

ORDINANCE #17-07

**AN ORDINANCE CREATING CHAPTER 39,
THE REGULATION OF TATTOOISTS AND TATTOO ESTABLISHMENTS
AND BODY PIERCING,
OF THE VILLAGE OF JACKSON MUNICIPAL CODE**

THE VILLAGE BOARD OF THE VILLAGE OF JACKSON, WASHINGTON COUNTY, WISCONSIN, does ordain as follows:

SECTION 1. State Law Adopted. Chapter 39 is hereby created in regards to the Regulation of Tattooists and Tattoo Establishments and Body Piercing.

- a. The provisions of Wis. Stats. Ch 463, Body Art, and SPS 221 Tattooing and Body Piercing, except provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this chapter as if fully set forth herein.
- b. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter. Any future amendment, revisions or modifications of the statutes incorporated herein are intended to be made a part of this chapter in order to secure uniform statewide regulation of Tattooists and Tattoo Establishments and Body Piercing.

SECTION 2. TATTOO ESTABLISHMENT LICENSE REQUIRED.

1. LICENSE REQUIRED. No person shall carry on the business of operating a Tattoo establishment within the Village without a valid license issued pursuant to the provisions of this Section for each and every such place of business shall be reviewed annually.
2. APPLICATION FEE. Any person desiring to obtain a license to operate a tattoo establishment shall apply in writing upon a form prescribed by and filed with the Village Clerk. An application fee as established by resolution shall accompany the application to defray the costs of the investigation. A copy of their Wisconsin Seller's Permit shall also accompany the application.
3. CONDITIONAL USE PERMIT. Applicants for a license under this Section shall be required to obtain a Conditional Use Permit pursuant to the Village's Zoning Ordinance prior to granting of the license.
4. INVESTIGATION. Applications for licenses under this Section shall be referred to the Chief of Police, Fire Inspectors, and Building Inspector, all of

whom shall cause an investigation to be made and report their findings to the Village Board.

5. GRANT OR DENIAL OF LICENSE. Within thirty (30) days of receipt of an application, the Village Board shall either grant or deny a tattoo establishment license. The Board shall grant a tattoo establishment license if it finds:
 - a. The required fees have been paid.
 - b. The application conforms in all respects to the provisions of this Section.
 - c. The applicant has not knowingly made a material misstatement in the application for the license.
 - d. The tattoo establishment as proposed by the applicant would comply with this Code, including, but not limited to, the Village's building, fire, zoning and health regulations.
 - e. The applicant, if an individual, or any of the stockholders, any officers or directors of the corporation, or if the applicant is a partnership, the partners have not been convicted of any crime involving dishonesty, fraud, deceit or immorality as outlined in Chapter 944 of Wis. Stats. within five (5) years prior to the date of the applications.
 - f. The applicant has not held a tattoo establishment license or a tattooist technician permit or other similar license or permit denied or revoked for cause by this Village or any other municipality located in or out of this state within five (5) years prior to the date of application.
 - g. The applicant, if an individual, or any of the officers and directors if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership, is 18 years of age.
 - h. The applicant, if a corporation, is licensed to do business and is in good standing in the state and provides a copy of the Wisconsin Seller's Permit.
 - i. There shall be no more than one tattooing and one body-piercing license issued per 5,000 population in the Village.
 - j. Any license issued shall be posted at all times on the licensed premises in a conspicuous location.
 - k. Prior to issuance of a tattoo or body piercing establishment license, the licensee shall submit written procedures to the Health Officer setting

forth each step to be taken by an operator in sterilizing equipment that is not single-use.

- l. Every act or omission by an employee or practitioner, constituting a violation of the provisions of this article, shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct. The operator shall be liable for such act or omission in the same manner as if the operator committed the act or caused the omission.
- m. Any act or omission of any employee constituting a violation of the provisions of this article shall be deemed an act or omission of the operator for purposes of determining whether the license shall be suspended, revoked, or not renewed.

SECTION 3. LICENSE OF TATTOOISTS AND BODY PIERCING REQUIRED.

1. License of Tattooist and Body Piercing Required. No person shall practice or administer tattoos and body piercings without a valid license issued pursuant to the provisions of Wis. Stats. ch. 463. and SPS 221.

SECTION 4. PERMIT REQUIRED.

1. PERMIT REQUIRED. No person shall practice or administer tattoos or body piercing in the Village without a valid permit as issued by the Village of Jackson.
2. APPLICATION FEE. Any person desiring a tattoo and body piercing technician permit shall file a written application with the Village Clerk on a form to be provided by the Clerk. The application shall be accompanied by the following:
 - a. An application fee as established by resolution to defray the cost of investigation.
 - b. State issued license pursuant to the provisions of Wis. Stats. ch. 463. and SPS 221.
 - c. The permit is renewable on or before July 1 of each year, and upon proof of State Licensure. Permits shall be effective for one year commencing July 1 of each year unless sooner suspended, canceled or revoked.
3. EMPLOYMENT OF TECHNICIANS WITHOUT PERMITS. It shall be unlawful for any person who operates a tattoo body piercing establishment to

allow or permit persons to act therein as tattoo body piercing technicians without first having a permit as required by sub (1) above.

4. TATTOO AND BODY PIERCING ON UNLICENSED PREMISES PROHIBITED. It shall be unlawful for any person to act as a tattoo body piercing technician within a tattoo body piercing establishment, which does not have a license as required.
5. EFFECTIVE DATE. The license requirements of this Chapter shall be effective upon adoption of the ordinance. Licenses shall be effective for one year commencing July 1 of each year unless sooner suspended, canceled or revoked.

SECTION 5. This Ordinance shall take effect from and after its passage and posting.

Introduced by: Pres. Schwab

Seconded by: Tr. Olsen

Passed and Approved: May 9, 2017

Vote: 7 Aye: 0 Nay

Deanna L. Boldrey
Attest: Deanna L. Boldrey, Village Clerk

Michael E. Schwab
Michael E. Schwab, Village President

Proof of Posting:

I, the undersigned, certify that I posted copies of this Ordinance on bulletin boards at the Village Hall, Post Office and one other location in the Village.

Dated: May 9, 2017 Village Official: Deanna L. Boldrey