

**Ordinance No. 2005.03
Village of Salado
County of Bell
State of Texas
March 3, 2005**

PERMANENT COSMETICS ZONING AMENDMENT

AN ORDINANCE AMENDING THE SALADO ZONING ORDINANCE, NO. 2003.12, RELATED TO THE APPLICATION OF PERMANENT COSMETICS, AND PROVIDING FOR: A DEFINITION OF PERMANENT COSMETICS; A DEFINITION OF SKIN CARE CLINIC; ALLOWANCE OF SKIN CARE CLINICS AS A PERMITTED USE UNDER PERSONAL & BUSINESS SERVICES IN THE HISTORIC DISTRICT; ALLOWANCE OF PERMANENT COSMETICS AS A CONDITIONAL USE AND ENACTNG SPECIAL PROVISIONS FOR PERMANENT COSMETICS

WHEREAS, Permanent Cosmetics are deemed by the industry to be a viable and healthy means of addressing a variety of medical problems related to scars, allergies, etc., that may exclude the application of regular cosmetics as an alternative; and

WHEREAS, the Board of Aldermen of the Village of Salado finds that the application of Permanent Cosmetics is a procedure that warrants inclusion in the Village's Zoning Ordinance; and

WHEREAS, the Board of Aldermen finds that the restrictions contained herein are adequate measures safeguard the community and protect the integrity of Salado's Historic District; and

WHEREAS, the Board of Aldermen is authorized to make amendments to the Zoning Ordinance in conformance with Chapter 211 of the Texas Local Government Code.

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE OF SALADO BOARD OF ALDERMEN:

1. AMENDMENTS

A. Section 5.8.A. is hereby amended as follows:

These definitions shall be inserted alphabetically and the section renumbered accordingly:

Permanent Cosmetics: The practice of producing indelible mark on the human face by inserting small particles of pigment under the skin leaving a shadow of color. Typically, these shadows of color enhance existing features such as lip liner, eyeliner or give the appearance of hair in the absence of hair, such as with eyebrows. The term is sometimes referred to as “Micro-Pigmentation.” The process utilizes a small rotary pen with tiny probes but does not use a tattoo machine or tattoo needles. The pigment is a vegetable dye, not tattoo ink. The pigment lasts two – five years but is not permanent. The process customarily involves two-three visits. The term expressly excludes tattoos.

Skin Care Clinic: A facility or group of offices for the examination and treatment of human patients for conditions involving the epidermis provided that patients are not kept overnight. Typical treatments provided at this type of facility include, but are not limited to, clinical facials, chemical peels, micro-derm abrasions, photo-facials, and hair removal.

B. Section 4.1 is hereby amended as follows:

There shall be added to the Use Chart:

Under Personal & Business Services, Skin Care Clinics are a Permitted (“P”) use in the Historic District (“HD”).

C. Chapter 5 is hereby amended as follows:

There shall be added a section 5.9:

Section 5.9: Permanent Cosmetics

A. **Purpose:** Standards for businesses providing Permanent Cosmetics are set forth to protect the public health and safety, and maintain the integrity of the Village’s business community. These standards are intended to allow reasonable provision of services while providing adequate safeguards to neighboring enterprises.

B. Special Provisions for Permanent Cosmetics:

1. Permanent Cosmetics shall be Conditionally Permitted in Skin Care Clinics;
2. All Permanent Cosmetics programs shall be rendered under the supervision a medical doctor (MD) licensed to practice in the State of Texas;
3. Technicians applying Permanent Cosmetics shall provide the Village with adequate documentation of completion all necessary educational requirements; and
4. Technicians applying Permanent Cosmetics shall provide the Village with adequate documentation of all necessary licensing approvals by the State of Texas.
5. Conditional Use Permits issued under this section are specific to the owner/operator/applicant and are non-transferable and non-assignable.

2. REPEALER

- A. All Ordinances or parts of Ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of any such conflict.
- B. Specifically repealed by this Ordinance are ordinances 2001.07 and 2001.22, which shall remain in effect only in regards to permits that were issued and actions that were taken when 2001.07 and 2001.22 were applicable.

3. SEVERABILITY


It is hereby declared to be the intention of the Board of Aldermen 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.

4. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required 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. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED on this, the 3rd day of March, 2005, by a vote of 5 ayes, 0 nays, and 0 abstentions of the Board of Aldermen.

THE VILLAGE OF SALADO, TEXAS



Rick Ashe, Mayor

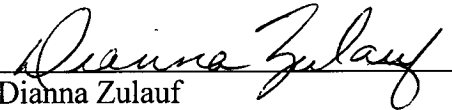
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CERTIFICATE

THE STATE OF TEXAS
COUNTY OF BELL

I, Dianna Zulauf, being the current Village Secretary of the Village of Salado, Texas, do hereby certify that the attached is a true and correct copy of Ordinance No. 2005-03, passed and approved by the Board of Aldermen of the Village of Salado, Texas, on the 3 day of March 2005, and such Ordinance was duly adopted at a meeting open to the public and notice of said meeting, giving the date, place and subject thereof, was posted as prescribed by Government Code 551.043.

Witness my hand and seal of office this 3 day of March 2005.



Dianna Zulauf
Village Secretary