

Ordinance No. 00115

[\(Council Minutes 97/02/03\)](#)

ORDINANCE NO. 115

AN ORDINANCE of the City Council of the City of Lakewood, Washington, creating a new Section 9.62.020 of the Lakewood Municipal Code and amending Section 9.62.900 of the Lakewood Municipal Code relating to miscellaneous crimes and tattooing minors and piercing body parts of minors without parental consent

WHEREAS, the acquisition of tattoos by minors and pierced body parts by minors without parental consent is an issue of concern to parents and citizens of the City since they may leave permanent marks and scarring or other health problems; and,

WHEREAS, when the recipient of such tattoos and pierced body parts are minors, they may not appreciate the permanent aspect or potential dangers of acquiring the same; and,

WHEREAS, state law currently provides that it is illegal for a person to give a minor a tattoo, and it is appropriate for that section of the state statute to be adopted by reference into the Lakewood Municipal Code, so that the law could be enforced by the City of Lakewood; and,

WHEREAS, it is also appropriate for the City Council of the City of Lakewood to adopt into its City code a provision that prohibits a person from piercing the ears or other body parts of a minor without parental consent.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD,

WASHINGTON, DO ORDAIN as Follows:

Section 1. That a new Section 9.62.020 of the Lakewood Municipal Code be, and the same is hereby amended to read as follows:

9.62.020 Piercing ears or other body parts of a minor without parental consent--Penalty.

Every person who pierces the ear or ears or other part or parts of the body of any minor under the age of eighteen without the personal or written consent of a parent or legal guardian of the minor, is guilty of a misdemeanor. It is not a defense to a violation of this section that the person piercing the ear or ears or other part or parts of the body of the minor did not know the minor's age unless the person piercing the minor's ear or ears or other body part or parts establishes by a preponderance of the evidence that he or she made a reasonable, bona fide attempt to ascertain the true age of the minor by requiring production of a driver's license or other picture identification card or paper and did not rely solely on the oral allegations or apparent age of the minor, or in the case of purported consent, that he or she made a reasonable, bona fide attempt to determine the identity of the parent or guardian and to ascertain the legitimacy of the consent.

For the purposes of this section, "piercing the ear or ears or other part or parts of the body" includes any piercing of any skin or tissue of an person with insertion of or to facilitate insertion of jewelry or ornaments which leaves a permanent or temporary

perforation or hole in the skin or tissue of the person. Medical procedures performed by a licensed physician are exempted from this section.

Section 2. That Section 9.62.900 of the Lakewood Municipal Code be, and the same is hereby amended to read as follows:

9.62.900 Statutes incorporated by reference.

The following statutes are incorporated in this Chapter by reference:

RCW 9.03.010 (Abandoning, discarding, refrigeration equipment)

RCW 9.03.020 (Permitting unused equipment to remain on premises)

RCW 9.03.040 (Keeping or storing equipment for sale)

RCW 9.73.010 (Divulging telegram)

RCW 9.73.020 (Opening sealed letter)

RCW 9.91.010 (Denial of civil rights--Terms defined)

RCW 9.91.025 (Unlawful bus conduct)

RCW 9.91.060 (Leaving children unattended in parked automobile)

RCW 9.91.110 (Metal buyers--Records of purchases)

RCW 26.28.085 (Applying tattoo to a minor--Penalty)

(Ord. 41 § 1 (part), 1996.)

Section 3. If any sections, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of component jurisdiction, or its application held inapplicable to any person, property or circumstance, such invalidity or unconstitutionality or inapplicability shall not effect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance or its application to any other person, property or circumstance.

Section 4. That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

ADOPTED by the City Council this 3rd day of February, 1997.

CITY OF LAKEWOOD

/S/

Bill Harrison, Mayor

Attest:

/S/

Alice M. Bush, CMC, City Clerk

Approved as to Form:

/S/

Daniel B. Heid, City Attorney

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