

NOTICE OF MEETING

SHEBOYGAN COUNTY HEALTH & HUMAN SERVICES COMMITTEE

June 18, 2024 8:30 AM

Health & Human Services Building
1011 North 8th Street
Sheboygan WI
Room 372

*Members of the Committee may be appearing remotely.
Persons wanting to observe the meeting are encouraged to listen remotely.
Everyone is welcome to wear a face mask in Sheboygan County Facilities.
To observe the meeting remotely dial (312).626.6799 or click on the following link:*
<https://us06web.zoom.us/j/88673585282?pwd=fspszdNMSbCgsnrD3QU7emrAicr2OV.1>

Meeting ID: 886 7358 5282

Passcode: 719684

*** AGENDA ***

Call to Order and Introductions
Certification of Compliance with Open Meeting Law
Approval of Minutes for June 4, 2024

Announcements and Correspondence

Public Comment (Public may speak up to three minutes each on topics relevant to the agenda.)

Health & Human Services Director Report – Matt Strittmater
The Department Head Report is a summary of key activities. No action will be taken by the Health & Human Services Committee resulting from the report unless it is a specific item on the agenda.

Health Officer & Health & Human Services Deputy Director Report – Starrlene Grossman
The Public Health Manager Report is a summary of key activities. No action will be taken by the Health & Human Services Committee resulting from the report unless it is a specific item on the agenda.

Health Officer & Health & Human Services Deputy Director Starrlene Grossman and
Environmental Health Supervisor Tim Swart
Consideration of Chapter 17-18 Ordinance Changes

Economic & Child Support Manager – Clarissa Roberts
Presentation on Child Support & Economic Updates

Review and Approve Vouchers
May 19, 2024 – June 1, 2024

Approval of Attendance of Members at Other Meetings or Functions
Reports on Meetings Attended

Adjournment

Next Scheduled Meeting will be July 2, 2024 at 8:30 AM

Prepared by:

Wendy Gorges
Recording Secretary

Curt Brauer
Committee Chairperson

Posted: 6/13/24 9:00 AM

NOTE: Persons with disabilities needing assistance to attend or participate are asked to notify the Health & Human Services Department by calling (920).459.4326 prior to the meeting so that accommodations may be arranged.

A majority of the members of the County Board of Supervisors, or any of its committees, may be present at this meeting to listen, observe, and participate. If a majority of any such body is present, their presence constitutes a "Meeting" under the Open Meeting Law as interpreted in *State ex rel. Badke v. Greendale Village Board*, 173 Wis. 2d 553 (1993), even though the visiting body will take no action at this meeting.

SHEBOYGAN COUNTY HEALTH & HUMAN SERVICES COMMITTEE MINUTES

Health & Human Services Building
1011 North 8th Street
Sheboygan WI
Room 372

June 4, 2024

Called to Order: 8:30 a.m.

Adjourned: 8:58 a.m.

MEMBERS PRESENT: (in person) Supervisor Curt Brauer, Supervisor Bill Goehring, Supervisor Marilyn Montemayor, Supervisor Paul Gruber
Citizen Members Anne Sibinski, Jeanne Kliejunas

MEMBERS PRESENT: (via Zoom) Supervisor Wendy Schobert, Citizen Member Larry Samet

MEMBERS ABSENT: Supervisor Rebecca Clarke

ALSO PRESENT: (in person) Matthew Strittmater, Starrlene Grossman, Clarissa Roberts, Jackie Moglowsky, Tara Duwe, Michelle Acevedo, Sarah Mueller, Wendy Gorges

Chairperson Brauer called the meeting to order at 8:30 a.m.

The Chairperson certified compliance with the open meeting law. The notice was posted at 1:00 p.m. on May 31, 2024.

Approval of Minutes for May 21, 2024

Citizen Member Kliejunas moved to approve the minutes. Supervisor Goehring seconded. Motion carried with no nay votes.

Announcements and Correspondence

Public Comment – No public comment was made.

Health & Human Services Director Report – Matt Strittmater

The Department Head Report is a summary of key activities. No action will be taken by the Health & Human Services Committee resulting from the report unless it is a specific item on the agenda.

Public Health Manager Report – Starrlene Grossman

The Public Health Report is a summary of key activities. No action will be taken by the Health & Human Services Committee resulting from the report unless it is a specific item on the agenda.

