

ORDINANCE NO. 3309

File No. ZO99-4

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE, ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, BY AMENDING SECTIONS 3-203.I, 4-803.B AND 6-102 REGARDING BODY ART/DECORATION; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, through administration and experience, the Planning and Zoning Commission has determined that it is necessary to revise certain regulations so that the intended purposes of the Zoning Ordinance are best served; and

WHEREAS, the Planning and Zoning Commission did give public notice and hold public hearings regarding the proposed revisions and has recommended amendment of the ordinance; and

WHEREAS, the City Council did give public notice and did hold public hearings regarding the proposed amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the Mesquite Zoning Ordinance, adopted on September 4, 1973, and recodified on November 21, 1988, be and the same is hereby amended as follows, said ordinance in all other respects to remain in full force and effect:

A. Amend Section 3-203 Schedule of Permitted Uses by **adding** I.7299b as set out below:

SIC CODE	USE DESCRIPTION	O	GR	LC	MU	CB	SS	C	I	PKNG STND	SPECIAL CONDITIONS
7299	Miscellaneous Personal Services NEC (except)		P	P	P	P		P	P	1	
	a. Massage Parlors, Turkish & Steam Baths							C	C	1	See City Code for additional requirements; Requires licensing.
	b. Body Art/Decoration		C	C	C	C		C	C	1	See definitions. Requires use to be located a minimum of 1,000 feet from the nearest property line of the following uses: any residential district; any lot currently in residential use; any public or private school or day care center; any library; any park, playground, or other recreation facility, whether commercial, public or non-profit; any church, temple or other place of worship; any City owned property; and any other body/art decoration use. Requires State license.

- B. **Delete** the existing Section 4-803.B19a. SIC 7299 Tattoo Parlors, except Cosmetic Tattoos offered as an *Accessory use* and **adopt** a new revised 4-803.B19a. Body Art/Decoration.
- C. Amend Section 6-102 Definitions to **add** a definition for Body Art/Decoration to read as follows:

*Body Art/Decoration:* An establishment or facility where one or more of the following procedures are performed on the human body: tattooing practices wherein materials are applied to, or injected under or into the skin producing an indelible stain, mark, or figure on the skin; piercing the skin for the application of rings, pins, and/or other objects; practice of causing damage to the skin leaving permanent scars or brands on the skin; or any other means or practice wherein the human body is permanently marked, scarred or pierced. Body art/decoration shall not include ear piercing or minor cosmetic tattooing, such as lip or eyeliner, when conducted as an incidental, secondary function in a related establishment, such as a jewelry shop or beauty salon.

**SECTION 2.** That should any word, sentence, clause, paragraph, phrase, or section of this ordinance be held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part of provision hereof other than the part so decided to be invalid, illegal or unconstitutional and shall not affect the validity of the Mesquite Zoning Ordinance as a whole.

**SECTION 3.** That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Mesquite Zoning Ordinance as amended, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

**SECTION 4.** That the need to regulate proper development of the City of Mesquite, and the need to protect the public interest, comfort, and general welfare of the citizens of the City of Mesquite creates an urgency and emergency for the preservation of the public health, safety, and welfare, requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 19th day of July, 1999.



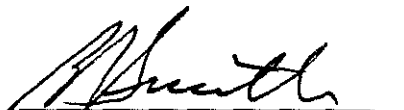
Mike Anderson  
Mayor

ATTEST:

APPROVED:



Ellen Williams  
City Secretary



B.J. Smith  
City Attorney