

## ARTICLE XVIII. TATTOO AND BODY PIERCING ESTABLISHMENTS

### Sec. 9-850. Authority and purpose

(a) This ~~chapter-article~~ is promulgated under the authority of Wis. ~~consin~~ ~~Stats.ute~~ §463.16 (2021-22), as amended from time to time, for the purpose of regulating tattooists, tattoo establishments, body piercers and body piercing establishments in order to protect public health and safety.

(b) *State sanitation regulations adopted.* All tattoo and body piercing establishments, practitioners, and licenses under this division shall be subject to and comply with the provisions of Wis. Admin. Code, ~~ChapterSees.~~ SPS §221 (2021-22) as amended from time to time, which are hereby adopted by reference and incorporated as part of this ~~division article~~.

(Ord 90-16, §1, 11-8-16)

### ~~Sec. 9-851. Definitions.~~

~~—Agent means a local health department serving a population greater than five thousand (5,000) which is designated by the Wisconsin Department of Safety and Professional Services under a written agreement authorized by Wis. Stat. §252.245(1), to issue licenses to and make investigations or inspections of tattooists, tattoo establishments, body piercers and body piercing establishments.~~

~~(Ord 91-16, §1, 11-8-16)~~

~~—Antiseptic means a chemical that kills or inhibits the growth of organisms on skin or living tissue.~~

~~—Approved means acceptable to the department based on its determination of conformance to this chapter and good public health practices.~~

~~—Autoclave means an apparatus that is registered and listed with the Federal Food and Drug Administration for sterilizing articles by using superheated steam under pressure.~~

~~—Body pierce, as a verb, means to perforate any human body part or tissue, except an ear, and to place a foreign object in the perforation to prevent the perforation from closing.~~

~~—Body piercer means a person who performs body piercing on another person at that person's request.~~

~~—Body piercing means perforating any human body part of tissue, except an ear, and placing a foreign object in the perforation to prevent the perforation from closing.~~

~~—Body piercing establishment means the permanent premises where a body piercer performs body piercing and is in business for more than seven (7) consecutive days in a license year.~~

~~—Cleaning means the removal of foreign material from objects, normally accomplished with detergent, water and mechanical action.~~

~~—Department means the Wisconsin Department of Safety and Professional Services.~~

~~—Disinfectant means a chemical that is capable of destroying disease causing organisms on inanimate objects, with the exception of bacterial spores.~~

~~—Health Officer means and includes the Health Officer or authorized agent of the Health Officer.~~

~~—Hot water means water at a temperature of 110°F, or higher.~~

~~—Local health department means an agency of local government that takes any of the forms specified in Wis. Stats. §250.01(4), specifically the City of Appleton Health Department.~~

~~—**Operator** means the owner or person responsible to the owner for the operation of a tattoo or body piercing establishment.~~

~~—**Patron** means a person receiving a tattoo or body piercing.~~

~~—**Practitioner** means a tattooist or body piercer.~~

~~—**Premises** means a building, structure, area or location where tattooing or body piercing is performed.~~

~~—**Sharps waste** means waste that consists of medical equipment or clinical laboratory articles that may cause punctures or cuts, such as hypodermic needles, syringes with attached needles and lancets, whether contaminated, unused or disinfected.~~

~~—**Single-use** means a product or item that is disposed of after one use, such as a razor, a needle, a cotton swab, a tissue or paper product, a paper or soft plastic cup, or gauze or other sanitary covering.~~

~~—**Sterilization** means the killing of all organisms and spores through use of an autoclave operated at a minimum of 250°F (121°C) at a pressure of at least fifteen (15) pounds per square inch for not less than thirty (30) minutes or through use of an autoclave approved by the department that is operated at different temperature and pressure levels but is equally effective in killing all organisms and spores.~~

~~—**Tattoo**, as a verb, means to insert pigment under the surface of the skin of a person, by pricking with a needle or otherwise, so as to produce an indelible mark or figure through the skin.~~

~~—**Tattoo establishment** means the permanent premises where a tattooist applies a tattoo to another person and is in business for more than seven (7) consecutive days in a license year.~~

~~—**Tattooist** means a person who tattoos another person at that person's request.~~

~~—**Tempered water** means water ranging in temperature from 85°F to less than 110°F.~~

~~—**Temporary establishment** means a single building, structure, area or location where a tattooist or body piercer performs tattooing or body piercing for a maximum of seven (7) days per license year.  
(Ord 64-18, §1, 7-24-18)~~

#### **Sec. 9-852. Scope.**

(a) **Applicability.** This chapter applies to all tattooists, body piercers, tattoo establishments, and body piercing establishments.