Health & Human Services Director – Matt Strittmater

Consideration of Promotion Request

Supervisor Goehring moved to approve the request. Supervisor Montemayor seconded. Motion approved with no nay votes.

ADRC and Operations Manager – Michelle Acevedo

Consideration of Health & Human Services Vehicle Use Policy

Supervisor Goehring moved to approve the request. Supervisor Montemayor seconded. Motion approved with no nay votes.

Accounting Manager – Tara Duwe

2024 Budget Adjustments for Health & Human Services

Supervisor Montemayor moved to approve the request. Citizen Member Kliejunas seconded.

Motion approved with no nay votes.

Review and Approve Vouchers

May 5, 2024 – May 18, 2024

Supervisor Goehring moved to approve the vouchers. Supervisor Montemayor seconded. Motion approved with no nay votes.

Approval of Attendance of Members at Other Meetings or Functions

Reports on Meetings Attended

Consideration of Supervisor Clarke attending the Healthy Sheboygan County meeting at the UWGB Sheboygan Campus on May 13, 2024.

Citizen Member Kliejunas moved to approve the request. Supervisor Montemayor seconded.

Motion approved with no nay votes.

Adjournment

Supervisor Montemayor moved to adjourn the meeting. Citizen Member Kliejunas seconded. Motion carried with no nay votes. Meeting adjourned at 8:58 a.m.

The next scheduled meeting is June 18, 2024 at 8:30 a.m.

Marilyn Montemayor, Committee Secretary

Wendy Gorges
Recording Secretary

1 **SHEBOYGAN COUNTY ORDINANCE NO. _____ (2024/25)**

2
3 **Re: Repealing and Recreating Chapter 17 Regarding Licensure and Regulation**
4 **of Certain Sheboygan County Establishments**

5
6
7 **WHEREAS**, through the enactment of Chapter 17 of the Sheboygan County Code of
8 Ordinances, the Sheboygan County Health and Human Services Department, Division of Public Health
9 agreed to be the designated agent of the Wisconsin Department of Health Services for purposes of
10 licensing and regulating various commercial activity; and

11
12 **WHEREAS**, the State of Wisconsin Department of Agriculture, Trade and Consumer Protection
13 has updated regulation of retail food establishments and licensing requirements; and

14
15 **WHEREAS**, the Health and Human Services Committee has reviewed the changes and
16 recommends repealing and recreating Chapter 17 of the County Code to incorporate said administrative
17 code updates.

18
19 **NOW, THEREFORE**, the County Board of Supervisors of the County of Sheboygan does ordain
20 as follows:

21
22 Section 1. **Repealing and Recreating Chapter 17.** Chapter 17 of the Sheboygan
23 County Code of Ordinances is hereby repealed and recreated as attached.

24
25 Section 2. **Effective Date.** The herein Ordinance shall take effect upon enactment.

26
27 Respectfully submitted this 16th day of July, 2024.

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30 **HEALTH & HUMAN SERVICES COMMITTEE**

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35 Curt Brauer, Chairperson

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37 William Goehring, Vice-Chairperson

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41 Marilyn Montemayor, Secretary

42 _____
43 Rebecca Clarke

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45 _____
46 Paul Gruber

47 _____
48 Wendy Schobert

49
50 Opposed to Introduction:

51 _____
*County Board members signing only

Countersigned by:

CHAPTER 17
LICENSURE AND REGULATION OF RETAIL FOOD ESTABLISHMENTS,
HOTELS, MOTELS, TOURIST ROOMING HOUSES,
BED AND BREAKFAST ESTABLISHMENTS,
CAMPGROUNDS,
RECREATIONAL AND EDUCATIONAL CAMPS,
PUBLIC SWIMMING POOLS AND ESTABLISHMENTS POSSESSING
CLASS B AND CLASS C ALCOHOL BEVERAGE LICENSES
AND INSPECTIONS OF FOOD VENDING MACHINES,
THEIR OPERATORS AND VENDING MACHINE COMMISSARIES

