

Home Rule Resolution Governing Tattooing and Body Piercing Establishments

HOME RULE RESOLUTION NO. 00-03 ENACTING AND CODIFYING A HOME RULE RESOLUTION FOR BOARDMAN TOWNSHIP PROHIBITING TATTOOING AND/OR BODY PIERCING ESTABLISHMENTS.

The Board of Trustees of Boardman Township, Mahoning County, Ohio met in Regular Session at the Boardman Township Government Center of the 8th day of May, 2000 with the following members present: Elaine R. Mancini, John C. Cox and Thomas P. Costello. Mr. Cox made a Motion to approve the Second Reading and Adoption of Home Rule Resolution No. 00-03 as amended:

WHEREAS, the Boardman Township Board of Trustees adopted a limited home rule government in accordance with Ohio Revised Code Section 504.01(B)1 by Resolution duly adopted and approved October 12, 1999; and,

WHEREAS, Boardman Township constitutes an Urban Township with Limited Home Rule Authority as provided in Ohio Revised Code Section 504.01(B)1, vested with the powers, rights and immunities granted therein; and,

WHEREAS, it is the desire of the Boardman Township Board of Trustees to provide for regulations governing the establishment and operation of tattoo and/or body piercing establishments as necessary for the general health, safety and welfare of the general public:

NOW, THEREFORE, BE IT RESOLVED, THAT THE FOLLOWING REGULATIONS BE AND HEREBY ARE ADOPTED AND APPROVED UPON FIRST AND SECOND READINGS, PUBLICATION AND CODIFICATION:

SECTION 1: OPERATING A TATTOO AND/OR BODY PIERCING ESTABLISHMENT:

No person, corporation, or partnership, being the owner or lessee, or having custody, control or supervision of a premises as defined in Ohio Revised Code Section 3730.01, and in accordance with ORC 3730.11 shall:

1. Use or occupy a premises for tattooing and/or body piercing.
2. Section 1 of this Resolution shall not apply to ear piercing when the ear piercing procedure is performed with an "ear piercing gun", defined for the purposes of this Resolution as a mechanical device that pierces the ear by forcing a disposable single use stud or solid needle through the ear.

SECTION 2: NON-CONFORMING USES

Any person, corporation, or partnership operating a tattoo and/or body piercing establishment prior to the effective date of this Resolution, pursuant to a valid zoning certificate and all required federal, state and local health licenses and/or permits, shall be deemed a non-conforming use and shall be permitted to continue operation in compliance with the following conditions:

1. The owner/operator shall maintain and keep current all required federal, state and local health licenses and/or permits for the operation of said business, and maintain compliance with all zoning regulations applicable thereto;
2. The owner/operator shall be permitted to relocate said business to another location in a Commercial and/or Industrial Zoned District, in compliance with all zoning regulations, and the non-conforming use of the prior location shall cease and terminate upon relocation of said business;
3. The owner/operator of a non-conforming use tattoo and/or body piercing establishment shall be permitted to transfer ownership of said business, wherein said business shall continue as a non-conforming use in compliance with this section, unless said business shall cease operations for more than a period of one (1) year wherein said business shall lose non-conforming status and be prohibited

from operating; and,

4. The operation of all non-conforming use tattoo and/or body piercing establishments shall be limited to one business location within the township.

SECTION 3: PENALTIES

A violation of this resolution shall constitute an unclassified civil misdemeanor punishable by a civil fine as follows:

- a. First Offense: \$ 250.00
- b. Second Offense: \$ 500.00
- c. Third Offense: \$ 700.00
- d. Fourth and Subsequent Offenses: \$1,000.00

SECTION 4: EFFECTIVE DATE OF RESOLUTION

This Resolution is hereby declared to be a measure necessary for the immediate preservation of the public health, welfare, and safety, thus the necessity to provide for regulation governing the operation of tattoo an/or body-piercing establishments through a codified Home Rule Resolution as described above; and, furthermore, provided it receives the affirmative vote of the Board of Trustees, shall take effect and be in force effective thirty (30) days from the original date of adoption upon both First and Second Readings and Publication thereof:

Mr. Costello seconded the Motion to approve the Second Reading and Adoption of Home Rule Ordinance No. 00-03 As Amended:

Date of First Reading: April 11, 2000
Date of Second Reading: May 8, 2000

On the ROLL CALL being called, the vote resulted as follows:
Mrs. Elaine R. Mancini Aye
Mr. John C. Cox Aye
Mr. Thomas P. Costello Aye

**Home Rule Resolution No. 00-003 adopted upon Second Reading this 8th day of May, 2000.
Effective Date of Resolution after Publication: June 7, 2000**

BY ORDER OF THE BOARDMAN TOWNSHIP BOARD OF TRUSTEES
BOARDMAN TOWNSHIP TRUSTEES MAHONING COUNTY, OHIO:
Elaine R. Mancini, Chair
John C. Cox, Vice-Chair
Thomas P. Costello, Trustee

ATTEST:

William D. Leicht, Clerk

CERTIFICATION

I, William D. Leicht, Clerk of Boardman Township, do hereby certify that the foregoing is taken and copied from the Minutes of Boardman Township, that the same has been compared by me with Home Rule Resolution No. 00-03 of said Minutes, and that same is true and correct copy thereof.

William D. Leicht, Clerk