

ORDINANCE NO. 1438

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON regarding business licensing and repealing chapter 5.44 DMMC and underlying ordinances.

WHEREAS, Ordinance No. 414, adopted July 25, 1977, established regulations for licensing the practice of tattooing, and prescribing penalties, and

WHEREAS, Ordinance No. 414 was thereafter amended by Ordinance Nos. 414, 454, 770, 993, and 1009, and

WHEREAS, chapter 5.44 DMMC is outdated and references administrative fees that do not currently exist, and

WHEREAS, tattooing and electrology are recognized by the state legislature as invasive procedures which are dangerous when improperly sterilization procedures are used, and

WHEREAS, the state regulates the electrology and tattooing industries through its RCWs and WACs, and

WHEREAS, the Des Moines City Council finds it in the best interest of the public health, safety, and welfare to repeal chapter 5.44 DMMC and to defer regulation of the electrology and tattooing industries to the laws and codes of the state of Washington; now therefore,

**THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:**

**Sec. 1. Repealed.** The previously codified provisions of chapter 5.44 DMMC, and:

(1) Section 1 of Ordinance No. 414 as amended by section 12 of Ordinance No. 993; and

(2) Section 2 of Ordinance No. 414; and

(3) Section 3 of Ordinance No. 414 as amended by section 45 of Ordinance No. 770; and

(4) Sections 4, 5, 6, 7, and 8 of Ordinance No. 414; and

(5) Section 9 of Ordinance No. 414 as amended by section 1(M) of Ordinance No. 454; and,

(6) Section 10 of Ordinance No. 414; and

(7) Section 11 of Ordinance No. 414 as amended by section 40 of Ordinance No.1009;

are each repealed.

**Sec. 2. Severability - Construction.**

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent

jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

**Sec.3. Effective date.** This ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication in accordance with law.

**PASSED BY** the City Council of the City of Des Moines this 9th day of October, 2008 and signed in authentication thereof this 9th day of October, 2008.



M A Y O R

APPROVED AS TO FORM:



City Attorney

ATTEST:  
  
City Clerk

Published: October 17, 2008

LEGAL NOTICE  
SUMMARY OF ADOPTED ORDINANCE  
CITY OF DES MOINES

ORDINANCE NO. 1438, Adopted October 14, 2008.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance relates to business licensing and repeals chapter 5.44 DMMC and underlying ordinances.

The full text of the ordinance will be mailed without cost upon request.

Denis Staab  
City Clerk

Published: October 17, 2008