17.01 AUTHORITY AND PURPOSE

17.02 APPLICABILITY

17.03 DEFINITIONS

17.04 ENFORCEMENT

17.05 LICENSE

17.06 APPLICATION

17.07 FEES

17.08 LICENSE PUBLIC DISPLAY

17.09 LICENSE SUSPENSION AND REVOCATION

17.10 REGULATIONS, RULES, AND LAWS ADOPTED BY REFERENCE

17.11 VIOLATION/PENALTIES

17.12 CONSTRUCTION OR ALTERATION OF FOOD ESTABLISHMENTS: PLAN EXAMINATION

17.13 CONSTRUCTION OR ALTERATION OF FOOD ESTABLISHMENTS: SITE EVALUATION

17.01 AUTHORITY AND PURPOSE. This Ordinance is adopted pursuant to that authority provided by Wis. Stats. §§ 97.41, 97.615(2), and 251.04(3) and by Wisconsin Administrative Code Chapters ATCP 72, 73, 75, 76, 78, and 79 and such other provisions adopted in conformity therewith. The purpose of this Ordinance is to protect and improve the public health and to authorize the Sheboygan County Health and Human Services Department to become the designated agent of the State Department of Agriculture, Trade and Consumer Protection for the purpose of establishing license fees, issuing licenses, and making investigations or inspections of retail food establishments, hotels, motels, tourist rooming houses, bed and breakfast establishments, campgrounds and recreational and educational camps, public swimming pools, and establishments possessing Class B and Class C alcohol beverage licenses, and in making investigations and inspections of food vending machines, their operators and vending machine commissaries.

17.02 APPLICABILITY. The provisions of this Ordinance shall apply to the owner, operator or agent thereof of any retail food establishment, hotel, motel, tourist rooming house, bed and breakfast establishment, campground, recreational and educational camp, public swimming pool, establishments possessing Class B or Class C alcohol beverage licenses, vending machine commissary or vending machines in Sheboygan County. 17.03 DEFINITIONS.

(1) All definitions as set forth in Wis. Stats. chs. 97, 125, 251, and 254; and Wisconsin Administrative Code Chapters ATCP 72, 73, 74, 75, 76, 78, and 79 and such other provisions adopted in conformity therewith, are incorporated in this Ordinance by reference and shall be construed, read, and interpreted as fully set forth herein until amended and then shall apply as amended.

(2) "Health and Human Services" or "Department" shall mean the Sheboygan County Health and Human Services Department, Division of Public Health.

17.04 ENFORCEMENT. The provisions of this Ordinance shall be administered by or under the direction of the Division of Public Health of the Department by its duly authorized representatives who shall

have the right to enter, at reasonable hours, upon premises affected by this regulation to inspect the premises, secure samples or specimens, examine and copy relevant documents and records, or obtain photographic or other evidence needed to enforce this Ordinance.

17.05 LICENSE.

(1) No person shall operate retail food establishments, hotels, motels, tourist rooming houses, bed and breakfast establishments, campgrounds, recreational and educational camps, public swimming pools and establishments possessing Class B and Class C alcohol beverage licenses and vending machine commissaries without first obtaining a non-prorated license from the Department. Such licenses shall expire on June 30 of each year following their issuance except that licenses initially issued during the period beginning on April 1 and ending June 30 shall expire June 30 of the following year. The issuance of a license may be conditioned upon the licensee correcting a violation of this Ordinance within a specified period of time. If the condition is not met within the specified period of time, the license shall be voided. The license shall not be transferable to a location other than the one for which it was issued, nor shall a license be transferred from one operator to another subject to the express exception of:

(a) As to location, transient retail food establishments licenses may be transferred;

(b) As to hotel, motel, or tourist rooming house licenses,, - a sole proprietorship that reorganizes as a business entity or a business entity that reorganizes as either a sole proprietorship or a different type of business entity may transfer a license issued under this section for operation of a hotel, tourist rooming house, bed and breakfast establishment, or vending machine commissary to the newly formed business entity or sole proprietorship if the following conditions are satisfied:

The hotel, tourist rooming house, bed and breakfast establishment, or vending machine commissary remains at the location for which the license was issued. At least one individual who had an ownership interest in the sole proprietorship or business entity to which the license was issued has an ownership interest in the newly formed sole proprietorship or business entity.

(2) Operators or licensees of transient retail food establishments whom the Department has found to be uncooperative or habitual violators of this Ordinance may be denied a license to operate.

(3) No licenses shall be granted to any person under this Ordinance without a pre-licensing inspection by the Department of the premises for which the license shall be granted. A pre-licensing inspection is not required for transient retail food establishments.

