



CITY OF NEW BEDFORD

In the Year Two Thousand and Sixteen

AN ORDINANCE

RELATIVE TO BODY ART ESTABLISHMENTS

31- 509

Be it ordained by the City Council of the City of New Bedford as follows:—

SECTION 1.

Section 4212 of Chapter 9 of the Code of Ordinances is hereby amended by striking said Section in its' entirety and inserting, in place thereof, the following Section:-

4212. *Zoning Board Authority.* The Zoning Board of Appeals shall have the authority to issue special permits in accordance with Sections 4200 through 4267 and shall have the authority to impose any reasonable conditions for maintaining and ensuring the health, safety and welfare of the general public except that no conditions shall be imposed that require screening that is more restrictive than the screening requirements pursuant to Sections 4250 through 4252. The Zoning Board may impose more restrictive screening conditions upon a finding that a body art establishment violated the provisions of Sections 4250 through 4252.

SECTION 2. Chapter 9 of the Code of Ordinances is hereby amended by inserting, after Section 4212.2, the following Sections:-

4212.3. A body art establishment or affected persons of any reasonable conditions imposed by the Zoning Board of Appeals pursuant to this Ordinance shall have the right to request clarification of any of the terms of such conditions by submitting the language that requires clarification and reasoning for requesting such clarification. The Board of Appeals may set a fee for such requests not to exceed \$50.

4212.4 A body art establishment or affected persons may appeal any enforcement decision of the Building Commissioner related to this Ordinance or related to any reasonable conditions imposed by the Board of Appeals to the Board of Appeals. The Board of Appeals may set a fee for such requests not to exceed \$50.

SECTION 3. Chapter 9 of the Code of Ordinances is hereby further amended by striking section 4252 in its' entirety and inserting, in place thereof, the following Section:-

4252. Any work or business being carried on in a body art establishment licensed pursuant to the provisions of Sections 4200 through 4267 that requires the exposure of a person's

genitals, pubic areas, buttocks or the breasts of the female shall be completely and appropriately screened in a manner that prevents any visual access to any person situated at the exterior of the establishment or to any person on the interior who has not explicitly consented to visual access prior to acquiring such visual access.

SECTION 4. This Ordinance shall take effect in accordance with the provisions of Chapter 40A of the General Laws.