions* (Feb. 16, 2010), available at <http://www.mayoclinic.com/health/tattoos-and-piercings/mc00020> (last visited May 25, 2010) (providing a list of questions a person should ask “[t]o make sure[his] tattoo will be applied safely”).
- F. The Council finds that tattoo parlors and body piercing studios pose safety risks to the community. Such businesses are prone to bodily injury due to the use of needles and other sharp equipment in a contained environment where persons are not covered in protective gear, but rather skin is exposed. *See* Center for Disease Control and Prevention, *Body Art: Tattoos and Piercings* (Jan. 21, 2008), available at <http://www.cdc.gov/features/bodyart> (last visited May 25, 2010); *see also* Mayo Clinic, *Tattoos: Understand Risks and Precautions* (Feb. 16, 2010), available at <http://www.mayoclinic.com/health/tattoos-and-piercings/mc00020> (last visited May 25, 2010) (providing a list of questions a person should ask “[t]o make sure[his] tattoo will be applied safely”).
- G. The Council finds that ensuring compliance with state, county and local regulations to avoid health, sanitation and safety risks burdens the City’s resources. Such resources are most efficiently and effectively used with the location of tattoo parlors and body piercing studios in the EP2 zone.
- H. The Council finds that RCW 26.28.085 prohibits tattooing a minor. The location of tattoo parlors in zones other than EP2 increases the risk that minors are unlawfully tattooed in violation of RCW 26.28.085 without notice. Protection against such unlawful practice is maximized by the location of tattoo parlors in solely the EP2 zone.

- I. The Council finds that the preservation of neighborhood quality, dispersion of negative secondary effects, and mitigation of health, sanitation and safety concerns favors location of tattoo parlors and body piercing studios in the EP2 zone and far outweighs the economic benefits to the City if zoned otherwise.
- J. The Council finds that feasible locations for a tattoo parlor or body piercing studio exist in the EP2 zone.

**Section 2. Severability:** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 3. Effective Date:** This ordinance shall take effect five (5) days after its publication or publication of a summary of its intent and contents.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 21<sup>ST</sup> DAY OF MAY, 2013.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

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**Kenneth G. Hearing, Mayor**

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**Michael R. Kenyon, City Attorney**

**ATTEST/AUTHENTICATED:**

Published: May 29, 2013  
Effective: June 3, 2013

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**Susie Oppedal, City Clerk**