(4) No license shall be issued until all application fees have been paid.

17.06 APPLICATION. Application for licenses shall be made in writing to the Department on forms developed and provided by the Department stating the name and address of the proposed applicant and operator, and the address and location of the proposed establishment, together with any such other information as may be required. The Department shall either approve the application or deny the license within thirty (30) days after receipt of a complete application.

17.07 FEES. Fees for the issuance of licenses, the making of investigations, inspections, providing education, training, and technical assistance to all establishments covered pursuant to this Ordinance, plus the costs required to be paid to the state for each license issued, are established by and may be amended upon the approval of the Sheboygan County Health and

Human Services Committee. In addition, separate pre-licensing fees are hereby established with regard to new establishments or existing establishments which have been transferred to a new operator. The fee schedule for a license shall be on file with the Department.

- 17.08 LICENSE PUBLIC DISPLAY. Every establishment required to obtain a license pursuant to this Ordinance shall display said license at all times in a conspicuous public place.
- 17.09 LICENSE SUSPENSION AND REVOCATION. A license issued by the Department pursuant to this Ordinance may be temporarily suspended and the premises ordered closed by the Department for a violation of any provision of this Ordinance or rules adopted herein by reference if the Department determines that an immediate danger to health exists or as may otherwise be allowed by law, including failure to pay any fees required hereunder. The Department may establish such protocols as it deems appropriate to allow license holders opportunities to correct in lieu of suspension and closure. Such licenses may be permanently revoked after repeated violations. An aggrieved party may appeal the order of suspension or revocation by filing a notice of appeal with the Department within thirty (30) days of the date of notice as provided under Wis. Stat. § 68.08, except as otherwise required under Wis. Stat. § 66.0417(3). The Health and Human Services Committee will hear any appeal of a decision of the Department under this Chapter within fifteen (15) days of the date of filing pursuant to the provisions of Wis. Stat. Chap. 68.
- 17.10 REGULATIONS, RULES, AND LAWS ADOPTED BY REFERENCE. The applicable laws, rules, and regulations as set forth in Wis. Stats. chs. 97, 125, 251, and 254; Wisconsin Administrative Code Chapters ATCP 72, 73, 74, 75, 76, 78, and 79 and such other provisions adopted in conformity therewith are incorporated in this regulation by reference and they shall be construed, read, and interpreted as fully set forth herein until amended and then shall apply as amended. The expressed provisions of this Ordinance shall control where more restrictive.
- 17.11 VIOLATION/PENALTIES. Any person who violates or refuses to comply with any provisions of this Ordinance shall be subject to a forfeiture of Two Hundred Fifty Dollars (\$250.00) for each offense and/or revocation or amendment of their applicable license. 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. In the alternative, the Department may pursue enforcement of such Section of these regulations as are prosecutable. Representatives of the Department charged with the administration and enforcement of this Ordinance are authorized to issue citations pursuant to Chapter 90 of this Code with respect to Ordinances which are directly related to their official responsibilities.
- 17.12 CONSTRUCTION OR ALTERATION OF FOOD ESTABLISHMENTS: PLAN EXAMINATION. No person shall erect, construct, enlarge, or alter a food establishment without first submitting to the Department plans (drawings) which clearly show and describe the amount and character of the work proposed and without first receiving approval of submitted plans. Such plans shall include floor plans, equipment plans, and specifications; wall, floor, and ceiling finishes; and plans and specifications for food service kitchen ventilation. Submitted plans shall give all information necessary to show compliance with applicable health codes. At the option of the Department, plans need not be submitted to execute minor alterations to a food establishment. Approved plans shall not be changed or modified unless approval of such changes or modifications shall first be obtained from the Department. Plan examination fees shall be paid pursuant to Section 17.07 of this Code.
- 17.13 CONSTRUCTION OR ALTERATION OF FOOD ESTABLISHMENTS: SITE EVALUATION. A site evaluation by the Department is required when any food establishment begins operation in a location where the immediate predecessor was not a food operation. Site evaluation by the Department is not required for any food operation that has a change in operator or that is remodeled or altered. Such a food operator may voluntarily request site evaluation by the Department which shall provide such evaluation whenever a request is made. Any

food operation which voluntarily requests a food evaluation shall pay a site evaluation fee. Site evaluation fees shall be paid as required by Section 17.07.

