

AN ORDINANCE AMENDING THE KITTY HAWK TOWN CODE

WHEREAS, the art of tattooing is a form of expression protected by the First Amendment, per the Ninth Circuit Court of Appeals; and

WHEREAS, NCGS 160A-174 provides that an ordinance is inconsistent with state law if the ordinance makes unlawful an act, omission, or condition which is expressly made lawful by State or federal law; and

WHEREAS, NCGS 130A-283 establishes a regulatory framework administered through the Department of Environment and Natural Resources, regulating tattooing; and

WHEREAS, the Town Council of Kitty Hawk has found this amendment to be consistent with the Town's adopted CAMA Land Use Plan.

BE IT ORDAINED by the Town Council of Kitty Hawk that Section 42-1, 42-251, 42-277, and 42-278 of the Kitty Hawk Town Code be amended as follows:

42-1. Definitions

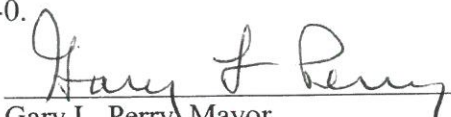
Tattoo studio means an establishment which the activity of tattooing occurs. Tattooing means the inserting of permanent markings or coloration, or the production of scars, upon or under human skin through puncturing by use of a needle or other method.

Sec. 42-251(c)35.; 42-277(c)12.; 42-278(c)17. – *Special uses.*

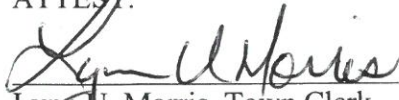
Tattoo studios, subject to the following conditions:

- a. **Shall meet the separation requirements listed below for minimum distance in a straight line from the property line:**
 1. **Church, school, public park, or libraires: 200 feet**
 2. **Other tattoo studios: 400 feet**
- b. **Health department and any other applicable local and state agency approval is required.**
- c. **Hours of operation shall be limited to 8:00am to 8:00pm.**
- d. **The Planning Board may recommend to the Town Council, and Town Council may impose, any additional conditions that they determine are appropriate based on surrounding.**

This ordinance amending the Kitty Hawk Town Code shall take effect the 4th day of October, 2021. Passed and adopted at a regular meeting held by the Town Council of Kitty Hawk the 4th day of October, 2021, with a unanimous approval vote of 5-0.


Gary L. Perry, Mayor

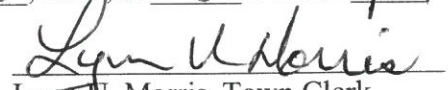
ATTEST:


Lynn U. Morris, Town Clerk

APPROVED AS TO FORM:

Town Attorney

The undersigned certifies that the foregoing official ordinance designated ORDINANCE AMENDMENT OF THE TOWN CODE OF KITTY HAWK, NORTH CAROLINA was filed in the Kitty Hawk Ordinance Book on the 5th day of October, 2021, at 3 o'clock p.m.


Lynn U. Morris, Town Clerk