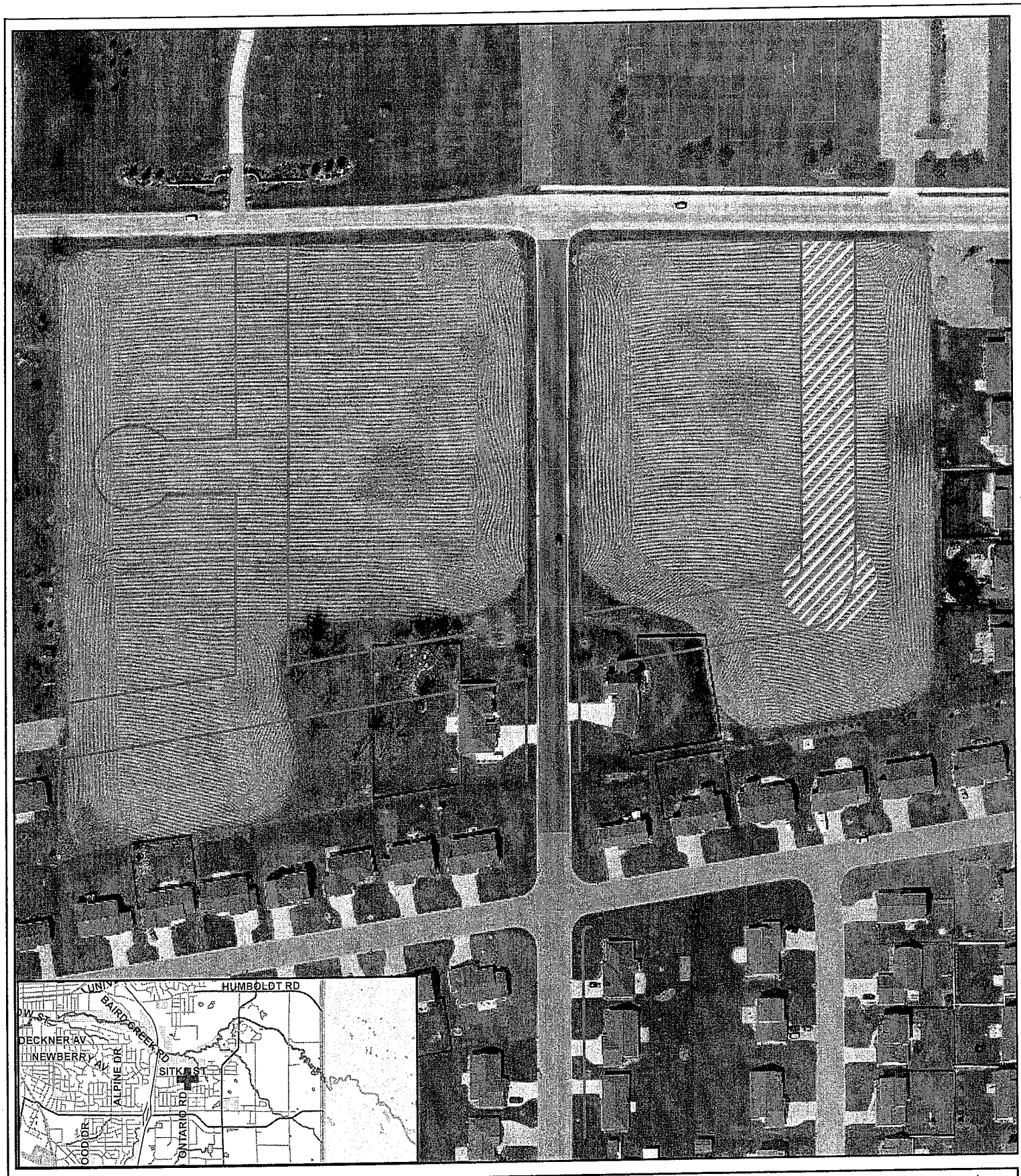

Official Map Amendment
(OMA 13-02)
Existing Future Road Pattern

This is a compilation of records and data located in various City of Green Bay offices and is to be used for reference purposes only. City of Green Bay is not responsible for any inaccuracies or unauthorized use of the information contained within. No warranties are implied.
Map prepared by City of Green Bay Planning Department.
DJL July 2013. :\Planning\City\DATA_GIS\CityActions\MapAmend\2013\OMA13-02

