

Title 7 ► Chapter 13

Tattooing and Body Piercing

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Sec. 7-13-1 Applicability.

The provisions of this Chapter shall apply to tattoo and body piercing facilities, tattoo artists and body piercers, and the practice of tattooing and body piercing.

Sec. 7-13-2 Definitions.

The following definitions shall be applicable in this Chapter, unless otherwise specifically indicated:

- (a) **Health Authorities.** County or state agencies/officials having regulatory and inspection responsibilities and authority regarding health matters associated with tattooing and body piercing practices and facilities. Village-designated inspectors, law enforcement authorities, or the Building Inspector may perform some of these functions if so directed by the health authorities.
- (b) **Sterilize.** Submission to the steam pressure (autoclave) method with at least fifteen (15) pounds of pressure per square inch at two hundred fifty (250) degrees Fahrenheit for at least thirty (30) minutes, such that all forms of microbial life, including spores, viruses, bacteria and fungi, are destroyed.
- (c) **Tattoo Artist.** Any person engaged in the practice of tattooing.
- (d) **Tattoo Facility.** The location where tattooing is practiced.
- (e) **Tattooing.** Means and includes any method of placing or removing designs, letters, scrolls, figures, symbols, or any other marks upon or under the skin of a person with ink or color by the aid of needles or instruments.

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- (f) **Temporary Facility.** A single building, structure, area or location where a tattoo artist or body piercer performs tattooing or body piercing for a maximum of seven (7) days per event.
- (g) **Body Piercer.** A person who performs body piercing on another person at that person's request.
- (h) **Body Piercing.** Perforating any human body part or tissue, except an ear, and placing a foreign object in the perforation to prevent the perforation from closing.
- (i) **Body Piercing Facility.** The premises where a body piercer performs body piercing.
- (j) **Temporary Combined Facility.** A single building, structure, area, or location where both tattooing and body piercing are performed for a maximum of seven (7) days per event.

Sec. 7-13-3 Administration.

The provisions of this Chapter shall be administered by or under the direction of the Clerk-Treasurer, in consultation with health authorities and Village law enforcement authorities, who in person or by duly authorized representative, shall have the right to enter, at reasonable hours, upon premises affected by this Chapter, to inspect the premises, examine and copy relevant documents and records, or obtain photographic or other evidence needed to enforce the provisions of this Chapter.

Sec. 7-13-4 Tattooing, Body Piercing — Permit Required.

- (a) **Permit Required.** No person shall engage in the practice of tattooing or body piercing or shall carry on the business of operating a tattoo or body piercing facility or a combined tattoo and body piercing facility within the Village of Elk Mound unless he/she has a valid permit issued by the Clerk-Treasurer for each and every such place of business.
- (b) **Application.** Application for permits shall be made in writing to the Clerk-Treasurer, stating the name and address of the applicant and the name and address of the proposed tattoo or body piercing facility or a combined tattoo and body piercing facility, together with such other information as may be required.
- (c) **Fee.** An annual fee shall accompany the permit application as follows:
 - (1) Tattoo or body piercing facility permit: Per Section 1-3-1.
 - (2) Tattoo artist permit: Per Section 1-3-1.
 - (3) Temporary facility or temporary combined facility permit: Per Section 1-3-1.
 - (4) Body piercer permit: Per Section 1-3-1.
 - (5) Combined tattoo and body piercing facility permit: Per Section 1-3-1.
 - (6) Inspection of new facility: Per Section 1-3-1.
- (d) **Permit.** Permits shall be posted in a conspicuous place in the tattoo or body piercing facility. Permits are not transferable and, except for temporary tattoo or body piercing facility permits, shall expire on June 30 following their issuance.