History: Ord. ____ (2001/02); Ord. 2 (2002/03); Ord. 16 (2015/16)

1 **SHEBOYGAN COUNTY ORDINANCE NO. _____ (2024/25)**

2
3 **Re: Repealing and Recreating Chapter 18, Licensure and Regulation of**
4 **Body Piercing and Tattooing**

5
6
7 **WHEREAS**, the legislature of the State of Wisconsin has revised and updated the Wisconsin
8 Statutes Chapter 463 and the Wisconsin Department of Safety and Professional Services has
9 revised and updated Wisconsin Administrative Code Chapter SPS 221, both regulating and licensing
10 body piercing and tattooing establishments to protect and improve the public health; and

11
12 **WHEREAS**, upon review of Chapter 18 of the Sheboygan County Code it is necessary and
13 appropriate to update the same to conform with State requirements.

14
15 **NOW, THEREFORE**, the County Board of Supervisors of the County of Sheboygan does
16 ordain as follows:

17
18 Section 1. **Repealing and Recreating Chapter 18.** Chapter 18 of the
19 Sheboygan County Code of Ordinances is hereby repealed and recreated as attached.

20
21 Section 2. **Effective Date.** The herein Ordinance shall take effect upon
22 enactment.

23
24
25 Respectfully submitted this 16th day of July, 2024.

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28 **HEALTH & HUMAN SERVICES COMMITTEE***

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31 _____
32 Curt Brauer, Chairperson

31 _____
32 William Goehring, Vice-Chairperson

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34 _____
35 Marilyn Montemayor, Secretary

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35 Rebecca Clarke

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38 Paul Gruber

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38 Wendy Schobert

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40 Opposed to Introduction:

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44 *County Board members signing only

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47 Countersigned by:

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CHAPTER 18
LICENSURE AND REGULATION OF BODY
PIERCING AND TATTOOING

- 18.01 AUTHORITY AND PURPOSE
- 18.02 APPLICABILITY
- 18.03 DEFINITIONS
- 18.04 LICENSES
- 18.05 LIMITATIONS
- 18.06 RECORDS
- 18.07 HEALTH AND SANITARY REQUIREMENTS
- 18.08 PHYSICAL FACILITIES
- 18.09 PRIVACY
- 18.10 RESTRICTIONS
- 18.11 CLEANING
- 18.12 STERILIZATION
- 18.13 PREPARATION BY PRACTITIONER
- 18.14 CARE INSTRUCTIONS FOR PATRONS
- 18.15 INSPECTIONS
- 18.16 ENFORCEMENT
- 18.17 PENALTIES

18.01 AUTHORITY AND PURPOSE. This Ordinance is adopted pursuant to that authority provided by Wis. Stats. §§ 463.10, 463.12, and 463.16; and by Wis. Admin. Code ch. SPS 221. The purpose of this Ordinance is to protect and improve the public health of the community by proper licensure and regulation of body piercing and tattooing establishments and to authorize the Sheboygan County Health and Human Services Department, by its Division of Public Health (“Division of Public Health”), to act as an agent for the State of Wisconsin’s Department of Safety and Professional Services for the purposes set forth herein.

18.02 APPLICABILITY. This Ordinance shall apply to all persons engaged in body piercing or tattooing and all body piercing and tattooing establishments within Sheboygan County, whether of a temporary or permanent nature.

18.03 DEFINITIONS. All definitions as set forth in Wis. Stats. ch. 463 and Wis. Admin. Code § SPS 221.03 and such other provisions adopted in conformity therewith, are incorporated in this Ordinance by reference and they shall be construed, read, and interpreted as if fully set forth herein until amended and then shall apply as amended.

18.04 LICENSES.

(1) Generally.

(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 Division of Public Health.

(b) The application shall be on a form provided by the Division of Public Health and shall include:

The name and address of the proposed applicant and operator, and the address and location of the proposed establishment, together with any such other information as may be required.