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0 100 200 Feet

Proposed Change

Exisitng Future Right of Way

28-I 4

GENERAL ORDINANCE NO. 12-13

AN ORDINANCE
REPEALING SECTIONS 6.17, 6.175, 6.18,
6.19, 6.23, 6.24, 6.25, 6.26, and 6.29,
GREEN BAY MUNICIPAL CODE
RELATING TO LICENSES AND PERMITS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 6.17, Retail Food Licensing, Green Bay Municipal Code, is hereby repealed.

SECTION 2. Section 6.175, Vending of Food, Green Bay Municipal Code, is hereby repealed.

SECTION 3. Section 6.18, Restaurant Licensing, Green Bay Municipal Code, is hereby repealed.

SECTION 4. Section 6.19, Bakery and Confectionery Licensing, Green Bay Municipal Code, is hereby repealed.

SECTION 5. Section 6.23, Public Swimming Pool Licensing, Green Bay Municipal Code, is hereby repealed.

SECTION 6. Section 6.24, Milk Distribution and Sale, Green Bay Municipal Code, is hereby repealed.

SECTION 7. Section 6.25, Bed and Breakfast Establishments, Green Bay Municipal Code, is hereby repealed.

SECTION 8. Section 6.26, Regulation of Massage Establishments, Massage Technicians, and Employees, Green Bay Municipal Code, is hereby repealed.

SECTION 9. Section 6.29, Tattoo Establishments, Green Bay Municipal Code, is hereby repealed.

SECTION 10. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 11. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this _____ day of _____, 2013.

APPROVED:

_____
Mayor

ATTEST:

_____
Clerk

bc

Attachments – copy of ordinances to be repealed

06/18/13

6.17 **RETAIL FOOD LICENSING**. (Rep. and Rec. GO 70-92)

(1) No person shall carry on the business of a retail food store, as defined in Ch. Ag 32, Wis. Admin. Code, without obtaining a license therefor from the City Clerk. Said license shall expire on June 30 annually. A penalty fee of $25 shall apply to renewal applications postmarked after June 30. Operation in any fiscal year requires a license.

(2) STATE ADMINISTRATIVE CODE ADOPTED. Notwithstanding the provisions of subsection (3) of this section, the licensee must comply with and remain in compliance with, and remain in compliance with, the provisions of Ch. Ag 32, Wis. Admin. Code, and Ch. 97, Wis. Stats., in order to be licensed. Violation of any provision of this section, or any provision of the Wisconsin Administrative Code or State Statutes is punishable under §6.30, Green Bay Municipal Code, and such violation may be grounds for suspension of the license.

(3) In addition to the provisions of subsection (2) of this ordinance, the following regulations shall apply to all retail food establishments:

(a) In addition to the provisions of §AG 32.01(11), Wis. Admin. Code, a maximum temperature of 40°F shall be required for all refrigerated foods.

(b) For purposes of this section, food shall mean articles used for food or drink and articles used for components of food or drink for humans or intended for consumption by humans. However, food shall not include specialized dietary items, soda, water, liquor, beer, prepackaged candy, chewing gum, nuts, and related items.

(c) For purposes of this provision, retail food establishment means any fixed or mobile establishment at which food is processed, prepared, or stored and sold or offered for sale at retail. However, the term will not include stalls or vehicles selling food under proper permit for City-sponsored farmers' markets, churches, schools, religions, fraternal youth, service, or civic organizations, or groups which occasionally sell food for fund-raising projects.

6.175 **VENDING OF FOOD**. (Cr. GO 70-92) No person shall conduct a food vending business, as defined in Ch. HSS 198, Wis. Admin. Code, without obtaining a license therefor from the State of Wisconsin. Violation of any provision of the Wisconsin Administrative Code adopted herein is punishable under §6.30, Green Bay Municipal Code, and such violation may be grounds for suspension or revocation of the license.

6.18 **RESTAURANT LICENSING**. (Rep. & Rec. GO 70-92) (1) No person shall conduct a restaurant business, as defined in Ch. 11, Green Bay Municipal Code, or Ch. HSS 198, Wis. Admin. Code, without obtaining a license therefor from the City Clerk. Said license shall expire on June 30 annually. A penalty fee of $25 shall apply to renewal applications postmarked after June 30. Operation in any fiscal year requires a license.

