

CHAPTER 48 REGULATION OF TATTOOING AND BODY-PIERCING

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48.01 TITLE.

- (1) This chapter may be cited as the miscellaneous health provisions ordinance.
- (2) Sections 48.02 through 48.30 constitute and are referred to in this chapter as subchapter I.

48.02 INTERPRETATION.

- (1) Subchapter I shall be interpreted consistent with ch. 252 of the Wisconsin Statutes, and with the purposes enumerated herein.
- (2) All references herein to chapter, section and subsection numbers are to those of the Dane County Code of Ordinances unless expressly stated otherwise.

48.03 AUTHORITY. Subchapter I is enacted under the authority of sec. 463.16, Wis. Stats., and acts amendatory thereto.

[History: am., 2017 OA-019, pub. 10/10/17.]

48.04 PURPOSE. The purpose of subchapter I is to provide standards and practices for the enforcement of state statutes and local ordinances designed to regulate the tattooists, tattoo establishments, body-piercers, and body-piercing establishments by the Health Department.

[History: am., 2017 OA-019, pub. 10/10/17.]

48.05 ADMINISTRATION. Subchapter I shall be enforced by Public Health Madison and Dane County.

[History: am., 2017 OA-019, pub. 10/10/17.]

48.06 APPLICABILITY. Subchapter I shall be enforced in all cities, villages and towns of Dane County.

[History: am., 2017 OA-019, pub. 10/10/17.]

48.07 DEFINITIONS. Words and phrases used in subchapter I have the meanings designated in chapter SPS 221, Wis. Admin. Code, unless the context clearly indicates a different meaning, with the following additions or modifications for use in this subchapter I only:

(1) *Establishment* 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 seven (7) days in a licensing year. As used in this definition, a fraction of a calendar day shall be considered as a whole day.

(2) *Person* includes any natural person or persons and all partnerships, associations and bodies politic or corporate.

(3) *Special event* means a show, bazaar, fair or other occurrence lasting up to a maximum of seven (7) consecutive days at which a collection of establishments practice their art in a single location, whether public or private premises.

[History: am., 2017 OA-019, pub. 10/10/17.]

[48.08-48.10 reserved.]

48.11 REGULATION OF TATTOOING AND BODY-PIERCING.

(1) No person may operate a tattoo or body-piercing establishment or combination thereof on an annual or temporary basis unless the person has obtained a license and paid fees as specified in subchapter I.

(2) No person may tattoo or body pierce another person unless the person has obtained a license and paid fees as specified in chapter SPS 221, Wis. Admin. Code.

[History: am., 2017 OA-019, pub. 10/10/17.]

48.12 REGULATION OF TATTOOING AND BODY-PIERCING; CONTINUED.

When operating a tattoo or body piercing establishment, the tattooist or body piercer must comply with the requirements found in chapter 463, Wis. Stats., chapter SPS 221, Wis. Admin. Code, and this subchapter. Failure to comply with such requirements shall be a violation of this subchapter.

[History: am., 2017 OA-019, pub. 10/10/17.]

48.13 REGULATION OF TATTOOING AND BODY-PIERCING; CONTINUED.

It shall be a violation of this subchapter I for any person to:

(1) Operate a tattooing establishment or a body-piercing establishment or a combined tattooing and body-piercing establishment unless a license for the establishment is first obtained under this subchapter I.

(2) Operate a tattooing establishment or a body-piercing establishment or a combined tattooing and body-piercing establishment unless all practitioners working in the establishment hold current licenses issued under chapter SPS 221, Wis. Admin. Code, or this subchapter.

[History: (2) am., 2017 OA-019, pub. 10/10/17.]

48.14 SPECIAL EVENTS; LICENSES REQUIRED.

(1) At special events, the Health Department may designate each separate table, booth, or area where tattooist or body piercer performs tattooing or body piercing to be a temporary establishment which must be licensed as such before the onset of the event.

(2) In addition to a temporary establishment license, every practitioner at a special event shall also possess a current and valid State of Wisconsin practitioner's license issued by the State of Wisconsin before the practitioner can engage in tattooing or body piercing at a special event.

[History: am., 2017 OA-019, pub. 10/10/17.]

48.15 LICENSES; ADMINISTRATIVE REQUIREMENTS.

(1) Application for licensing shall be made thirty (30) days prior to the desired date of issuance. The licensing year shall be from July 1 through the following June 30, except that a license initially issued during the period beginning on April 1 and ending on June 30 expires on June 30 of the following year. The license fee herein established shall be for one licensing year or a fractional part thereof.