- (c) Failure or refusal to complete the application and provide truthful responses to the application questions shall be grounds for a denial of the license.
- (d) Application for a license shall be accompanied by payment of the application fee determined by the Division of Public Health.
- (e) Within thirty (30) days of receiving a completed application for a license, the Division of Public Health shall act on the application. If an application for a license is denied, the Division of Public Health shall give the applicant reasons, in writing, for the denial and provide information on how the applicant may appeal that decision.
- (f) A license will not be granted to an operator of a new establishment or to a new operator of an existing establishment without a pre-inspection. A pre-inspection fee will be assessed for each establishment according to the fee determined by the Division of Public Health.
- (g) The operator of a tattoo or body piercing establishment shall promptly notify the Division of Public Health of an intention to cease operations and shall supply the Division of Public Health with the name and mailing address of the new operator. A license is not transferrable. A new operator must submit an application for a new license. No license shall be issued to or used by any person acting as an agent for or in the employment of another.

(2) Establishment License.

- (a) No person may operate a body piercing or tattooing establishment or any combination thereof unless that person has obtained a license for the establishment from the Division of Public Health.
- (b) No person shall intentionally engage in the practice of implanting, branding, or scarification within Sheboygan County unless performed pursuant to procedures or orders delegated by a licensed physician.
- (c) A license issued under this Chapter shall expire or terminate on June 30 of each year and shall be renewed annually thereafter, except that licenses initially issued during the period beginning on April 1 and ending June 30 shall expire June 30 of the following year.
- (d) The application for renewal shall be filed with the Division of Public Health on or before June 30 together with the payment of the required fee. The fee for said license shall be determined by the Health and Human Services Board and shall be on file with the Division of Public Health

(3) Application for Practitioner License.

- (a) No person may tattoo or body pierce another person, use or assume the title of tattooist or body piercer, or designate him or herself as a body piercer unless the person has obtained a license from the Department of Safety and Professional Services.
- (b) No person shall engage in the practice of tattooing and/or body piercing except in an establishment licensed under this chapter.

- (c) Reciprocity within the State of Wisconsin will be recognized upon receipt of proof that the local requirements as set forth in this Ordinance are met by the applicant.
- (d) A person applying for a practitioner's license must meet the requirements set out in Sections 18.07(1)(a) and (b).

(4) Suspension or Revocation of License. The Division of Public Health may suspend or revoke any license issued pursuant to this Ordinance for violations of Ordinances or laws regulating activity or for other good cause.

(5) Emergency Powers of Division of Public Health. Whenever the Division of Public Health has reason or probable cause to believe that the premises or methods of operation of a body piercing and/or tattoo establishment create an immediate danger to public health, the Division of Public Health may issue a temporary order prohibiting continued operation of the premises or any part thereof. The Division of Public Health may suspend a license without notice whenever the licensed premises, tattooist, and/or body piercer constitute an immediate health hazard.

(6) Appeals. Any person aggrieved by the denial of a license or by suspension or revocation of a license required under this Ordinance may appeal any such order to the Health and Human Services Board within thirty (30) days of denial, suspension, or revocation. The Health and Human Services Board shall provide the appellant an opportunity for hearing on the matter and may either suspend or continue any such order pending determination of the appeal. The Board may affirm, modify, or set aside the order of the Division of Public Health. The Board shall make and keep a record of all proceedings relating to any such appeal. The record and actions of the Board shall be subject to review by certiorari by a court of record.

18.05 LIMITATIONS.

(1) Patron's consent. A body piercer or tattooist may not body pierce or tattoo a patron without first obtaining the signed, informed consent of the person on a form approved by the Division of Public Health.

(2) Minors.

- (a) No person under the age of sixteen (16) years of age may be body pierced.
- (b) No person age sixteen (16) or seventeen (17) may be body pierced unless an informed consent form has been signed by his or her parent or legal guardian in the presence of the operator.
- (c) No person under eighteen (18) years of age may be tattooed except by a physician in the scope of the physician's professional practice as permitted under Wis. Stat. § 948.70(3).
- (d) A body piercing establishment shall post a notice in a conspicuous place in the establishment stating that it is illegal to body pierce a person under the age of eighteen (18) without the signed and informed consent of that person's parent or legal guardian.
- (e) A tattoo establishment shall post a sign in a conspicuous place in the establishment stating that no person under the age of eighteen (18) may be tattooed.

(3) Procedures prohibited. A body piercer or tattooist may not body pierce or tattoo a person who appears to be under the influence of alcohol or a mind-altering drug or a person who has evident skin lesions or skin infections in the area of the intended procedure.