(2) STATE ADMINISTRATIVE CODE ADOPTED. To obtain a license under this section, the licensee shall comply with and maintain the premises in compliance with the provisions of Ch. HSS 196, Wis. Admin. Code. Violation of any provision of Ch. 11, Green Bay Municipal Code, or of an applicable provision of the Wisconsin Administrative Code, adopted herein, is punishable under §6.30, Green Bay Municipal Code; and such violation may be grounds for suspension or revocation of the license.

6.19 **BAKERY AND CONFECTIONERY LICENSING**. (Rep. & Rec. GO 70-92)

(1) No person shall operate a bakery, as defined at §97.30, Wis. Stats., or a confectionery, as defined at §97.30, Wis. Stats., without first obtaining and maintaining a license therefor in compliance with this section. Said license shall expire on June 30 annually. A penalty of $25 shall apply to renewal applications postmarked after June 30. Operation in any fiscal year requires a license.

(2) STATE ADMINISTRATIVE CODE ADOPTED. To obtain a license under this section, the licensee shall comply with and, to hold such license, shall maintain the premises in compliance with §94.40, Wis. Stats., and the provisions of Ch. Ag 32, Wis. Admin. Code.

(3) SAFE TEMPERATURE FOOD. In addition to the Wisconsin Administrative Code, safe temperature as applied to refrigerated food means temperatures of 40°F, and in regard to hot food 150°F.

(4) PENALTIES. (Cr. GO 23-85) Violation of any provision of this section, or any Wisconsin Administrative Code provision, or State Statute referred hereunder is punishable under §6.30, Green Bay Municipal Code, and such violation may be grounds for the suspension or revocation of a license.

6.23 **PUBLIC SWIMMING POOL LICENSING**. (Rep. & Rec. GO 70-92)

(1) No person shall own, operate, or manage a man-made pool as defined by Ch. HSS 172, Wis. Admin. Code, without obtaining a license therefor from the City Clerk. Said license shall expire on June 30 annually. A penalty fee of $25 shall apply to renewal applications postmarked after June 30. Operation in any fiscal year requires a license.

(2) STATE ADMINISTRATIVE CODE ADOPTED. To obtain a license under this section, the licensee shall comply with and maintain the premises in compliance with Ch. HSS 171 and Ch. HSS 172, Wis. Admin. Code. Violation of any provision of the Wisconsin Administrative Code adopted herein is punishable under §6.30, Green Bay Municipal Code; and such violation may be grounds for suspension or revocation of the license.

(3) (Am. GO 23-85) This provision shall not apply to pools owned, leased, or operated by the City of Green Bay or the Green Bay School District.

6.24 **MILK DISTRIBUTION AND SALE**.

(1) DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this section.

(a) Milk or Grade A milk means milk as defined in §97.24(1)(a), Wis. Stats.

(b) Milk products or Grade A milk products means milk products as defined in §97.24(1)(b), Wis. Stats.

(c) Milk distributor means any person or firm who distributes and sells milk or milk products, except the term shall not include the sale of milk or milk products at retail only at a restaurant, store, or other fixed location.

(d) Health Commissioner means the Health Commissioner of the City of Green Bay or his authorized representatives.

(2) EXAMINATION OF MILK AND MILK PRODUCTS. Samples of milk products may be taken and examined by the Health Commissioner. Bacterial plate counts, coliform determination, phosphatase tests, antibiotic tests, abnormal milk screening tests, and other laboratory tests shall conform to the procedures in the latest edition of "Standard Method for the Examination of Dairy Products" recommended by the American Public Health association. Examination may include such other chemical and physical determinations as the Health Commissioner deems necessary for the detection of adulteration.

(3) STATE LAW AND ADMINISTRATIVE CODE ADOPTED. The labeling and sale of Grade A milk and milk products shall comply with the provision of Chapter 97, Wis. Stats., and Chapter AG 80, Wis. Admin. Code, except that the temperature requirements of §6.17(3)(a), Green Bay Municipal Code, shall apply.