~~(b) **Approved comparable compliance.** When it appears to the Department that strict adherence to a provision of this chapter is impractical for a particular tattooist, tattoo establishment, body piercer or body piercing establishment, the Department may approve a modification in that requirement for that person or establishment if the Department is provided with satisfactory proof that the grant of a variance will not jeopardize the public's health, safety or welfare.~~

#### **Sec. 9-853. Right of entry.**

The Health Officer may enter any establishment required to be licensed in this article at all reasonable times to inspect the premises, view the practice (with patron's permission), secure samples or specimens, examine and copy documents, obtain photographs or take any other action deemed necessary to properly enforce the provisions of applicable laws regulating such business or activity.

#### **Sec. 9-854. Responsibility of the operator.**

(a) Every act or omission by an employee or practitioner constituting a violation of the provisions of this ordinance

shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, the operator shall be liable for such act or omission in the same manner as if the operator committed the act or caused the omission.

(b) Any act or omission of any employee constituting a violation of the provisions of this ordinance shall be deemed an act or omission of the operator for purposes of determining whether the license shall be suspended, revoked, or not renewed.

#### **Sec. 9-855. Correction of violations, citations.**

Whenever the Health Officer finds that any establishment, tattooist or body piercer required to obtain a license in this article is not operating or equipped in any manner required by ordinances or laws regulating such establishment or activity, the Health Officer may notify, in writing, the person operating the premises, or performing the activity, specifying the requirements of such ordinance or law, and requiring that such business or practitioner comply with the provisions of such ordinance or law, and specify the time limits within which compliance shall take place. If the time limit or any extension thereof set forth in the notification is not met, the license may be suspended or revoked by the Health Officer. The Health Officer may also issue citations for any such violations pursuant to the provisions of Appleton Municipal Code Sec. 1-17(c).

#### **Secs. 9-856 — 9-859. Reserved.**

### **~~DIVISION 2. LICENSES~~**

#### **Sec. 9-860. Generally.**

~~(a) — (a) — No person shall operate a tattoo establishment, body piercing establishment or combination tattoo and body piercing establishment without first obtaining a license from the Health Department.~~  
(a) —

~~Any person, partnership, or corporation desiring to secure a tattoo establishment, body piercing establishment, combination tattoo/body piercing establishment, tattooist and/or body piercer license shall make application to the local health department.~~

~~(b) — The application shall be on a form provided by the local health department and shall include, at a minimum, the following information:~~

~~(1) — The name(s) (including aliases), addresses, dates of birth and driver's license number, of the applicant, any partner or limited partner in a partnership application, any shareholder holding more than ten percent (10%) of the stock of a corporate applicant and each corporate officer and director.~~

~~(2) — Written proof that each person required to be identified under this section is at least eighteen (18) years of age.~~

~~(3) — The address of the establishment to be licensed.~~

~~(4) — Whether the applicant or any person required to be identified is currently operating or has previously operated, in this or any other municipality or state, under a tattoo or body piercing establishment license, whether the applicant or person required to be named in this section has ever had such a license or permit suspended or revoked, or has been convicted of a violation of state or local laws governing the practice of tattoo or body piercing, the reason therefore, and the business entity or trade name under which the applicant operated that was subject to the suspension, revocation or conviction.~~

~~(c) — Failure or refusal of the applicant to completely and truthfully provide responses to the application questions, to give any information relevant to the investigation of the application, or refusal to appear at any reasonable time and place for examination regarding said application shall constitute an admission by the applicant that the applicant is~~

~~ineligible for such license and shall be grounds for denial thereof.~~

~~(b)~~ ~~(d)~~ Application for a license required in this article shall be made to the local health department upon a form furnished by the local health department and shall contain such information that the local health department may prescribe and require and shall be accompanied by payment of the application fee. In addition, the applicant must pay any state administrative fees, the amount of which is on file with the local health department.

~~(b)~~

~~(e)~~ ~~(e)~~ Within thirty (30) days after receiving a completed application for a license, the local health department or its agent shall either approve the application and issue a license or deny the application. If an application for a license is denied, the local health department shall give the applicant reasons, in writing, for the denial and provide information about how the applicant may appeal that decision.

~~(c)~~

~~(d)~~ ~~(f)~~ A license will not be granted under this article to an operator of a new establishment or to a new operator of an existing establishment without a preinspection. A preinspection fee will be assessed for each establishment according to the schedule on file with the local health department.