- (1) **Tattoo or Body Piercing Facility Permit.** A separate permit is required for each tattoo or body piercing facility. A permit shall not be transferable to a location other than the one for which it was issued. Such permits shall expire on June 30 following their issuance, unless they are issued between April 1 and June 30, in which case they shall expire on June 30 of the following year.
 - (2) **Tattoo Artist or Body Piercer Permit.** A separate permit is required for each tattoo artist or body piercer engaged in the practice of tattooing or body piercing. Such permits shall expire on June 30 following their issuance, unless they are issued between April 1 and June 30, in which case they shall expire on June 30 of the following year.
 - (3) **Temporary facility or temporary combined facility permit.** A separate permit is required for each temporary facility or temporary combined facility. Such permit is not transferrable to a location other than the one for which it was issued and shall expire seven days after the date it was issued.
- (e) **Permit Suspension and Revocation.** Such permit may be temporarily suspended by Village-designated authorities, law enforcement authorities, the Building Inspector or health authorities for violations that present an immediate health hazard or may be revoked after repeated violations of this Chapter. Any person affected by such suspension or revocation shall have the right to appeal pursuant to Section 7-13-8.

Sec. 7-13-5 Health and Sanitary Requirements.

- (a) **Premises.**
- (1) Floor surfaces in the room in which the tattoo or body piercing is administered shall be impervious, smooth and washable. Carpeting is not allowed.
 - (2) A handwashing facility supplied with hot and cold water under pressure, soap, and single-service towels shall be conveniently located in the tattoo or body piercing area, in addition to what is provided in the toilet room.
 - (3) Approved waste containers with non-absorbent, durable plastic liners shall be used for all tissues, towels, gauze pads and other similar items used on the client. Any infectious waste shall be disposed of as required by Ch. NR 526, Wis. Adm. Code.
 - (4) Adequate cabinets with washable surfaces shall be provided for exclusive storage of instruments, dyes, pigments, stencils, and other equipment used in the practice of tattooing or body piercing.
 - (5) All tattoo or body piercing facilities shall be maintained in a clean, sanitary condition and in good repair.
 - (6) The tattoo or body piercing facility application area where the procedure is performed shall be adequately lighted to a minimum of fifty (50) foot candles.
 - (7) Tattooing or body piercing shall be performed by a tattoo artist or body piercer in a tattoo or body piercing facility completely separated from any living quarters by a

solid permanent partition. A solid door leading to the living quarters is permitted, provided it remains closed during business hours. A direct outside entrance to the tattoo or body piercing facility shall be provided.

(b) **Equipment.**

- (1) **Autoclaves.** All tattoo or body piercing facilities shall be equipped with an autoclave which is in good working order and which is manufactured with temperature and pressure gauges marked and visible on the outside of the unit:
 - a. As an alternative to requiring a pressure gauge, spore strips or suspensions shall be used at least weekly and results recorded for performance checks of the autoclave.
 - b. A record must be maintained for each sterilization cycle, including date, sterilizing temperature, length of time at sterilizing temperature, and what was autoclaved.
 - c. A minimum of one time sterile indicator tape shall be included with each load sterilized and the results recorded and the autoclave shall be spore tested at least monthly. Spore kill effectiveness testing shall be conducted by an independent laboratory.
 - d. The autoclave shall be of sufficient size and shall be operated in accordance with manufacturer's recommendations and in a manner to prevent crowding of the chamber.
 - e. The autoclave chamber temperature shall be checked at least weekly with a maximum registering thermometer and results recorded.
- (2) **Sterilized Instruments.** All instruments used in the practice of tattooing or body piercing shall be sterilized before use:
 - a. All instruments shall be thoroughly cleaned before being sterilized. This may be done with an ultrasonic cleaner or with a probe, needles, or brush able to enter the smallest opening of the instrument. The cleaning of instruments shall be done with detergent and hot water or other methods approved by health authorities.
 - b. All instruments used in the tattoo or body piercing procedure shall be stored in a clean, dry manner after sterilization and handled in a way that will prevent recontamination.
- (3) **Needles.** Needles shall be disposable, sterile, single-patron use.
- (4) **Stencils.**
 - a. Plastic stencils shall be thoroughly cleaned with soap and water and sanitized after each use. They are to be sanitized by immersion for thirty (30) minutes in a chlorine disinfectant solution prepared by mixing one (1) tablespoon of household bleach containing five percent (5%) chlorine with one (1) pint of water and allowed to air dry.
 - b. Prior to use, each pre-cleaned and sanitized plastic stencil shall be rinsed in a seventy percent (70%) isopropyl alcohol solution and allowed to air dry.