6.25 **BED AND BREAKFAST ESTABLISHMENTS**. Rep. and Rec. GO 70-92)

(1) LICENSING. No person shall operate a bed and breakfast establishment as defined in Ch. 197, Wis. Admin. Code, without first obtaining a license therefor from the City Clerk. Said license shall expire on June 30 annually. A penalty of $25 shall apply to renewal applications postmarked after June 30. Operation in any fiscal year requires a license.

(2) WISCONSIN ADMINISTRATIVE CODE ADOPTED. To obtain a license under this section, the licensee shall comply with and maintain the premises in compliance with the provisions of Ch. HSS 197, Wis. Admin. Code. Violation of any provision of the Wisconsin Administrative Code adopted herein is punishable under §6.30, Green Bay Municipal Code; and such violation may be grounds for suspension or revocation of the license.

6.26 **REGULATION OF MASSAGE ESTABLISHMENTS, MASSAGE THERAPISTS, AND EMPLOYEES**. (Amd. GO 79-93)

(1) LICENSE REQUIRED. It shall be unlawful for any person, corporation, or other legal entity to suffer, cause, or permit the operation of a massage establishment or for a person to operate as a massage therapist, agent, manager, or employee, except in strict compliance with this section.

(2) DEFINITIONS. For the purpose of this section:

(a) Massage means any process or procedure consisting of rubbing, stroking, kneading, or tapping, by physical or mechanical means, upon the external parts or tissues of the body of another for consideration.

(b) Sexual or Genital Parts shall include the genitals, pubic area, anus, or perineum of any person, or the vulva or breasts of a female.

(c) Massage Establishment means a place of business wherein private massage is practiced, used, or made available.

(d) Massage Therapist means a person who practices, administers, or uses or offers to practice, administer, or use massage for consideration.

(e) Patron means any person who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give any consideration therefor.

(f) Operator means any person, association, firm, partnership, or corporation licensed by the City to operate a massage establishment.

(g) Manager means the operator of an agent licensed under this section who shall not be licensed as a massage therapist.

(h) Professional Massage Association means a nationally or internationally recognized association which provides for its members examinations, continuing education programs, and certification.

(i) (Amd. GO 81-93) Committee shall mean the Protection and Welfare Committee.

(3) MASSAGE ESTABLISHMENT LICENSE.

(a) No person, corporation, or other legal entity shall suffer, cause, or permit the conduct of a massage establishment without having first obtained a license therefor from the Common Council. A separate license shall be acquired for each such establishment.

(b) Applications shall be made in writing on forms supplied by the City Clerk. If application is made for a location not previously licensed, the City Clerk shall, by regular mail, notify all property owners and registered electors within 200 feet of the proposed location at least 10 days before the hearing on the granting of such license.

(c) All applications shall include:

1. A nonrefundable fee of $100;

2. The location and mailing address of the proposed establishment;

3. For an individual or for each person of the partnership or joint venture or agent of a corporation:

a. Name and present address;

b. The two immediately previous addresses and dates of residence at each;

c. Height, weight, color of hair and eyes, Social Security number, written proof of age, full set of fingerprints, and two photographs not less than 30 days old and at least 2" x 2";

d. The business or occupation for the two years immediately preceding the date of application;

e. Whether a similar license had been revoked or suspended; and if so, the reason therefore and the location thereof;

f. Whether convicted of any crime or ordinance violation other than traffic offenses within the past three years; and if so, a listing of the same and location thereof;

4. If the applicant is a corporation, the names and addresses of each officer and director and of the stockholders of such corporation, together with the extent of the ownership of each, and a statement whether such officer, director, or stockholder holds office or stock in any other corporation conducting a similar business in the State of Wisconsin. Such application shall be made by an agent registered as such who shall have been a resident of the City of Green Bay for at least 90 days;

5. All phone numbers of the proposed establishment;

6. The names, address, and phone numbers of all persons employed by the applicant at the proposed establishment at the time of application;

7. Certification of compliance of the proposed premises with the Building Code and Fire Code; or in the alternative, applicant shall file a bond assuring that any work required to be done to bring the premises into compliance therewith shall be accomplished prior to the opening of business. Compliance with such codes shall be conditions precedent to the opening of business;

8. The application shall contain a statement signed by the applicant and each individual of a partnership or joint venture that all information contained therein is true and correct.

