



BISMARCK-BURLEIGH PUBLIC HEALTH

DATE: March 19, 2018

FROM: Renae Moch, MBA, FACMPE, Director *Rm*

ITEM: First reading and introduction for amendment to Ordinance 6316 regarding tattooing and body piercing of minors

REQUEST

Consider introduction of Ordinance 6316 to amend City Ordinance Section 8-11-02 regarding tattooing and body piercing of minors.

Please place this item on the March 27, 2018 City Commission meeting agenda.

BACKGROUND INFORMATION

Bismarck's body art ordinance currently does not allow for the piercing of the non-cartilaginous lobe of the ear (i.e.: earlobe) of a minor under the age of 16, unless a pre-sterilized single-use stud-and-clasp ear-piercing systems (aka piercing gun) is used. Using a pre-sterilized single-use stud-and-clasp ear-piercing system to pierce the earlobe is not considered body art by state law and local ordinance and businesses that offer this service are not required to be licensed as a body art establishment.

Bismarck/Burleigh Public Health has been contacted by local body artist who would like to see the body art ordinance amended, to allow for a body artist in a licensed establishment to pierce, in the presence of a consenting legal guardian, the non-cartilaginous lobe of the ear manually with a needle. Bismarck/Burleigh Public Health does not oppose this request, as other public health units and the North Dakota Department of Health currently allow for this practice.

The amendment to the current ordinance would allow for a body artist in a licensed establishment to pierce, in the presence of a consenting legal guardian, the non-cartilaginous lobe of the ear manually with a needle.

RECOMMENDED CITY COMMISSION ACTION

First reading and introduction of Ordinance 6315 and call for a public hearing.

STAFF CONTACT INFORMATION

Anton Sattler, Environmental Health Administrator, asattler@bismarcknd.gov 701.355.3401

CITY OF BISMARCK
Ordinance No. 6316

| | |
|-----------------------------------|-------|
| <i>First Reading</i> | _____ |
| <i>Second Reading</i> | _____ |
| <i>Final Passage and Adoption</i> | _____ |
| <i>Publication Date</i> | _____ |

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 8-11-02 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO TATTOOING AND BODY PIERCING OF MINORS PROHIBITED.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 8-11-02 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Tattooing and Body Piercing of Minors Prohibited is hereby amended and re-enacted to read as follows:

8-11-02. Tattooing and Body Piercing of Minors Prohibited.
No person shall tattoo any person under the age of eighteen (18) years, except in the presence of and with the written permission of a properly identified parent or legal guardian of such person. Under no circumstances shall any person tattoo or body pierce a person under the age of 16, with the exception of piercing the non-cartilaginous lobe of the ear in a licensed body art establishment. A person providing tattoo or body piercing services shall conspicuously post a notice stating that it is illegal to tattoo or body pierce any person under the age of 18 without the parent or legal guardian's consent and without the parent or legal guardian present and that it is illegal to ever tattoo or body pierce any person under the age of 16 years old.
(Ord. 5264, 07-08-03)

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect following final passage, adoption and publication.