

City Council allows tattoo parlors

Mother, son vow
they will sue
over restrictions

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The City Council voted Tuesday to allow tattoo parlors in a commercial thoroughfare zoning district with a host of requirements, but it's an allowance that's unlikely to stave off a lawsuit.

Santa Cruz resident Geoff Wells and his mother, Kate Wells, a civil rights attorney, said they will sue the city over its restrictions — historically a ban, prior to Tuesday's vote — on body art businesses.

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"We've been at this for almost a year now guys," Geoff Wells told the City Council Tuesday. "It's been a long battle. You guys may feel like you've accomplished anything so far, but I haven't seen it."

Kate Wells said the ordinance as approved essentially made it impossible to open a body art business because of the lack of retail space in the zoned area.

Geoff Wells questioned the rationale of the council approving a new, staff-presented proposal with what he considered to be "minor" changes from a previous draft ordinance.

"Are you guys trying to avoid

a lawsuit by doing that?" he asked.

"The zone is still too restrictive, and you've made it more restrictive," he said prior to the vote. "You've created a de facto prohibition on tattoos; you've basically outlawed tattoos by zoning it to such a small area. We will be forced to continue with legal proceedings if you guys vote 'yes' today."

The City Council voted "yes" by a 4-3 margin.

The vote made the following changes:

- The City Council allowed body art facilities but only in the commercial thoroughfare zoning district.

- A tattoo parlor is required to receive a special use permit from the planning commission for site approval. Also, each operator must apply for a body

artist permit from the police department, including fingerprinting and background check, and an administrative review permit from the planning department.

- The city will conduct an annual review of any tattoo parlor's special use permit.

- The required distance between tattoo parlors is 750 feet.

- Minors must have notarized permission from parents and bring their parents to the tattoo parlor so parents are present during "any type of body art application."

- The City Council voted for distance requirements between body art facilities and sensitive uses, such as buffers of 300 feet from any liquor store or bar, 500 feet from any public or private school and 500 feet from

any public or private park or playground.

The Wellses wanted the City Council to kill the proposed ordinance and come back with something less restrictive. They needed a one-vote swing for that to happen, however.