(d) In determining whether to license an applicant, the City may consider:

1. Location of the proposed establishment considering the proximity to hospitals, clinics, residences, hotels, and taverns;

2. Subject to Ch. 111, Wis. Stats.:

a. The arrest and conviction record of the applicant or any employees and therapists;

b. The license history of the applicant or any proposed employees or therapists;

3. The condition of the structure to be used;

4. Any other concern reasonably related to the regulation of massage establishments and the public health, safety, or welfare.

(4) MASSAGE THERAPIST'S LICENSE.

(a) No person shall act or operate for a consideration as a massage therapist or manager without having first obtained a massage therapist's license.

(b) Applications for therapist's license shall be in writing on forms supplied by the City Clerk and shall include:

1. A nonrefundable fee of $50. This fee is waived where a person possessing a massage establishment license under (3) applies for a massage therapist's license;

2. (Amd. GO 79-93) Applicant's full name and present address, Social Security number, written proof of age in excess of 18 years, height, weight, color of hair and eyes;

3. Applicant's two previous addresses and dates of residence at each;

4. The applicant's business, occupation, or employment during the two years immediately preceding date of application;

5. Whether the applicant has had a similar permit revoked or suspended; and if so, the reason therefore and the location thereof;

6. Whether the applicant has been convicted of any crime or ordinance violation other than traffic offenses within the past three years; and if so, a listing of the same and the location thereof;

7. The name and address of the licensed massage establishment by which the applicant is employed;

8. A statement whether the applicant intends to give off-premise massages;

9. A statement signed by the applicant that all information contained therein is true and correct;

10. A statement of all education in the area of massage therapy and any professional association membership.

(5) GRANTING OF LICENSES.

(a) Massage Therapist Licenses.

1. (Amd. GO 81-93) Massage therapist license applications and requests for renewal, upon completion and filing with the City Clerk, shall be forwarded to the Protection and Welfare Committee for approval or denial.

2. (Rep. & Rec. GO 79-93 and Amd. GO 81-93) In determining whether an applicant is qualified under this subsection, the Committee shall require all applicants to fulfill one of the following requirements:

a. Graduation from an accredited school of massage therapy or other massage therapy training program which requires the successful completion of a program of at least 500 hours of supervised instruction; or

b. Current professional class membership in a recognized national professional society whose policy-making officials are elected by the professional class membership and whose members are pledged to a code of education; or

c. Current certification by the National Certification Board of Therapeutic Massage and Bodywork, or its successors, the American Massage Therapy Association, the International Myomassethics Federation/ Wisconsin Association of Myomassology, or any other professional association recognized by the Committee, or otherwise is deemed qualified by the Committee.

3. (Amd. GO 81-93) The Committee shall consider the granting of such license and shall specifically consider if the licensee complies with all qualifications and other considerations specified in this ordinance, if the information required on the applicant is complete, if the applicant has knowingly or with the intent to deceive made any false, misleading, or fraudulent statements of facts in the application or any other document filed with the City in conjunction therewith, or if for any other reason in pursuance of the interests of protecting the welfare and safety of the City of Green Bay, the license should not be granted and shall make a recommendation to the Common Council to either grant or deny such license. If the Protection and Welfare Committee wishes, it may conduct a formal evidentiary hearing to clarify any question raised concerning any qualification or other consideration listed above before making any recommendation to the Common Council.

(b) Massage Establishment Licenses. Massage establishment license applications and requests for renewal shall be placed on the agenda of the Protection and Welfare Committee upon completion and filing of such application with the City Clerk. The Committee shall consider the granting of such license and shall specifically consider if the licensee complies with all qualifications and other considerations specified in this ordinance, if the information required on the application is complete, if the applicant has knowingly or with the intent to deceive made any false, misleading, or fraudulent statements of facts in the application or any other document filed with the City in conjunction therewith, or if for any other reason in pursuance of the

interests of protecting the welfare and safety of the City of Green Bay, the license should not be granted and shall make a recommendation to the Common Council to either grant or deny such license. If the Protection and Welfare Committee wishes, it may conduct a formal evidentiary hearing to clarify any question raised concerning any qualification or other consideration listed above before making any recommendation to the Common Council.

