



City of Hermosa Beach

Regulating Tattoo/Body Piercing Studios in the City

Frequently Asked Questions

Q: Why are tattoo/body piercing studios now allowed in Hermosa Beach?

A: Until recently, tattoo/body piercing studios were prohibited in the City. However, in 2010 a federal appeals court ruled that tattooing is a protected form of speech and held the City's ban unconstitutional.

Q: Why did the City not appeal the court's ruling?

A: After consultation with several constitutional law experts, the City concluded that a petition to the Supreme Court would likely be futile.

Q: How many tattoo/body piercing studios are now located in the City's limits?

A: One tattoo/body piercing studio is open and operating on Pier Plaza and three others have been approved at 802 Hermosa Avenue, 333 Pacific Coast Highway and 1010 Aviation Blvd.

Q: What are the allowable days and hours of operation for tattoo/body piercing studios?

A: Tattoo/body piercing studios may operate seven days a week, from 10:00 a.m. to 10:00 p.m.

Q: Will more tattoo/body piercing studios be permitted in the City?

A: The City has adopted guidelines regulating the placement and distancing of tattoo/body piercing studios, which limit the number of these businesses that can be supported in the City. Tattoo/body piercing studios must not be closer than 1,000 feet of one another in the C-2 zone (downtown) and not closer than 1,500 feet in the C-3 zone (PCH, Aviation, Artesia). These distancing requirements will potentially allow three additional tattoo/body piercing studios on PCH and/or Artesia Boulevard, and no more studios in the C-2 zoned areas along Hermosa Avenue and Pier Plaza. Tattoo/body piercing studios are not allowed on Pier Avenue between Palm Drive and Valley Drive.



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Q: Is it possible for the City to adopt a moratorium to stop additional tattoo/body piercing studios from opening?

A: The City imposed a moratorium in September 2010 in order to provide time to prepare and adopt the permanent regulations described above. State law does not permit the City to adopt another moratorium.

Q: What regulatory power does the City have over tattoo/body piercing studios?

A: The City's zoning ordinance establishes the minimum distance and operating requirements discussed above, and requires that tattoo/body piercing studios comply with all health codes—including a facility permit, operator's permit, and registered body art technician certificate. Under the court ruling declaring tattooing to be a form of pure speech under the First Amendment, the City's regulations must be content-neutral and narrowly tailored to serve a substantial governmental interest. The City cannot base its regulations on unsubstantiated fears about the impacts of tattoo/body piercing studios, but instead, must base its regulations on substantiated evidence of the impacts of tattoo/body piercing studios on the community. There is no clear test for determining what regulations would be permissible versus those that would be held overly restrictive; rather, the court would evaluate the availability of evidence of negative impacts.

Q: Did the City Council conduct open hearings to allow public participation before adopting the tattoo/body piercing regulations following the Ninth Circuit decision?

A: Yes. The City Council discussed the subject of tattoo regulations at six public meetings between September and December 2010, three of which were noticed public hearings, and all of which were preceded by substantial publicity by local media outlets.

Q: Why do other cities have more restrictive regulations on tattoo/body piercing studios?

A: The Ninth Circuit decision is relatively recent. Most cities have not yet had the opportunity to update regulations that have been on the books for many years and are now not compliant with constitutional requirements.



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Q: Why did the City not separate tattoo/body piercing studios from homes?

A: The City's commercial zones are all very close to homes, and such a regulation might effectively prevent tattoo/body piercing studios altogether.

Q: Why did the City adopt the regulations it did?

A: The City Council balanced the need for regulation against the likelihood of further expensive litigation, a difficult process given that under the first amendment, any restrictions on speech are presumptively suspect and more restrictions would create greater risk of invalidity.

Q: What is the City doing to ensure these tattoo/body piercing studios comply with all applicable laws and regulations?

A: The activities of tattoo/body piercing studios are closely monitored by the City's Code Enforcement Division, the County Health Department and the Police Department to monitor compliance with the City's regulatory requirements and to ensure that they do not operate in a manner so as to constitute a public nuisance.

Q: Where can we get more information and updates regarding the tattoo/body piercing studios?

A: Additional information is available from the City's Community Development Department at (310) 318-0242.
