

CHAPTER XIII

ROCK COUNTY PUBLIC HEALTH ORDINANCE

Sections Pertaining to Tattoo and Body Piercing Establishments

13.01 DEFINITIONS

(A) Definitions Enumerated - the following definitions apply throughout the entire Ordinance:

- (1) Approved - means acceptable to the Department based on its determination of conformance to this chapter and good public health practices.
- (2) Body Piercer - means a person who performs piercing on another.
- (3) Body Piercing - means perforating any human body part or tissue, except an ear, and placing a foreign object in the perforation to prevent the perforation from closing.
- (4) Body Piercing Establishment - means a building, structure, area, or location where tattooing or body piercing is performed.
- (5) County - means Rock County, Wisconsin.
- (6) County Sanitary Permit - means a permit issued by the Department for the reconnection to an existing code compliant private sewage system, or for the installation of a non-plumbing sanitation system falling under the scope of Comm 91 and under the jurisdiction of the Department, (with the exception of portable restrooms). It also includes permits for the repair of an existing private sewage system.
- (7) Department - means the Rock County Health Department, unless the context clearly requires reference to a unit of State government.
- (8) Establishment - with regards to tattooing or body piercing, means a facility operated by one or more practitioners, whether organized as a corporation, limited liability company, partnership, sole practitioner or other association, at a single location for more than 7 days in a licensing year. As used in this definition, a fraction of a calendar day shall be considered as a whole day.
- (12) Health Officer - means the legally designated Health Officer of Rock County or a designee of the Health Officer. [See 13.09(1)]
- (16) Licensing Year- means the twelve month interval from July 1 through the next following June 30th.
- (26) Ordinance - means the "Rock County Public Health Ordinance".
- (27) Person - means any individual, firm, corporation, society, association, institution, public body or any other entity.
- (29) Practitioner- means a tattooist or body piercer, also includes a person who is both a tattooist and a body piercer.

(30) Premises - means, with regard to tattooing or body piercing, a building, structure, area, or location where tattooing or body piercing is performed.

(50) State - means the State of Wisconsin.

(51) State-Approved Disinfectant - means a chemical that is capable of destroying disease causing organisms on inanimate objects, with the exception of bacterial spores, which is approved for use as a sanitizer by the Wisconsin Division of Public Health.

(52) Sterilization - means the killing of all organisms and spores through the use of an autoclave operated at a minimum of 250°F (121°C) at pressure of at least 15 pounds per square inch for not less than 30 minutes or through use of an autoclave approved by the Wis. Dept. of Health and Family Services that is operated at different temperature and pressure levels but is equally effective in killing all organisms and spores.

(54) 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; includes the making of any permanent cosmetic enhancement to the human body which is not performed by a licensed physician or dentist.

(56) Temporary Tattoo Establishment - means a single building structure, special event, area or location where a tattooist or body piercer performs tattooing or body piercing for a maximum of seven days per event

(B) All words not specifically defined in this Ordinance shall be defined as set forth in applicable state regulations, if any, and if not defined in any such state regulations the general dictionary definition of the word shall apply, unless the context clearly requires otherwise.

13.10 PERMIT AND LICENSE REQUIREMENTS AND FEES

- (1) Department Permits - The Department must collect and remit to the State the amount of State fees imposed on certain activities which are subject to County fees under this Ordinance, which fees are sometimes expressed as a percentage of the County fee. Should said percentage and/or the amount of such State fees increase during the year, the Department permit fee shall automatically increase, in an amount to the nearest five dollar (\$5.00) figure so as to ensure no loss of Department revenue.

The application for a permit or a permit renewal covered in this Ordinance shall be made on forms provided by the Department and shall be accompanied with the appropriate fee and preinspection fee, where applicable, payable to the Rock County Health Department. The Rock County Board of Supervisors shall establish the cost of permits, licenses and other fees to be collected under this Ordinance, as part of the annual budget for the County. If the amount of any fee established as part of the current annual budget for Rock County shall conflict with any amount set forth in any published version of this Ordinance, the amount set forth in the current annual budget shall prevail and any portion of the published Ordinance inconsistent therewith shall be deemed to have been amended to conform to the current annual budget, including any amendments thereto, as adopted. A schedule of costs for permits, licenses, preinspections and other fees is available from the Department. The required permits, licenses, preinspections and other fees are as follows:

(k) Tattoo and Body Piercing.