(c) The Common Council shall act on the Committee recommendation within 30 days. The Common Council may confirm the recommendation of the Committee, refer the matter back to Committee for further investigation, modify the Committee's recommendation, or overturn it.

(d) In the event of denial, the applicant shall receive written notification thereof setting forth the reasons for the denial within 10 days after such denial.

(e) Licenses granted by the Council shall expire one year from the date of granting. Reapplication therefor shall be not less than 60 days prior to such expiration date and shall be the sole responsibility of the applicant.

(f) No license shall be transferred between locations or persons and no massage establishment license shall be sold or be subject to transfer of corporate assets or change of corporate officers or directors.

(6) REGULATIONS OF OPERATIONS AND LICENSES.

(a) Each establishment shall at all times maintain and comply with the following regulations:

1. General Regulations:

a. The establishment shall comply with all City Codes;

b. Only one nonflashing business sign clearly identifying the establishment as a massage establishment shall be posted at the main entrance. No description of services shall be permitted on such signs;

c. No establishment shall be open for business between the hours of 10:00 P.M. and 8:00 A.M.;

d. Only massage therapists licensed pursuant to this section shall be employed as massage therapists by the establishment;

e. No intoxicating beverages or substances included in Sub. II of Ch. 161, Wis. Stats., shall be permitted in the licensed establishment. Food shall be permitted only when there is no charge therefor and when a food preparation area, including sink with hot and cold running water, is a part of the establishment;

f. The establishment shall provide a waiting area for patrons separate from any area wherein massages are given. There shall be direct access to this area from the main entrance or from the hallway connected only to the main entrance;

g. The operator or a licensed manager shall be present on the premises at all times during hours of operation and shall be responsible for the operation of the establishment;

h. The establishment shall permit inspections of the premises at any time during business hours by building inspectors, fire inspectors, health inspectors, or personnel of any law enforcement agency;

i. The establishment shall keep current records of the names and addresses of its massage therapists, agents, managers, and employees and the date of employment and termination of each. Such records shall be open to inspection by any of the personnel listed in subparagraph h. above;

j. The establishment shall report any change of fact required on the application form and all personnel changes to the City Clerk within 10 days after such change;

k. Towels, sheets, and linens of all types, and items for personal use of the operators and patrons shall be clean and freshly laundered. Towels, cloths, and sheets shall not be used for more than one person. Re-use of such linen is prohibited unless the same has first been laundered. Heavy white paper may be substituted for sheets provided that such paper is used once for each person, then discarded into a sanitary receptacle;

l. While the establishment is open for business, all areas used for the purpose of massage are to be left open. Access to massage areas while such areas are being used are not to be blocked by locked doors under any circumstances. Lockers or other locked storage areas used only for the temporary storage of belongings of the patrons may be supplied by the establishment;

m. No massage or treatment of any kind shall be give to any person under the age of 18 except under the express written consent of such minor's parent or adult spouse or guardian. Said consent form shall be retained by the massage establishment for a period of at least two years from the date of consent.

2. Registration. Registration log required. The establishment shall keep and maintain in a legible fashion, prior to permitting any massage, a log including the name of each customer, two forms of identification used to verify the name of the customer, the time and date of each massage, and the name of the masseuse who gave the massage.

a. No licensee shall knowingly permit false registration or refuse or fail to require identification required by this section;

b. (Amd. GO 81-93) The establishment shall permit any Police Department representative of the City to examine the log required by this section;

c. The log required by this section shall be kept and maintained for a period of two years from the date of the recorded massage.

3. Display of License. Each establishment shall at all times display in a conspicuous place the license granted for that establishment.

(b) Each therapist shall at all times comply with the following regulations:

1. No therapist shall administer a massage:

a. If a therapist believes, knows, or should know that he or she is not free of any contagious or communicable disease or infection that has the potential to spread from one person to another through the contact with the skin;

b. To any massage patron exhibiting any skin fungus, skin infection, skin inflammation, or skin eruption.

2. The therapist shall report any change of fact required in the application form to the City Clerk within 10 days after such change.

