

**City of South St. Paul
Dakota County, Minnesota**

Ordinance No. 1415

**AN ORDINANCE AMENDMENT RESTRUCTURING REGULATIONS FOR BODY
ART ESTABLISHMENTS**

The City Council of the City of South St. Paul does ordain:

SECTION 1. REPEAL. South St. Paul City Code Chapter 18, Article XX Body Art Establishments, is hereby repealed in its entirety.

SECTION 2. AMENDMENT. South St. Paul City Code Section 118-8 is hereby amended as follows:

Sec. 118-8. - Lots, distances, and definitions.

General service business means a business that provides services to the general public that produce minimal off-site impacts. Service businesses include but are not limited to the following:

- (1) Bank, credit union;
- (2) Barber and beauty shops;
- (3) Body art establishment that offers only micropigmentation and cosmetic tattooing (defined and regulated by Section 118-276)
- (~~3~~ 4) Dry-cleaning pick-up station;
- (~~4~~ 5) Food shelf;
- (~~5~~ 6) Interior decorating/upholstery;
- (~~6~~ 7) Laundromat, self-service;
- (~~7~~ 8) Locksmith;
- (~~8~~ 9) Mailing and packaging services;
- (~~9~~ 10) Massage center;
- (~~10~~ 11) Medical or dental clinic or laboratory;
- (~~11~~ 12) Photocopying;
- (~~12~~ 13) Post office;
- (~~13~~ 14) Radio and television service and repair;
- (~~14~~ 15) Shoe repair;
- (~~15~~ 16) Small appliance repair;

- (~~16~~ 17) Tailor shop; and
- (~~17~~ 18) Watch repair, other small goods repair.

SECTION 3. AMENDMENT. South St. Paul City Code Section 118-125 is hereby amended as follows:

Sec. 118-125. CGMU, Concord Gateway mixed-use district.

- (b) *Permitted uses.* Within either the CGMU-1 or CGMU-2 subdistricts, no structure or land may be used except for one or more of the following uses, provided such use is less than 10,000 square feet in gross floor area:
 - (9) Body art establishment (defined and regulated by Section 118-276) (~~pursuant to licensing requirements~~).

SECTION 4. AMENDMENT. South St. Paul City Code Section 118-126 is hereby amended as follows:

Sec. 118-126. C-1, retail business district.

- (a) *Permitted uses.* No land or buildings within the C-1 district shall be used except for one or more of the following uses:
 - (9) Beauty shop.
 - (10) Body art establishment that offers only micropigmentation and cosmetic tattooing (defined and regulated by Section 118-276)
 - (~~10~~ 11) Bookstore.
 - (~~11~~ 12) Bus terminal.
 - (~~12~~ 13) Cafe, cafeteria, or restaurant.
 - (~~13~~ 14) Camera store.
 - (~~14~~ 15) Candy, nut or confectionery store.
 - (~~15~~ 16) Caterer.
 - (~~16~~ 17) Church.
 - (~~17~~ 18) Clinic, dental or medical.
 - (~~18~~ 19) Club or lodge, private.
 - (~~19~~ 20) Coin-operated laundromat or dry cleaning.
 - (~~20~~ 21) Dance studio.
 - (~~21~~ 22) Delicatessen store.
 - (~~22~~ 23) Dental labs.
 - (~~23~~ 24) Department store.

- (~~24~~ 25) Drugstore.
- (~~25~~ 26) Dry goods store.
- (~~26~~ 27) Floral shop.
- (~~27~~ 28) Food locker plant.
- (~~28~~ 29) Furniture store.
- (~~29~~ 30) Gift, novelty, or souvenir store.
- (~~30~~ 31) Grocery store.
- (~~31~~ 32) Hardware store.
- (~~32~~ 33) Hobby supply store.
- (~~33~~ 34) Hotel.
- (~~34~~ 35) Jewelry store.
- (~~35~~ 36) Laundry employing not more than five people.
- (~~36~~ 37) Library.
- (~~37~~ 38) Locksmith.
- (~~38~~ 39) Luggage store.
- (~~39~~ 40) Machines, business sales and service.
- (~~40~~ 41) Magazine stand or newsstand.
- (~~41~~ 42) Mail order house.
- (~~42~~ 43) Massage therapy (licensed pursuant to article XII of chapter 18 of the City Code).
- (~~43~~ 44) Meat market.
- (~~44~~ 45) Motel
- (~~45~~ 46) Municipal building and uses.
- (~~46~~ 47) Museum.
- (~~47~~ 48) Musical instrument and musical recordings store.
- (~~48~~ 49) Notions Store.
- (~~49~~ 50) Office.
- (~~50~~ 51) Optician.
- (~~51~~ 52) Paint and wallpaper store.
- (~~52~~ 53) Painting and decorating.
- (~~53~~ 54) Pet store.
- (~~54~~ 55) Printing and publishing.
- (~~55~~ 56) Public parks and playgrounds
- (~~56~~ 57) PWS antennas located entirely inside a building or structure.