(2) An application for a temporary license shall be submitted thirty (30) days prior to the special event to allow for processing.

(3) No license shall be issued until the required fee together with any late filing fee is paid in full.

[History: am., 2017 OA-019, pub. 10/10/17.]

48.16 LICENSES; COUNTY FEES FOR LICENSES.

(1) Public Health Department license, pre-inspection, re-inspection, operating without a license, and special condition inspection fees shall be determined by the Board of Health. County fees for permits issued under ch. 48 shall be established by the County Board and published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the County Clerk's Office and posted on the Department's website.

(2) In addition to the county fees set forth in this section, the division shall collect the appropriate state fee.

(3) The owner or operator of any tattoo or body piercing establishment that is required to be re-inspected because the Health Department found a violation of this chapter, chapter 463, Wis. Stats., or of chapter SPS 221, Wis. Admin. Code, shall be charged a re-inspection fee.

(4) A special condition inspection fee shall be charged for consultation activities that are not directly related to the Public Health Department's licensing responsibilities.

(5) A fee shall be charged as set forth in the Public Health Madison and Dane County Fee Schedule for operating a tattoo or body piercing establishment without a license.

[History: (4)–(7) am., OA 25, 2006-07, pub. 12/29/06, eff. 01/01/07; am., OA 40, 2007-08, pub. 02/01/08; am., OA 26, 2012-13, pub. 11/21/12; 48.16 am. and renum., 2017 OA-019, pub. 10/10/17; (1)–(3) am., 2019 OA-17, pub. 11/20/19; 48.16 am. and renum., 2022 OA-40, pub. 11/21/22; (1) am., (2) and (3) resc., (4) and (5) renum., and (4) and (5) cr., 2024 OA-20, pub. 11/8/24.]

48.17 LICENSES; LATE FILING.

(1) A renewal license shall be paid on or before June 30.

(a) A renewal is not complete unless all required information is set forth in the application and the required fee is attached.

(2) Failure to submit a renewal by June 30 shall subject the applicant to a late filing fee equal to 25% of the license fee.

(a) An applicant for a renewal license who agrees to and does cease all tattooing and body-piercing activity during the period from July 1 until such time as a renewal license is issued is not subject to the late filing fee.

(3) Payment of the late filing fee shall not relieve any person from any other penalties set forth in subchapter I for failure to possess or obtain a license.

[History: am., 2017 OA-019, pub. 10/10/17; (2) am., 2024 OA-20, pub. 11/8/24.]

48.18 ENFORCEMENT.

(1) Enforcement procedures shall be conducted in accordance with ss. 66.0113 and 66.0417, Wis. Stats., and s. SPS 221.06, Wis. Admin. Code. The director may request the assistance of the Dane County Sheriff's Office in the enforcement of any aspect of subchapter I.

(2) The corporation counsel shall prosecute all violations of this chapter at the request of the department or of the board.

(3) The corporation counsel may seek an injunction in any case it deems appropriate, in addition to an action to collect a forfeiture.

[History: am., 2017 OA-019, pub. 10/10/17.]

48.19 APPEAL. Any person aggrieved by an order of the director issued pursuant to chapter SPS 221, Wis. Admin. Code, or subchapter I, may appeal such order in accordance with the provisions of s. 66.0417, Wis. Stats., to the Board of Health. The board of health may affirm, set aside, or modify the order by majority vote. The board's decision shall be final and may be appealed to the Circuit Court of Dane County.

[History: am., 2017 OA-019, pub. 10/10/17.]

[48.20-48.98 reserved.]

48.99 PENALTIES.

(1) Any person who willfully violates any provision of subchapter I shall forfeit not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500) for each

violation. Each day of violation and every violation of any provision of this subchapter shall constitute a separate offense.

(2) In addition to the above penalties, the director may order the suspension or revocation of the license issued to an establishment under subchapter I, subject to the right of appeal to the board of health under s. 48.19.

(3) Any person who does either of the following shall forfeit not less than \$200 nor more than \$5,000:

(a) Assaults, restrains, threatens, intimidates, impedes, interferes with or otherwise obstructs a county inspector, employee or agent in the performance of his or her duties under subchapter I.

(b) Gives false information to a county inspector, employee or agent engaged in the performance of his or her duties under subchapter I, with the intent to mislead the inspector, employee or agent.

[History: am., 2017 OA-019, pub. 10/10/17.]

[History: Ch. 48 cr., Sub. 1 to OA 20, 1999-2000, pub. 02/04/00.]

END OF CHAPTER