3. a. It shall be unlawful for any person in a massage establishment to place his or her hands upon, to touch with any part of his or her body, to fondle in any manner, or to massage a sexual or genital part of any other person;

b. It shall be unlawful for any person in a massage establishment to expose his or her sexual or genital parts, or any portion thereof, to any other person. It shall also be unlawful for any person in a massage establishment to expose the sexual or genital parts, or any portion thereof, of any other person;

c. It shall be unlawful for any person, while in the presence of any other person in a massage establishment, to fail to conceal with a fully opaque covering the sexual or genital parts of his or her body;

d. It shall be unlawful for any person owning, operating, or managing a massage establishment knowingly to cause, allow, permit in or about such massage establishment any agent, employee, or any other person under his or her control or supervision to perform such acts prohibited in subparagraphs a, b, or c of this section;

e. It shall be unlawful for any person in a massage establishment, for a consideration, to offer to perform or to make available, permit, or in any way participate in the performance of any act prohibited in subparagraphs a, b, or c hereof.

(7) REVOCATION OR SUSPENSION OF LICENSE.

(a) The license granted herein may be revoked or suspended for up to six months by the Common Council.

1. If the applicant has made or recorded any statement required by this section knowing it to be false or fraudulent or intentionally deceptive;

2. For the violation of any provision of this section, except for establishment license matters involving violations of City codes, in which the license shall be revoked after the second conviction thereof in any license year;

3. If a therapist's license, after one conviction of any offense under Ch. 944, Wis. Stats., or of an offense involving substances included in Sub. II of Ch. 161, Wis. Stats., or of any offense against the person or property of a patron, whether such occurred on or off the premises of the establishment.

4. If an establishment license, after one conviction of any establishment personnel of an offense under Ch. 944, Wis. Stats., or of an offense against the person or property of a patron or of an offense involving substance in Sub. II of Ch. 161, Wis. Stats., where there is shown the participation or knowledge of any other establishment personnel or of any individual within the business structure of the applicant.

(b) Notice and Hearing. No license shall be revoked or suspended by the Common Council except upon due notice and hearing to determine whether grounds for such action exist. Such hearing shall be held before the Protection and Welfare Committee. Notice of such hearing shall be in writing and shall state the grounds of the complaint against the licensee. The notice shall be served upon the licensee at least 15 days prior to the date of the hearing and shall state the time and place thereof. The licensee shall be entitled to be heard, to be represented by counsel, to cross-examine opposing witnesses, to present witnesses on his or her own behalf under subpoena by the Common Council if such is required, and the hearing may be stenographically recorded at the licensee's option and expense. At the conclusion of such hearing, the

Protection and Welfare Committee shall submit a report to the Common Council including findings of fact and conclusions of law and a recommendation as to what, if any, action the Common Council should take with respect to the license. The Committee shall provide the complainant and licensee with a copy of the report. Either the complainant or licensee may file an objection to the report and have the opportunity to present arguments supporting the objection to the Common Council. The Common Council shall determine whether arguments shall be presented orally or in writing, or both. If the Common Council, after arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation, the license shall be suspended or revoked as provided at sub. (a). The Common Council shall decide the matter and shall prepare a written decision which shall be filed with the City Clerk and a copy thereof delivered to the licensee and complainant within 20 days after its decision.

(8) EXCEPTIONS. This section shall not apply to the following classes of individuals while engaged in the duties of their respective profession:

(a) Physicians, surgeons, chiropractors, osteopaths, masseurs, or physical therapists licensed or registered to practice their respective professions under the laws of the State of Wisconsin, or nurses registered under the laws of the State of Wisconsin, acting under their direction and control.

(b) Barbershops and beauty parlors, barbers and beauticians licensed under the laws of the State of Wisconsin, provided that such massage as is practiced is limited to the head and scalp.

(c) Accredited high schools and colleges and coaches and trainers therein while acting within the scope of their employment.

(9) OPERATION WITHOUT A LICENSE A PUBLIC NUISANCE. The operation of a massage establishment without a license or the activity of an individual as a massage therapist without a license is deemed a public nuisance and may be enjoined by the City.

(10) PENALTY. Any person violating any provision of this section shall be subject to a forfeiture of not less than $100 nor more than $1,000. Each day of violation of operating without required licenses or permits and each violation of any provision hereof shall constitute a separate offense.

