

Polk County Board of Supervisors
Ordinance No. 08-17

Ordinance to Enact Amended Establishing Rules and Permit Requirements Relating to Tattooing and
Body Piercing Ordinance

TO THE HONORABLE SUPERVISORS OF THE COUNTY BOARD OF THE COUNTY OF
POLK:

Gentlemen:

WHEREAS, on June 18, 2002, the Polk County Board of supervisors enacted Ordinance No. 63-02, entitled, "Establishing Rules and Permit Requirements Relating to Tattooing and Body Piercing; and

WHEREAS, it is appropriate to amend said ordinance to reflect current state statutes and administrative regulations and the organizational structure of the Polk County Community Services Division that will administer said ordinance.

NOW THEREFORE, BE IT ORDAINED that the Polk County Board of Supervisors enacts the Amended Establishing Rules and Permit Requirements Relating to Tattooing and Body Piercing Ordinance, as follows:

SECTION 1.01 AUTHORITY AND PURPOSE

This ordinance is adopted pursuant Chapter 463 Wisconsin Statutes, and Chapter SPS 221 Wisconsin Administrative Code to protect public health through enforcement of regulations which will promote safe and adequate care and treatment of individuals receiving tattooing or body-piercing and eliminate or greatly reduce the danger of exposing these individuals to communicable disease or infection. The Polk County Health Department is hereby designated to act as the agent of the Wisconsin Department of Safety and Professional Services (DSPS) for the above-stated purposes.

SECTION 1.02 APPLICABILITY

The provisions of this ordinance shall apply to the owner or operator of any tattoo or body-piercing establishment in all areas of Polk County.

SECTION 1.03 DEFINITIONS

The provisions of this ordinance shall adopt all current definitions set forth in Wisconsin Statutes Chapter 463, and Wisconsin Administrative Code Chapter SPS 221 by reference and shall be construed, read, and interpreted as set forth herein. The express provisions of this ordinance shall control where more restrictive.

SECTION 1.04 ENFORCEMENT

The provisions of this regulation shall be administered by or under the direction of the Health Officer, or its designee. The Health Officer and its designee shall have the right to enter, at reasonable hours, upon premises regulated by this ordinance 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 regulation. The Health Officer or its designee will enforce SPS 221 Wisconsin Administrative Code. The Health Officer or its designee will not permit facilities to operate unless properly licensed. The Health Officer or its designee, are also authorized to issue corrective orders, suspend or cancel permits as warranted and issue citations and take other enforcement measures as may be necessary to protect public health and safety.

The Health Officer or its designee may refer the violation to the Polk County Corporation Counsel who may obtain an injunction to correct and/or abate the violation or seek a court-imposed forfeiture under this ordinance.

1. CITATION: Pursuant to Sec. 66.0113(1) (a)(b)(c), Wis. Stats., the County of Polk adopts and authorizes the use of a citation to be issued for violations of this ordinance.
2. The citation shall contain the following:
 - a. The name and address of the alleged violator.
 - b. Factual allegations describing the alleged violation.
 - c. The time and place of the offense.
 - d. The section of the ordinance violated.
 - e. A description of the offense in such a manner as can be readily understood by a person making a reasonable effort to do so.
 - f. The time at which the alleged violator may appear in court.
 - g. A statement which, in essence, informs the alleged violator:
 1. That a cash deposit based on the schedule established by this section may be made which shall be delivered to the Clerk of Courts prior to the time of the scheduled court appearance.
 2. That if a deposit is made, no appearance in court is necessary unless he is subsequently summoned.
 3. That if a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest or, if the court does not accept the plea of no contest, a summons will be issued commanding him to appear in court to answer the complaint.
 4. That if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture.
 - h. A direction that if alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under **Para. g** above has been read. Such statement shall be brought with the cash deposit.
 - i. Such other information as the County deems necessary.

3. Schedule of Deposits

Any person who receives a citation shall be subject to the penalty provision under 1.16.

4. Who May Issue

In addition to Law Enforcement Officers, the following County officials may issue citations, which are directly related to their official responsibilities.