- c. Paper stencils shall only be used once. New paper stencils shall be used for every individual.
- (5) **Dyes and Inks.**
- a. The licensee shall submit in writing to the health authorities the source of all dyes and inks used in administering tattoos.
 - b. Non-toxic dyes or inks shall be taken only from effectively covered squeeze bottle containers that are easy to clean and disinfect.
 - c. Immediately before applying a tattoo; the dye to be used for the tattoo shall be squeezed from the dye bottles into disposable cups. The disposable cups shall be stored and handled in a manner to prevent them from becoming contaminated. Upon completion of the tattoo, the cups and dye shall be discarded. Any dye in which the needles were dipped shall not be used on another person.
- (c) **Skin Preparation.**
- (1) **Aseptic Technique.** Aseptic technique must be utilized in the practice of tattooing or body piercing:
 - a. Each tattoo artist or body piercer is required to scrub his/her hands with liquid soap (i.e., tincture of green soap) and water thoroughly before commencing tattooing or body piercing on the client.
 - b. If the client's skin is to be shaved, the skin shall be washed with a cleansing antiseptic/antimicrobial skin cleaner before shaving. A safety razor shall be used. A new blade shall be used for each client. The blade shall be discarded after each use. Reusable blade holders shall be sterilized after each use. If disposable blade holders are used, they may be used on one client only and then must be discarded.
 - c. The skin area to be tattooed or body pierced shall first be cleansed with soap and water and then prepared with antiseptic such as seventy percent (70%) alcohol (and allowed to air dry) or other method approved by the health authorities.
 - d. Single-use gauze pads or towels shall be used in the skin cleaning and preparation.
 - e. Petroleum jelly applied on the tattoo area shall be dispensed from a single-use disposable container or with a sterile tongue blade or sterile applicator stick which shall be discarded after each use.
 - (2) **Antibacterial Ointments.** After the tattooing or body piercing is completed, only antibacterial ointments shall be applied on the tattoo or body piercing, and if a dressing is to be used, it must be a sterile, non-sticking dressing.
 - (3) **Instructions.** Persons tattooed or body pierced shall be provided with printed instructions regarding tattoo or body pierce care during the healing process.
- (d) **General Supplies.**
- (1) All tattoo or body piercing facilities shall have clean, laundered towels, washcloths or disposable paper towels in sufficient quantity for the sanitary operation of the practice of tattooing or body piercing.

- (2) A clean towel and washcloth shall be used for each client.
- (3) Clean towels and washcloths shall be stored in a closed, dustproof container.
- (4) Soiled towels and washcloths shall be stored in an approved covered container.
- (5) All tattoo artists or body piercers shall wear clean, washable garments.
- (6) The operating table, chair, and supply tables shall be constructed of a material capable of being easily and thoroughly cleaned and disinfected.

(e) **Tattoo Artist and Body Piercer Requirements.**

- (1) The tattoo artist or body piercer shall be free of infectious or contagious disease that may be transmitted by the practice of tattooing or body piercing.
- (2) Tattoo artists or body piercers with open sores or skin infections on the hand or hands shall not be permitted to engage in the practice of tattooing or body piercing. The tattoo artist or body piercer shall wear single-use disposable latex or vinyl gloves during tattooing or body piercing.
- (3) Smoking or consumption of food or drink shall not be allowed in the immediate vicinity where the tattoo or body piercing procedure is being performed.
- (4) The tattoo artist or body piercer shall wash his/her hands thoroughly with liquid soap and water before any skin preparation, tattooing, or body piercing and after removing gloves. The hands shall be dried with individual single-service towels.
- (5) No person shall be present in the immediate vicinity of the area in which tattoos or body piercing are administered unless authorized by the tattoo artist or body piercer.
- (6) No animals, except guide dogs, are allowed in the tattoo or body piercing facility.
- (7) The work areas, such as counter tops, must be cleaned and wiped with a disinfectant between clients.
- (8) Physical examination of tattoo artists or body piercers may be required. Health authorities shall have the power to require any tattoo artist or body piercer to submit to a practicing physician for a physical examination whenever the tattoo artist or body piercer is reasonably suspected of having any infectious or contagious disease that may be transmitted by the practice of tattooing or body piercing. The expense of the physical examination shall be the responsibility of the tattoo artist or body piercer. All medical records shall remain confidential, except as otherwise provided by law. Failure to obtain the required physical examination shall result in suspension or revocation of the tattoo artist or body piercing permit.

