

ORDINANCE NO. P-20190814(1)

**AN ORDINANCE TO UPDATE SECTIONS OF,
AND CORRECT ERRORS IN THE PREVIOUS ORDINANCE # 459
THAT AMEND THE OFFICIAL ZONING CODE
OF THE TOWN OF CARTHAGE, TENNESSEE**

- WHEREAS**, the Official Zoning Code currently in use was adopted by Ordinance No. 261 on July 11, 1995, and amended by Ordinance No. 274 on December 5, 1996, and
- WHEREAS**, several Ordinances that would amend said Official Zoning Code has been passed and adopted by the Board of Mayor and Aldermen of the Town of Carthage, Tennessee since December 5, 1996, and
- WHEREAS**, Ordinance # 459, titled “AN AMENDMENT TO THE ZONING ORDINANCE OF THE TOWN OF CARTHAGE, TENNESSEE: TO UPDATE THE USES PERMITTED WITHIN THE C-2 GENERAL COMMERCIAL DISTRICT TO INCLUDE TATTOO AND BODY PIERCING ESTABLISHMENTS” was submitted for consideration and approval, and
- WHEREAS**, minutes from previous City Council meeting on 3/1/2018 to conduct the Second Reading of Ordinance # 459 does not indicate the passage of said Ordinance, and
- WHEREAS**, a signed copy of Ordinance # 459 is not discoverable, and
- WHEREAS**, Tenn. Code Ann. § 62-38-101 et. seq. imposes strict regulations and conditions that Tattoo and Body Piercing Establishments must meet to operate in Tennessee, and
- WHEREAS**, pursuant to Section 11-505.1 of the Official Zoning Code, the C-2 General Commercial District of the Town of Carthage is generally described as an area for the conduct of community and regional retail and service business dealing predominantly in those goods transportable by private auto and for those creating a substantial amount of automobile traffic, and
- WHEREAS**, Tattoo and Body Piercing Establishments do not readily conform to the general description of uses commonly permitted and located in said C-2 General Commercial District Zone, and
- WHEREAS**, in addition to review by the Carthage Board of Zoning Appeals as a use permitted on appeal, properly prepared site plans shall be submitted to the planning commission and proper building officials for review and approval, and
- WHEREAS**, the grant of power and the process for adoption of a municipal zoning ordinance is found in Tenn. Code Ann. § 13-7-201 through § 13-7-203, and
- WHEREAS**, the Carthage Municipal Planning Commission reviewed and recommended this Ordinance on August 14, 2019, to the Town of Carthage for consideration, and
- WHEREAS**, pursuant to the requirements of Tenn. Code Ann. § 13-7-203, the Town of Carthage conducted a public hearing prior to the final reading and adoption of this ordinance to allow for community input into the ordinance amendment(s) herein described;

BE IT ENACTED by the Board of Mayor and Alderman for the Town of Carthage, Tennessee as follows:

Section 1. The Official Zoning Code shall be amended by the addition of the following definition to Section 11-204:

TATTOO or TATTOOING--The terms "tattoo" or "tattooing" shall mean to mark or color the skin by pricking in color matter so as to form indelible marks or figures or by producing scar tissue.

TATTOO ESTABLISHMENT--The term "tattoo establishment" shall mean any room or space where tattooing is performed or where the business of tattooing, or any part thereof, is conducted. The term is synonymous with "tattoo parlor" or "tattoo studio."

BODY PIERCING--The term "body piercing" shall mean to create an opening or hole in the body of a human being for the purpose of inserting jewelry or other decoration; and, does not include piercing an ear with disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear.

BODY PIERCING ESTABLISHMENT--The term "body piercing establishment" shall mean any room or space where body piercing is performed or where the business of body piercing, or any part thereof, is conducted, with the exception of piercing an ear with disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear. The term is synonymous with "body piercing parlor" or "body piercing studio."

Section 2. Section 11-505, C-2 General Commercial Zoning District, Subsection, 11-505.3 USES PERMITTED ON APPEAL (SPECIAL EXCEPTIONS), be amended to include the following:

Tattoo and Body Piercing Establishments as defined herein, Section 11-204 of the Official Zoning Code, and Tenn. Code Ann. § 62-38 (as amended) shall only be permitted on appeal (Special Exceptions), and shall comply with all requirements and regulations found within Tenn. Code Ann. § 62-38 (as amended).

Properly prepared Site Plans, as defined in Section 11-705 of the Official Zoning Code for Tattoo and Body Piercing Establishments shall **also** be submitted to the Municipal Planning Commission and proper building officials for review and said Plans shall comply with all relevant regulations found in the Official Zoning Code and with

all relevant Zoning Ordinances (as amended) prior to final approval as USE PERMITTED ON APPEAL (SPECIAL EXCEPTION).

Pursuant to Tenn. Code Ann. § 62-38-210, the Tattoo and Body Piercing Establishments USES PERMITTED ON APPEAL (SPECIAL EXCEPTIONS) does not apply to any physician, surgeon or any person under the supervision of a physician or surgeon who is licensed to practice medicine in the State of Tennessee and are conducting Tattoo and Body Piercing in a professional medical office or medical facility.

- Section 3. This Ordinance shall supersede Ordinance # 459 and shall supersede any amendments to the Official Zoning Code set forth by Ordinance # 459.
- Section 4. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this Ordinance is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of this Ordinance.
- Section 5. Where other ordinances or regulations impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory.
- Section 6. This Ordinance shall be effective from and after its passage and final reading, as provided by law, the public welfare requiring it.
- Section 7. Effective Date. This ordinance shall take effect and be in full force upon its final passage as required by law.

Passed 1st Reading 9/5/19

Passed 2nd Reading 10/3/19

PUBLICATION OF NOTICE: 9/19/19

PUBLIC HEARING HELD: 10/3/19
(At least 15 days after public notice)

Mayor

Date

Recorder

Date