- i. Health Officer
- ii. Registered Sanitarian

5. Procedure

Section 66.0113(1)(a)(b)(c), Wis. Stats. relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

6. Nonexclusivity

- a. Adoption of this chapter does not preclude the County Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matters.
- b. The issuance of a citation hereunder shall not preclude the County or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation, or order, including this ordinance.

SECTION 1.05 APPLICATION FOR PERMIT

Application for permits shall be made in writing to the Health Department on forms developed and provided by the Health Department. The Health Department shall either approve or deny the permit within thirty (30) days after receipt of a complete application.

SECTION 1.06 PERMIT

No person shall operate a tattoo or body-piercing establishment without obtaining a permit from the Health Department. The Health Department may issue only one permit per operator location. Permits shall expire on June 30 of each year following their issuance except that permits 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 permit may be conditioned upon the permittee 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 permit shall be voided.

A permit issued pursuant to this ordinance is deemed a license, a privilege and creates no property rights, and may be revoked and/or terminated without notice consistent with the provisions of this ordinance or as otherwise provided by law.

The Health Department shall deny an application for permit or revoke or terminate the permit of any applicant or permittee that has, as the Health Department determines, repeatedly violated this ordinance.

No permits shall be granted to any person under this ordinance without a pre-inspection by the Health Department of the premises for which the permit shall be granted. A pre-inspection shall only apply to and include consultation and a pre-opening inspection offered within a six month period from the date of permit application to persons intending to operate a tattoo or body-piercing establishment, or to a person intending to be the new operator of an existing tattoo or body-piercing establishment including a transferred license.

No permit shall be issued until; all application fees, citations, or other applicable fees are paid. A permit will not be issued until all outstanding violations, noted during previous inspections, are corrected.

If annual permit renewal applications with required fees are not submitted to the Health Department within 15 days after expiration of an existing annual permit, the department shall require the operator to pay a late penalty fee, in addition to the annual permit fee.

SECTION 1.07 FEES

Per Polk County ordinance 11-08, the fees for issuance of permits, making investigations, inspections, training and technical assistance to establishments and costs required to be paid to the county for each permit issued shall be established by resolution of the Polk County Board of Health and Human Services. As such resolution may be adopted and published the same is incorporated herein and made a part of this ordinance. Current fee structures shall be documented in the Polk County Health Department Agent Policy and Procedures Appendix A18.

SECTION 1.08 PUBLIC DISPLAY OF PERMIT

Every licensed establishment and/or operator shall be required to obtain a permit pursuant to this ordinance and shall display said permit, at all times, in a conspicuous public place.

SECTION 1.09 PERMIT SUSPENSION AND REVOCATION

Permits issued by the Health Department pursuant to this ordinance may be immediately suspended, revoked, or terminated for a violation of any provisions of this ordinance or the State Statutes or Administrative Code provisions as incorporated and adopted by reference herein, or if the Health Department determines that an imminent health hazard exists on the premises. An imminent health hazard may include but is not limited to; lack of basic facilities such as water; electricity or a properly functioning sewer; evidence of a sewer backup or surface or air contamination; insect or rodent infestation; lack of a functioning hand washing facility; or a condition that endangers the health or safety of the public as identified by the Health Officer or its designee. Repeated violations of this ordinance or a violation, which creates or is likely to create, as determined by the Health Department, a serious environmental or public health hazard, shall result in permanent revocation. Decisions of Health Department staff to suspend, revoke, or terminate a permit or to deny an application for a permit shall be subject to review by the Health Officer. Decisions of the Health Officer may be appealed to the Polk County Board of Health. Such appeals shall be in writing and must be heard within 15 days of filing with the Health Department.

SECTION 1.10 PLAN REVIEW

Any person who hereafter constructs, remodels, or converts a building or facility for tattoo and/or body piercing use shall conform and comply in said construction, erection or alteration with the requirements of this ordinance.

No pre-inspection will be conducted or a permit to operate issued until plans, with required information as outlined in a worksheet developed and provided by the Health Department, has been submitted for review to the Health Department.

SECTION 1.11 LIVING AREAS

No operation of tattooing or body piercing shall be conducted in any room used as living or sleeping quarters. Establishment operations shall be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.

