ORDINANCE NUMBER 1001

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 113: BODY ART ESTABLISHMENTS; REMOVING COSMETIC TATTOOING FROM THE DESCRIPTION OF BODY ART; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City zoning regulations allow a specific use permit for studio, tattoo, or body piercing;

WHEREAS, cosmetic tattooing, such as eyebrows, eyeliner, and lipliner, is performed at businesses that do not fall under the definition of Studio, Tattoo, or Body Piercing in the City zoning regulations; and

WHEREAS, the Board of Commissioners finds that it is in the best interest of the City to remove the term cosmetic tattooing from the definition of body art in Chapter 113 of the Code of Ordinances to allow application of cosmetic tattooing at businesses not regulated by Chapter 113;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AS FOLLOWS:

Part I: Enacted

THAT the Code of Ordinances of the City of Burkburnett is hereby amended by amending § 113.02(B) of Chapter 113: BODY ART ESTABLISHMENTS, which shall read as follows:

§ 113.02(B) BODY ART ESTABLISHMENTS.

(B) Body Art. The practice of physical body adornment by permitted establishments and operations utilizing, but not limited to, the following techniques: body piercing, tattooing, branding, and scarification. Cosmetic tattooing, such as eyebrows, eyeliner, and lipliner, is not considered body art for the purpose of this Chapter.

Part II: Repealer

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective, which are inconsistent or are in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of any such conflict.

Part III: Severability

It is hereby declared to be the intention of the Board of Commissioners that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and if any phrase, clause,
sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, and the remainder of this Ordinance shall be enforced as written.

**Part IV: Compliance with Texas Open Meetings Act**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**Part V: Effective Date**

This Ordinance shall take effect immediately upon its passage.

**PASSED AND APPROVED ON THIS 17TH DAY OF MAY 2021.**

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Carl Law, Mayor

**ATTEST:**

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Margie Poole City Clerk