1. No person shall operate a tattoo or body piercing establishment other than one for which that person has been issued a license required by this

Ordinance, nor shall an establishment license be transferred from one person to another. If the premise does not meet the requirements of the Ordinance, the person may not receive an establishment license. Any person engaging in tattooing or body piercing who possesses a license under this section must also obtain a temporary establishment license if he/she chooses to operate in a location outside his/her licensed establishment for a special event. The license issued shall be posted at all times on the licensed premises in a conspicuous location. All body piercing and tattoo practitioners must meet the requirements of chapter HFS173 of the State of Wisconsin Administrative Code.

2. Annual Fees.

The following licenses are established by the Rock County Board of Supervisors and all applicable fees must be paid before any license is issued:

- a. Body Piercing Establishment
- b. Body Piercing & Tattoo Establishment.
- c. Tattoo Establishment
- d. Temporary Body Piercing and/or Tattoo Establishment

13.11 ENFORCEMENT

(b) Violations of Tattoo Or Body Piercing Regulations. Each day a violation exists or continues shall be considered a separate offense. Where appropriate, injunctive relief may be sought by the Department against continuing violations.

<u>VIOLATIONS</u>	<u>FINES</u>
1. Unlicensed tattooing	\$200.00
2. Unlicensed body piercing	\$200.00
3. Tattoo or body piercing a patron without informed consent	\$200.00
4. Body piercing a patron who is under 16 years old	\$300.00
5. Body piercing a patron who is age 16 or 17 years old without informed consent of parent or legal guardian	\$300.00
6. Failure to disclose use of previously used instrument	\$250.00
7. Repiercing an unhealed part of the body	\$200.00
8. Tattoo or body piercing a patron who appears to be under the influence	\$200.00
9. Tattooing or body piercing a patron with evident skin lesions or skin infections	\$250.00
10. Operating an establishment without a proper license	\$400.00
11. Operating an establishment with an unlicensed practitioner	\$300.00
12. Tattooing patron who is under 18 years old	\$300.00

13.26 TATTOO AND BODY PIERCING

(1) Application Investigation

The Department shall not issue a license to a new tattoo or body piercing establishment without completing a prior inspection of the establishment. The establishment shall comply with the requirements of this Ordinance or the license may be withheld in accordance with the Department Enforcement Policy and Inspection Procedures.

(2) Health And Sanitary Requirements

- (a) **Premises** All establishments shall have a work room that is separate from a waiting room. The work room shall not be used as a corridor for access to other rooms. Customers shall be tattooed/body pierced only in the work room.
- (b) **General Supplies**
 - 1. A clean towel and washcloth shall be used for each customer.
 - 2. Clean towels and washcloths shall be stored in a closed, dust-proof container, which is labeled for clean towels/cloths.
 - 3. Soiled towels and washcloths shall be stored in an approved, nonabsorbent, covered container, which is labeled for soiled towels/cloths.
 - 4. The operating table, chair, and supply tables shall be constructed of or covered with a material that is impervious, smooth, and easily washable.
- (c) **General Practices** Smoking or other tobacco use and consumption of food or drink shall not be allowed in the work area where the tattoo/piercing procedure is being performed.
- (d) **Equipment** All surfaces with customer contact during a tattoo/piercing procedure, i.e., chairs, benches, work table, etc., must be disinfected between each use with a state-approved disinfectant.
- (e) **Skin Preparation** Aseptic technique must be utilized in the practice of tattooing/piercing. If the customer's skin is to be shaved, the skin shall be washed with cleansing, medicated soap before shaving. A disposable razor shall be used. A new razor shall be used for each customer.
- (f) **Operator** If the operator has hair longer than shoulder length, it must be tied back and not come into contact with the customer at any time.

(3) Records Retention

Records shall be kept of all tattoos and body piercing administered, including the name of customer, date, time, identification of tattoo and/or body piercing, and operator's name for a period of 5 years.

13.28 APPEALS Any person aggrieved by an order issued pursuant to the authority conveyed by this Chapter may appeal such order in accordance with sec. 66.124, Wis. Stats., to the Rock County Board of Health. The Board may affirm, set aside, or modify the order by majority vote. The Board's decision shall be final and may be appealed for review to the Circuit Court of Rock County.