SECTION 1.12 REGULATIONS, RULES AND LAWS ADOPTED BY REFERENCE AND CONFLICT OF LAWS

The provisions of this ordinance shall adopt all applicable laws, rules, and regulations set forth in Wisconsin Statutes Chapter 463, and Wisconsin Administrative Code Chapter SPS 221 by reference and shall be construed, read, and interpreted as set forth herein until amended and then shall apply as amended. Where the express provisions of either said authority or this ordinance conflict, the more restrictive provision shall apply.

SECTION 1.13 CIVIL FORFEITURE

Any person violating a provision of this ordinance shall be reported to the Health Officer or its designee. The Health Officer shall report all violations to the Polk County Board of Health and Human Services. The Health Officer or its designee may sign a complaint or issue a citation and refer the violation to the Corporation Counsel for prosecution. Upon a court finding that said person has violated this ordinance, said person shall be ordered to pay a civil forfeiture to the County, in the amount of not less than \$200.00 and not more than \$1,000.00 together with the taxable costs in such action. Each day of violation shall constitute a separate offense. Said person shall also correct or abate the violation as the court may order.

SECTION 1.14 EFFECTIVE DATE

This ordinance shall take effect upon its adoption and publication as required by law.

(Continued on Page 6)

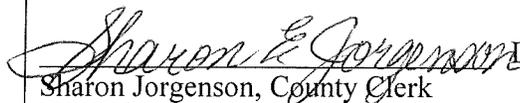
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Funding Source/ Funding Amount:	Not Applicable
Date Reviewed as to Appropriations:	Not Applicable
Committee Recommendation as To Appropriation:	Not Applicable
Effective Date:	Upon Passage and Publication
Dated Submitted To County Board	March 21, 2017
Submitted and Sponsored By Health and Human Services Board: <i>s/ Doug Route</i>	_____
Review By County Administrator: <input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> Reviewed Only <i>s/Dana Frey</i> Dana Frey, County Administrator	Review By Corporation Counsel: <input type="checkbox"/> Approved as to Form <input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> Reviewed Only <i>s/ Jeffrey B. Fuge</i> Jeffrey B. Fuge, Corporation Counsel
County Board Action	
<p>At its regular business meeting on the 21st day of March 2017, the Polk County Board of Supervisors considered and acted on the above Ordinance No. 08-17: Ordinance to Enact Amended Establishing Rules and Permit Requirements Relating to Tattooing and Body Piercing Ordinance, as follows:</p> <p><input checked="" type="checkbox"/> Enacted by simple majority of the board of supervisors by a vote of <u>12</u> in favor and <u>1</u> against.</p> <p><input type="checkbox"/> Enacted by unanimous vote.</p> <p><input type="checkbox"/> Defeated by a vote of _____ in favor and _____ against.</p> <p><input type="checkbox"/> Defeated by voice vote.</p> <p><input type="checkbox"/> Action Deferred by Procedural Action, as follows: _____</p> <p>_____</p>	
<p>SIGNED BY: <i>Dean Johansen</i> Dean Johansen, County Board Chairperson</p> <p>Attest: <i>Sharon E. Jorgenson</i> Sharon Jorgenson, County Clerk</p>	

Certification of Publication

Ordinance No. 08-17: Ordinance to Enact Amended Establishing Rules and Permit Requirements Relating to Tattooing and Body Piercing Ordinance, was published pursuant to Wisconsin Statutes § 59.14(1) in the Inter-County Leader on the 5th day of April, 2017.

 Dated: 3-23-17
Sharon Jorgenson, County Clerk

CERTIFIED COPY OF POLK COUNTY ORDINANCE

STATE OF WISCONSIN)

) SS

COUNTY OF POLK)

I, Sharon E. Jorgenson, Polk County Clerk, do hereby certify that the attached hereto and incorporated herein is a full, true and correct copy of Polk County Ordinance -

Ordinance to Enact Amended Establishing Rules and Permit Requirements Relating to Tattooing and Body Piercing
No. 08-17 that was adopted by the Polk County Board of Supervisors on *Ordinance.*

the 21st day of March, 2017.

Sharon E. Jorgenson 3/21/17
Sharon E. Jorgenson Date
Polk County Clerk