- (~~57~~ ~~58~~) Radio and television broadcasting.
- (~~58~~ ~~59~~) Repair and servicing of any article the sale of which is permitted in the district.
- (~~59~~ ~~60~~) School, elementary or secondary.
- (~~60~~ ~~61~~) Shoe store.
- (~~61~~ ~~62~~) A small wireless facility, as defined in section 54-402, that is located in the right-of-way, as long as all provisions of sections 54-400—54-429 have been met.
- (~~62~~ ~~63~~) Sporting goods store.
- (~~63~~ ~~64~~) Stationery store.
- (~~64~~ ~~65~~) Supermarket or grocery store.
- (~~65~~ ~~66~~) Tanning salon.
- (~~66~~ ~~67~~) Tile and linoleum store.
- (~~67~~ ~~68~~) Tobacco store.
- (~~68~~ ~~69~~) Toy store.
- (~~69~~ ~~70~~) Variety store.
- (~~70~~ ~~71~~) Video sales and rental.

(b) *Uses by conditional use permit.* The following uses shall require a conditional use permit:

(17) Body art establishment that offers body art procedures other than micropigmentation and cosmetic tattooing (defined and regulated by Section 118-276)

SECTION 5. AMENDMENT. South St. Paul City Code Section 118-127 is hereby amended as follows:

Sec. 118-127. MMM, mixed markets and makers district.

c) *Table 1. Permitted, Conditional and Accessory Uses.*

Table 1 Principal Use	MMM1	MMM2	MMM3	MMM4	Notes
Single family detached dwelling	P	X	X	X	
Two family dwelling	P	X	X	X	
Three-family dwelling	P	X	X	X	
Multi-family dwelling (4 or more units)	C	P	P	P	
Mixed residential and commercial building	C	P	P	P	
Live-work unit	P	P	P	P	(f)
Adult day care facility	C	P	P	P	
Auto repair	C	C	X	C	

Auto sales, leasing, and rental (may include service)	X	X	X	C	(f)
Body art establishment <u>that offers body art procedures other than micropigmentation and cosmetic tattooing (subject to licensing defined and regulated by Section 118-276)</u>	X C	P	P	P	
Child day care facility	P	P	P	P	(f)

SECTION 6. AMENDMENT. South St. Paul City Code Section 118-128 is hereby amended as follows:

Sec. 118-128. GB, general business district.

- (a) *Permitted uses.* Uses permitted in the general business (GB) district shall include and be limited to the following: ~~All uses permitted in the C-1 retail business district.~~

(1) All uses permitted in the C-1 retail business district

(2) Body art establishment (defined and regulated by Section 118-276)

- (b) *Uses by conditional use permit.* Within the GB district, the following uses may be allowed only by conditional use permit:

~~(37) Body art establishment provided, however, that the building in which the body art establishment is located shall not be closer than:~~

a. ~~—Three hundred feet from the nearest part of a residential building located within a residential district, as referenced in section 118-8; and~~

b. ~~—One half mile from the nearest part of a building in which another body art establishment is located.~~

~~(38)~~ 37 Theater.

~~(39)~~ 38 Wholesaling.

~~(40)~~ 39 Alternative financial establishment, subject to the supplemental regulations in section 118-275.

SECTION 7. ENACTMENT. South St. Paul City Code Section 118-276 is hereby enacted as follows:

Sec. 118-276. Body Art Establishments

- (a) *Purpose.* The purpose of this section is to regulate the business of tattooing, body piercing, body branding, body painting and body art for the purpose of protecting the general health, safety, and welfare of the community. The city council is aware that activities that involve the piercing of skin with needles or other instruments pose the

potential risk of spreading infection disease(s) or causing other health problems if not done in a safe manner and under sanitary conditions. Therefore, the city council finds it necessary and in the interest of the protecting the general health, safety and welfare to adopt regulations governing tattooing and body piercing.