(f) **Clients.**

- (1) Inquiry shall be made and no tattooing or body piercing shall be performed on any person who is suspected of having jaundice or hepatitis or who has recovered from jaundice or hepatitis within the preceding six (6) months.
- (2) Tattooing or body piercing shall not be performed on any person in an area with an evident skin infection or other skin disease or condition, including, but not limited to, rashes, pimples, boils or infections.

Sec. 7-13-6 Temporary Facility or Temporary Combined Facility.

The requirements contained in this Chapter shall apply to temporary facilities and temporary combined facilities, except where superseded by the following:

(a) **Permit.**

- (1) No temporary facility or temporary combined facility may be operated before being granted a permit by the Clerk-Treasurer.
- (2) No permit may be issued without prior inspection.
- (3) The permit issued by the Clerk-Treasurer shall be conspicuously displayed in the temporary facility or temporary combined facility.
- (4) A tattoo artist or body piercer operating a temporary facility or combined temporary facility, found to be an habitual violator of this Chapter by the Clerk-Treasurer, may be denied a permit to operate or may have the permit revoked.

(b) **Premises.**

- (1) Floors shall be maintained in a sanitary condition. Dirt floors shall be covered by an approved material which will provide protection from dust.
- (2) a. When water is available under pressure, handwashing facilities with approved liquid waste disposal shall be reasonably accessible to the tattoo artist or body piercer.
b. When water is not available under pressure, a minimum of two (2) basins or a two (2) compartment basin shall be provided.
- (3) Water in sufficient quantity shall be hauled and stored in containers that are easily cleanable, provided with tight-fitting covers, and maintained in a clean and sanitary condition.
- (4) Liquid soap and single-service towels for handwashing and drying hands shall be provided.

- (c) **Equipment.** If an approved autoclave/sterilizer is not provided, only pre-sterilized instruments that are prewrapped with time sterile indicator tape attached and stored in a clean, dry manner may be used in the practice of tattooing or body piercing.

Sec. 7-13-7 Record Retention.

Records shall be kept by each permittee of all tattoos and body piercings administered, including the name of the client, date, general identification of the tattoo or body piercing, and tattoo artist's or body piercer's name. Records shall be kept on the premises of the tattoo or body piercing facility where tattoos or body piercings are administered. These records shall be available for inspection for a period of two (2) years after the date the tattoo or body piercing is completed.

Sec. 7-13-8 Appeals.

Appeals from orders or permit denials under this Chapter shall be in conformance with the procedures for conducting appeals enumerated in Sec. 68, Wis. Stats., codified in Title 4 of this Code of Ordinances. An appeal does not eliminate the Village's right to seek court intervention in the form of injunctive or other relief.

Sec. 7-13-9 Regulations, Rules and Laws Adopted by Reference.

The applicable regulations, rules and laws set forth in Secs. 252.23, 252.24 and 252.245, Wis. Stats., and HFS 173, Wis. Adm. Code, are incorporated in this Chapter by reference and they shall be construed, read and interpreted as though fully set forth herein. The express provisions of this Chapter shall control where more restrictive.

State Law Reference: Secs. 252.23, 252.24 and 252.245, Wis. Stats.; HFS 173 and NR 526, Wis. Adm. Code.