18.06 RECORDS.

- (1) Every body piercer and tattooist shall keep a record of each patron which shall be retained for a minimum of two (2) years following the completion of the procedure.
- (2) The records shall include the patron's name, address, age, and consent form, the name of the practitioner who performs the procedure, and any adverse effects arising from the procedure which are known or made known to the practitioner.

18.07 HEALTH AND SANITARY REQUIREMENTS.

- (1) No tattooist or body piercer may work while under the influence of alcohol or mind-altering drug.
 - (a) No body piercer or tattooist with an exposed rash, skin lesion, or boil may engage in the practice of tattooing or body piercing.
- (2) Hygienic procedure requirements.
 - (a) Tattooists and body piercers shall maintain a high degree of personal cleanliness and shall conform to good hygiene practices during procedures.
 - (b) Tattooists and body piercers shall thoroughly wash their hands and the exposed portions of their arms with dispensed soap and tempered water before and after each tattoo or body piercing procedure and more often as necessary to keep them clean. When preparing the skin during a procedure, a tattooist or body piercer shall wear non-absorbent gloves which shall be disposed of after completing the procedure. If interrupted during a procedure, a tattooist or body piercer shall rewash his or her hands and put on new gloves if the interruption required the use of hands.
 - (c) Tattooists and body piercers shall dry their hands and arms with individual single-service towels.
 - (d) Tattooists shall use single-use plastic covers to cover spray bottles or other reusable accessories to minimize the possibility of transmitting body fluids or disease during application of tattoos to successive patrons.
 - (e) Disposable-type razors shall be single-use only and disposed of in accordance with Wis. Admin. Code ch. NR 526. Electric razors used for skin preparation prior to a procedure shall have screens cleaned and disinfected between patron use.

Body-piercing needles shall be disposable, sterile and for single-patron use only. Tattoo needles may be reused if cleaned, sterilized and stored in an approved manner between patrons. Body piercing jewelry shall be cleaned, individually packaged, and sterilized prior to use.

18.08 PHYSICAL FACILITIES.

- (1) Body piercing and tattoo application areas shall maintain a minimum illumination of fifty-(50-) foot candles.

- (2) Body piercing and tattoo areas shall be completely separated from any living quarters by floor-to-ceiling partitioning and solid doors which are kept closed during business hours. A direct outside entrance to the tattoo or body piercing establishment shall be provided.
- (3) All body piercing and tattoo establishments shall have a public toilet and hand-washing facility which is separated from any living areas.
- (4) Toilet room fixtures shall be kept clean and in good repair. An easily cleanable covered waste receptacle shall be provided in the toilet room.
- (5) At least one hand-washing facility shall be conveniently located in the body piercing or tattoo area in addition to the hand-washing facility provided in the toilet room.
- (6) Anti-bacterial soap in a dispenser and single-service towels for drying hands shall be provided at all hand-washing facilities.
- (7) Hot and cold potable water under pressure shall be available at all handwashing facilities except that tempered water rather than hot water may be provided.
- (8) Easily cleanable waste containers with non-absorbent, durable plastic liners shall be used for disposal of all tissues, towels, gauze pads, and other similar items used in connection with services provided to a patron.
- (9) Infectious waste, including sharps' waste, shall be stored and disposed of in an approved manner consistent with Wis. Admin. Code ch. NR 526, sub ch. II.
- (10) Instruments, dyes, pigments, stencils, and other body piercing and tattoo equipment shall be stored in closed cabinets exclusively used for that purpose.

18.09 PRIVACY. A panel or other barrier of sufficient height and width to effectively separate a patron on whom a procedure is being performed from any observers or waiting patrons shall be in place or readily available at the patron's request.

18.10 RESTRICTIONS.

- (1) No smoking or consumption of food or drink is permitted in the area where a body piercing or tattoo procedure is performed, except that patrons may consume a non-alcoholic beverage during the procedure.
- (2) No animals, except for those that provide for services to persons with disabilities, are permitted in a body piercing or tattoo establishment.
- (3) All surfaces, counters and general-use equipment in the tattoo or body-piercing area shall be cleaned and disinfected before a patron is seated.
- (4) 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 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.
- (5) Needles, bars and tubes shall be constructed in a manner that permits easy cleaning and sterilizing.