(b) *Definitions.* The following words and terms shall have the following meanings unless the context clearly indicates otherwise:

Body art or body art procedures means physical body adornment including, but not limited to, tattooing and body piercing. Body art does not include practices and procedures that are performed by a licensed medical or dental professional if the procedure is within the professional's scope of practice.

Body art establishment means any structure or venue, whether permanent, temporary, or mobile, where body art is 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 geographic location.

Body piercing means the penetration or puncturing of the skin by any method for the purpose of inserting jewelry or other objects in or through the body. Body piercing also includes branding, scarification, suspension, subdermal implantation, microdermal, pocketing ("anti-piercing") and tongue bifurcation. For the purposes of this section, body piercing does not include the piercing of the outer perimeter or the lobe of the ear using a presterilized single-use stud-and-clasp ear-piercing system.

Branding means an indelible mark burned into the skin using instruments of thermal cautery, radio frequency, and strike branding.

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.

Micropigmentation or cosmetic tattooing means the use of tattoos for permanent makeup or to hide or neutralize skin discolorations.

Operator or technician means any person who controls, operates, or manages body art activities at a body art establishment and who is responsible for the establishment's compliance with these regulations, whether or not the person actually performs body art activities.

Owner means an individual, firm, company, corporation or association that owns and operates an establishment where body art is performed.

Procedure means performing a technique to apply body art, as defined in this section, to an individual.

Scarification means an indelible mark fixed on the body by the production of scars.

Subdermal implantation means the implantation of an object entirely below the dermis.

Suspension means the piercing of human tissue with large gauge fishing hooks or other piercing apparatus to raise or lower an individual with pulleys or other apparatus.

Tattooing means any method of placing indelible 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. Tattooing also includes micropigmentation and cosmetic tattooing.

Temporary body art establishment means any place or premises operating at a fixed location where an operator performs body art procedures for no more than 21 days in conjunction with a single event or celebration.

Tongue bifurcation means the cutting of the tongue from the tip to the base, forking at the end.

(c) *State Licenses Required.*

- (1) *Body art establishment license required.* No person, partnership, corporation or other form of business entity shall operate a body art establishment without first obtaining a body art establishment license from the State of Minnesota. Jewelry stores and accessory stores that provide ear-piercing services exclusively using piercing guns shall be exempt from this section. This section does not apply to any body art performed or provided by a licensed medical or dental professional in a medical or dental office.
- (2) *Body art technician license required.* No person shall engage in or perform any body art technique or procedure upon another unless the person holds a valid body art technician license from the State of Minnesota in accordance with the state law regulating body art.
- (3) *Proof of license required.* Upon request of the city clerk, zoning administrator, or their designee, the operators of a body art establishment shall provide a copy of their body art establishment license and a copy of the body art technician licenses for any technicians operating on the premises.

(d) *Performance Standards*

- (1) No person, partnership, corporation, or other form of business entity shall operate a body art establishment that is located on property that is not part of a zoning district that explicitly lists body art establishments as an allowed use.

- (2) No premises licensed by the State of Minnesota as a body art establishment, whether temporary or permanent, shall sell or provide alcoholic beverages. This restriction shall not apply to a body art establishment that only provides micropigmentation and cosmetic tattooing if they have obtained the necessary license to sell or provide alcoholic beverages.
 - (3) No body art establishment shall be open for business before 7:00 a.m. or after 11:00 p.m. This restriction shall not apply to a body art establishment that only provides micropigmentation and cosmetic tattooing.
 - (4) Temporary body art establishments and mobile establishments are prohibited in all zoning districts.
 - (5) All body art technicians and body art establishments licensed by the State of Minnesota shall comply with all state statutes, rules, and regulations governing body art.
- (e) *Minn. Stats. §§ 146B.01—146B.10 adopted by reference.* Except as otherwise provided in this section, the regulatory and procedural provisions in Minn. Stats. §§ 146B.01—146B.10 (body art licensure and regulations), as amended, are hereby incorporated herein and adopted by reference, including the penalty provisions thereof.

SECTION 8. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

This ordinance eliminates local licensing for body art establishments and instead regulates these businesses through the zoning code. It revises which commercial and mixed-use zoning districts allow body art establishments.

SECTION 9. EFFECTIVE DATE. This ordinance shall become effective upon publication.

Approved: September 5, 2023

Published: September 8, 2023



Deanna Werner, City Clerk