~~(d)~~

~~(e)~~ ~~(g)~~ The operator of a tattoo or body-piercing establishment shall promptly notify the local health department of his or her intention to cease operations and shall supply the local health department with the name and mailing address of any new operator. A license is not transferable. A new operator will submit an application for a new license. No license shall be issued to or used by any person acting as agent for or in the employ of another.

#### **Sec. 9-861. ~~Application for establishment license.~~**

##### ~~(a) Requirements.~~

~~(1) No person may operate a tattoo establishment or body piercing establishment or a combined tattoo and body piercing establishment unless he or she has obtained a license for the establishment from the local health department by application made upon a form furnished by the local health department. All applications submitted to the local health department shall be accompanied by a fee under (b).~~

~~(2) No person shall engage in the practice of tattooing and/or body piercing except in a permanent licensed tattoo and/or body piercing establishment.~~

~~(3) Reciprocity within the State of Wisconsin will be recognized upon receipt of proof that the local requirements as set forth in this chapter are met by the applicant.~~

##### ~~(b) Expiration and renewal of license.~~

- (1) Except where otherwise provided, every Health Department license shall terminate or expire on June 30<sup>th</sup> of each year and may be renewed annually thereafter.
- (2) The application for renewal shall be filed with the Health Department on or before June 30<sup>th</sup>, together with payment of the required fee. The fee for said license shall be on file with the local health department.
- (3) In addition, the applicant must pay any state administrative fees, the amount of which is on file with the local health department. If the annual renewal fee has not been paid on or before June 30<sup>th</sup>, an additional late payment fee shall be required; the amount of which is also on file with the local health department. Establishments operating on July 15<sup>th</sup> without a proper license shall be ordered closed by the Health Officer. ~~Practitioners operating on July 15<sup>th</sup> without a proper license shall be ordered to cease operations by the Health Officer.~~ Failure to comply will result in the issuance of a uniform citation with current bond as set forth in §1-18, Appleton Municipal Code. Each violation and each day a violation continues or occurs shall constitute a separate offense.

(Ord 64-18, §1, 7-24-18)

**Sec. 9-862. Suspension or revocation of license.**

The Health Officer may suspend or revoke any license issued pursuant to this article for violations of ordinances or laws regulating activity and for other good cause.

(Ord 64-18, §1, 7-24-18)

**Sec. 9-863. Emergency powers of health officer.**

Whenever the Health Officer has reasonable or probable cause to believe that the premises or method of operation thereof creates a danger to public health, the Health Officer may issue a temporary order prohibiting continued operation of the premises or any part thereof which creates the immediate danger to health. The Health Officer may suspend any license without notice whenever the licensed premises, tattooist, and/or body piercer constitute an immediate health hazard.

**Sec. 9-864. Appeals.**

Any person aggrieved by the denial of a license or by suspension or revocation of a license required under this article by the Health Officer or by any temporary suspension or any other order may appeal any such order to the Board of Health within thirty (30) days of denial, suspension or revocation of a license or issuance of the order. The Board of Health shall provide the appellant a hearing or opportunity for hearing on the matter and may either suspend or continue any such order pending determination of appeal. The Board may affirm, modify or set aside the order of the Health Officer after a hearing on the matter. The Board of Health shall make and keep a record of all proceedings related to any such appeal and the record and actions of the Board of Health shall be subject to review by certiorari by a court of record

**Secs. 9-865 – 9-~~9869~~79. Reserved.**

**~~DIVISION 3. HEALTH AND SANITARY REQUIREMENTS~~**

**~~Sec. 9-870. Physical examinations of practitioners.~~**

~~—(a) The Health Officer shall have the power to require any practitioner to submit to a practicing physician for a physical examination whenever the practitioner is suspected of having any infectious or contagious disease that may be transmitted by the practice of tattooing or body piercing. The expenses of the physical examination shall be paid by the practitioner.~~

~~—(b) Any practitioner notified to appear for a physical examination as may be required by the preceding subsection shall immediately cease working as a practitioner of tattoo or body piercing and shall not be allowed to work thereafter as a practitioner of tattoo or body piercing until he or she shall have first received a certificate in writing from a practicing physician that he or she is not inflicted with any infectious or contagious condition or disease that may be transmitted by the practice of tattoo or body piercing.~~

~~(Ord 64-18, §1, 7-24-18)~~

**~~Sec. 9-871 – 8-879. Reserved.~~**