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

18.11 CLEANING.

- (1) After each use, body piercing and tattooing equipment shall be cleaned to remove blood and tissue residue before sterilization.
- (2) Reusable needles, tubes and body piercing equipment shall be placed in a covered stainless steel container of cleaning and disinfectant solution until they can be cleaned and sterilized.
- (3) All containers holding contaminated needles, tubes, reusable body piercing equipment, and container lids shall be cleaned and disinfected at least daily.
- (4) The tattoo machine shall be cleaned and disinfected before each use.
- (5) Gloved personnel shall clean needle tubes prior to sterilization by manually pre-cleaning the items with care to ensure removal of residue, thoroughly rinsing the items with warm water and draining the water, cleaning the items by soaking them in a protein-dissolving detergent-enzyme cleaner used according to manufacturer's instruction, cleaning the items further in an ultrasonic cleaning unit which operates at forty (40) to sixty (60) hertz and is used according to the manufacturer's instructions, and rinsing and drying all items.
- (6) Prior to autoclaving, all needles and tubes shall be packaged either individually or in quantities appropriate for individual procedures. Packages shall be identifiable and dated.

18.12 STERILIZATION.

- (1) Equipment requiring sterilization shall be pressure-sterilized at the establishment in an autoclave and in accordance with manufacturer's instructions.
- (2) Each batch of sterilized equipment shall be monitored for sterilization by use of heat-sensitive indicators capable of indicating approximate time and temperature achieved.
- (3) Autoclaves shall be spore-tested at least monthly. Spore kill test effectiveness shall be conducted by an independent laboratory.
- (4) Sterilized equipment shall be wrapped or covered and stored in a manner which will ensure that it will remain sterile until used.
- (5) Each tattoo or body piercing establishment shall maintain sterilization records, including spore tests for at least one (1) year from the date of the last entry, which shall include the following information:
 - (a) Date of sterilization;
 - (b) Name of person operating the equipment; and
 - (c) Result of heat-sensitive indicator.
- (6) Sterilized equipment shall be re-sterilized if the package is opened, damaged, or becomes wet.
- (7) All methods of sterilization other than autoclaving are prohibited.

18.13 PREPARATION BY PRACTITIONER. Before beginning a procedure, the tattooist or body piercer shall clean the skin area for the tattooing or piercing and prepare it with antiseptic. The solution shall be applied with cotton, gauze, or single-use toweling.

18.14 CARE INSTRUCTIONS FOR PATRON. After completing a procedure, the tattooist or body piercer shall provide the patron with oral and written instructions on the care of the tattoo or piercing.

18.15 INSPECTIONS.

- (1) The Division of Public Health will conduct at least one (1) complete inspection annually of every tattoo and body piercing establishment.
- (2) The Division of Public Health shall conduct a pre-licensing inspection for all new establishments and establishments having a change of operator prior to the new or changed operator opening the established business.
- (3) The Division of Public Health shall conduct an investigation when it receives information that a contagious disease or infection has resulted from a tattoo or body piercing procedure.
- (4) If an annual, pre-licensing, or complaint investigation indicates corrections that must be made to ensure compliance with this Ordinance, the Division of Public Health shall conduct a return visit as appropriate to ensure compliance with corrective measures.

18.16 ENFORCEMENT.

- (1) The Division of Public Health may enter any establishment required to be licensed in this Ordinance at all reasonable times to inspect the premises, view the practice (with patrons' 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 the business or activity.
- (2) Whenever the Division of Public Health finds that any establishment, tattooist, or body piercer required to obtain a license under this Ordinance is not operating or equipped in any manner required by the Ordinance or other applicable laws or regulations, the Division of Public Health shall notify, in writing, the person operating the premises or performing the activity, specifying the requirements of the Ordinance or applicable law or regulations and requiring that such business or practitioner comply with said provisions. The Division of Public Health shall specify 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 Division of Public Health.

18.17 PENALTIES. Any person who violates or refuses to comply with any provisions of this Ordinance shall be subject to a forfeiture of Two Hundred Fifty Dollars (\$250.00) for each offense and/or revocation or amendment of the applicable permit, plus applicable costs. Each day a violation exists or continues shall be considered a separate offense. Where appropriate, injunctive relief may be sought by the Sheboygan County Health and Human Services Department against continuing violations.

History: