

Sec. 9-52. Operation of premises licensed for retail sales.

All class A and B retail licenses granted under this article shall be granted subject to the following conditions and all other conditions of this article, and subject to all other ordinances and regulations of the City applicable thereto:

- (1) Every applicant procuring a license thereby consents to the entry of police or other authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from the premises of all things and articles there in violation of City ordinances or state laws and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offense.
- (2) No retail licensee shall hire any person under twenty-one (21) years of age, except as modified by W.S.A. §125.07(4)(bm).
- (3) No gambling or games of chance shall be permitted upon the licensed premises. Dice, slot machines, or any other devices of chance are prohibited and shall not be kept upon the premises, except those permitted by law.
- (4) No premises for which a class B or class C retail license has been issued shall be permitted to remain open during the closing hours required by W.S.A. §125.32(3) or W.S.A. §125.68(4), and the premises shall be vacated during such hours.
- (5) Each premises shall be conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used. Effective July 1, 2017, taverns serving no food shall obtain a municipal health permit from the Health Department on an annual basis, pursuant to §9-190. Additionally, ~~¶~~The Board of Health may make reasonable rules for the sanitation of all places of business possessing licenses under this article. Such rules or regulations may be classified and made applicable according to the class of business conducted. All such rules and regulations shall have the same force as this article and infraction thereof may be punished as a violation of this article.
- (6) A violation of this article by a duly authorized agent or employee of a licensee or permit holder shall constitute a violation by the licensee or permit holder.
- (7) Class “A” retail licensees shall not sell, dispense, give away or furnish, directly or indirectly, fermented malt beverages for consumption off the premises between 12 midnight and 8:00 a.m., Central Standard Time. “Class A” retail licensees shall not sell, dispense, give away or furnish, directly or indirectly, intoxicating liquors including wine for consumption off the premises between 9:01 p.m. and 8:00 a.m., Central Standard Time.
- (8) Class B or class C retail licensees shall not sell, dispense, give away or furnish directly or indirectly fermented malt beverages or intoxicating liquors for consumption off the premises between 12:01 a.m. and 8:00 a.m., Central Standard Time.
- (9) **Abandonment or non-use.** Any licensee granted or issued a license to sell alcohol beverages that abandons such business shall forfeit any right or preference the licensee may have to the holding or renewal of such license. Abandonment shall be sufficient grounds for revocation or non-renewal of any alcohol beverage license. In this section “abandon” and “abandonment” shall mean a continuing refusal or failure of the licensee to use the license for the purpose or purposes for which the license was granted by the city council for a period of one (1) year. The Common Council may, for good cause shown, extend such period.
- (10) A retail class A, B or C license shall not be granted to any applicant whereby the applicant had been convicted of selling alcoholic beverages without the proper retail license within the last eighteen (18) months.

DIVISION 2. RETAIL FOOD ESTABLISHMENTS*

Sec. 9-216. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Food means articles used for food or drink by persons, chewing gum, and articles used as components of food.

Retail food establishment means an establishment required to be licensed under W.S.A. §97.30, and all other commercial enterprises, fixed or mobile, where food is processed or sold or offered for sale at retail. The term shall also include all areas and facilities of such establishments used in conjunction therewith and all vehicles and equipment utilized in conjunction therewith. It includes retail grocery stores; meat markets; poultry markets; fish markets; delicatessens; bakeries; confectioneries; ice cream shops; cheese stores; convenience marts; milk cases; spice and herb shops; ~~temporary-mobile~~ retail food establishments; and all other establishments where food is processed or sold or offered for sale at retail.

Sec. 9-219. State sanitation regulations adopted.

All retail food establishments and licenses under this division shall be subject to and comply with the provisions of Wisconsin Administrative Code, Sections ATCP 75.01 through ATCP 75.~~1205~~, which are hereby adopted by reference and incorporated as part of this division.

DIVISION 3. RESTAURANTS AND OTHER PUBLIC EATING AND DRINKING ESTABLISHMENTS

Sec. 9-236. Definition.

For purposes of this division, public eating and drinking establishment shall mean any premises as defined by Wisconsin Administrative Code, ~~DHS-ATCP §19675.03(5)~~, and shall also mean any restaurant, coffee shop, cafeteria, caterer, luncheonette, ~~tavern~~, sandwich stand and all other catering ~~and drinking~~ establishments, as well as kitchens and other places where food or drink is prepared, served or sold to the public for human consumption.

Sec. 9-238. State sanitation regulations adopted.

All restaurants and licensees under this division shall be subject to and comply with the provisions of Wisconsin Administrative Code, sections ~~DHS-ATCP 19675.01~~ through ~~DHSATCP-19675.112~~, which are hereby adopted by reference and incorporated as part of this division.

DIVISION 2. BED AND BREAKFAST ESTABLISHMENTS*

Sec. 9-323. State sanitation regulations adopted.

All bed and breakfast establishments and licensees under this division shall be subject to and comply with Wisconsin Administrative Code, ~~DHS-ATCP §19773.01~~ through ~~DHSATCP §19773.15~~, which are hereby adopted by reference and incorporated as part of this division.

DIVISION 3. HOTELS, MOTELS AND TOURIST ROOMING HOUSES*

Sec. 9-343. State sanitation regulations adopted.

All hotels, motels and tourist rooming houses and licensees under this division shall be subject to and comply with the provisions of Wisconsin Administrative Code, ~~DHSATCP §19572.01~~ through ~~DHSATCP~~

§~~49572~~.16, which are hereby adopted by reference and incorporated as part of this division.

ARTICLE XII. PUBLIC SWIMMING POOLS*

Sec. 9-680. Right of entry; testing of samples.

The Health Officer may enter any establishment required to be licensed in this article at all reasonable times to inspect the premises, secure samples or specimens, examine and copy documents, obtain photographs, or take any other action he deems necessary to properly enforce the provisions of applicable laws regulating such business or activity. Samples of water from any licensed premises may be taken and examined by the Health Officer at such time as he deems necessary, for detection of microbiological quality, chemical disinfection, or any other enforcement purposes. Standards and definitions set forth in Wisconsin Administrative Code ~~DHS-ATCP~~ §~~17276~~ are hereby adopted as reference and incorporated as part of this section.

Sec. 9-684. State sanitation regulations adopted.

All public swimming pools and licensees under this article shall be subject to and comply with the provisions of Wisconsin Administrative Code, SPS 390 or ~~DHS-ATCP~~ §~~17276~~ as applicable.

Sec. 9-685. Authority to close pools.

In addition to the closing criteria set forth in Wisconsin Administrative Code, ~~DHS-ATCP~~ §~~17276~~, the Health Officer may order any public swimming pool closed if the following conditions exist:

- (1) Bacteriological or chemical analysis of water samples exceeds those standards listed in Wisconsin Administrative Code, ~~DHS-ATCP~~ §~~17276~~.30 or the presence of *Pseudomonas aeruginosa* or any other microbiological pathogen capable of transmitting a communicable disease is detected; or
- (2) Any imminent health or safety hazard is identified.

DIVISION 2. RECREATIONAL AND EDUCATIONAL CAMPS

Sec. 9-798. State sanitation regulations adopted.

All recreational and educational camps and licenses under this division shall comply with Wisconsin Administrative Code ~~DHS-ATCP~~ §~~17578~~.01 through §~~17578~~.22, which are hereby adopted by reference and incorporated as part of this division.

DIVISION 3. CAMPGROUNDS

Sec. 9-814. State sanitation regulations adopted.

All campgrounds under this division shall comply with Wisconsin Administrative Code ~~DHS-ATCP~~ §~~17879~~.01 through ~~DHS-ATCP~~ §~~17879.2127~~, which are hereby adopted by reference and incorporated as part of this division.

ARTICLE XVIII. TATTOO AND BODY PIERCING ESTABLISHMENTS

Sec. 9-850. Authority and purpose

(a) This chapter is promulgated under the authority of Wis. Stats. §~~252.23(4)~~, ~~§252.24(4)~~ and §~~252.245(9)~~~~463.16~~ 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, ~~Sees. DHS SPS §173.01 through DHS §173.17221~~, which are hereby adopted by reference and incorporated as part of this division.

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 Health and Family Services~~ **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.

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.

Branding means the burning of skin with a hot tool, cauterizing laser or dry ice so that a mark is imbedded in the deep tissue.

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

Department means the Wisconsin Department of Health and Family 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.

Implantation means the insertion of an object under the skin, so that it remains under the skin, in whole or in part, after the procedure. This definition shall not apply to the post used in body piercing to keep the perforation from closing.

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.

Scarification means the cutting of the skin so that when it heals, scar tissue remains.

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 of 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.

DIVISION 2. LICENSES

Sec. 9-862. Application for practitioner license.

(a) **Requirements.**

- (1) No person may tattoo or body pierce another person, use or assume the title of tattooist or body piercer or designate or represent himself or herself as a body piercer unless the person has obtained a license from the ~~local health department by~~ Department of Safety and Professional Services and also completing an application made upon a form furnished by the local health department. An application submitted to the local health department shall ~~be accompanied by the required fee~~ conform with the requirements set forth in 9-880.
- (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.

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

DIVISION 4. HEALTH AND SANITARY REQUIREMENTS

Sec. 9-880. Requirements.

Prior to ~~license~~ approval, all practitioners shall provide proof that they are negative for Hepatitis B and C, as demonstrated by documentation of negative results for HbsAG and anti-HCV tests, as confirmed by a practicing physician. The expenses of the testing and examination shall be paid by the practitioner.
(Ord 63-09, §1, 5-26-09)

Sec. 9-885. Equipment.

(a) All surfaces, counters and general use equipment in the tattoo or body piercing area shall be cleaned and disinfected before a patron is seated.

(b) All inks and pigments shall be obtained from sources generally recognized as safe. Information indicating the sources of all inks and pigments shall be available to the local health department or agent upon request. Sterile single-use or sterile individual containers of pigment or ink shall be used for each patron. No pigment or ink in which needles were dipped may be used on another person. Pigment and ink cups shall be for single-patron use. All bulk materials used for the procedure shall be dispensed with single-use utensils. The remainder of dispensed portions shall be disposed of after application.

(c) Needles, bars and tubes shall be construed in a manner that permits easy cleaning and sterilizing.

(d) No tattooist shall use and no tattoo establishment shall permit the use of solder which contains lead to be used to fasten needles.

(e) Acetate tattoo stencils shall be single-use.

(f) No body piercer may use a piercing gun or similar device for body piercing a patron unless such piercing gun is disposable, sterile, and for single patron use only or is sterilized between each use as set forth in Wis. Admin. Code Sec. ~~DHS SPS173221~~.03(20).