(11) SEVERABILITY. The provisions of any part of this ordinance are severable. If any provision or subsection hereof or the application thereof to any person or circumstance is held invalid, the other provisions, subsections, and applications of such ordinance to other persons or circumstances shall not be affected thereby. It is declared to be the intent of this ordinance that the same would have been adopted had such invalid provisions, if any, not been included herein.

6.29 **TATTOO ESTABLISHMENTS**.

(1) LICENSE REQUIRED.

(a) License Required. No person shall engage in the business of tattooing in the City of Green Bay without a license.

(b) Fee. The license fee required is $50.

(c) Application Investigation. The application for license shall be given to the Health Commissioner. The City Clerk shall issue the license only after the Health Commissioner, after an

investigation and inspection of the premises where tattooing is proposed to be practiced, certifies that the sanitary conditions prevailing upon the premises comply with the provisions of this chapter.

(d) Display. The license issued shall be posted at all times on the licensed premises in a conspicuous location.

(2) DEFINITIONS.

(a) Health Commissioner shall mean and include the Health Commissioner or an authorized agent of the Health Commissioner.

(b) Tattooing shall mean and include 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.

(c) Approved means acceptable to the Health Department based upon its determination of conformance to good public health practices.

(d) Sterilize means submission to the steam pressure (autoclave) method with at least 15 pounds of pressure per square inch at 250° Fahrenheit for at least 30 minutes.

(3) HEALTH AND SANITARY REQUIREMENTS.

(a) Premises.

1. All tattooing establishments shall be maintained in a clean and sanitary condition. Antiseptic procedures shall be followed to insure physical cleanliness and sanitation.

2. The Health Commissioner shall have the right under §6.31, Green Bay Municipal Code, to inspect any tattoo shop licensed under the provisions of this article for the purpose of determining whether or not any of the terms of this article are being violated.

3. A handwashing facility supplied with hot and cold water under pressure, soap, and single-service towels shall be located in the room in which the tattoo is administered.

4. Approved waste containers with non-absorbent plastic liners shall be used for all tissues, towels, gauze pads, and other similar items used on the customer.

5. No person shall be present in the immediate vicinity of the area in which tattoos are administered unless authorized by the tattoo operator to be there.

(b) Equipment.

1. General.

a. All tattoo establishments 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.

b. All pigments, dyes, and instruments used in the practice of tattooing shall be sterilized before use.

c. Needles shall be used on only one customer and then discarded after use.

d. Needles may be reused on the same person by rinsing them under running tap water followed by rinsing them in 70 percent isopropyl alcohol or other method approved by the Health Commissioner.

e. 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. After cleaning, instruments shall be rinsed under fresh running tap water.

f. After sterilization, all needles and other instruments not individually wrapped shall be stored in a sterilized and covered glass container or in a stainless steel tray and submerged in an approved sterilizing and disinfecting solution. The Health Commissioner shall supply all establishments licensed under this ordinance with a list of approved sterilizing and disinfecting solutions.

g. Equipment or instruments requiring sterilization may be wrapped with an approved paper or plastic or placed in glass or plastic tubes. All such packages or containers shall be marked with temperature recording tape or labels and dated with the date of sterilization.

2. Stencils.

a. Plastic stencils shall be thoroughly cleaned after each use and sanitized by immersion for 10 minutes in a chlorine disinfectant solution prepared by mixing one tablespoon of household bleach containing 5 percent chlorine with one pint of water. A fresh solution of chlorine must be prepared for each stencil. After sanitizing, the stencils shall be rinsed in running tap water and air dried or blotted dry with a clean, single-service towel.

Prior to use, each pre-cleaned stencil shall be rinsed in a 70 percent isopropyl alcohol solution.

b. Paper stencils shall only be used once. New paper stencils shall be used for every individual.

3. Dyes and Inks.

a. The licensee shall submit in writing to the Health Commissioner the source of all dyes and inks used in administering tattoos.

b. Dyes or inks shall be taken only from squeeze bottle containers in which the dyes or inks have been sterilized.

c. Immediately before applying a tattoo, the dye to be used for the tattoo shall be squeezed from the sterile dye bottles into sterile disposable cups. Upon the completion of the tattoo, the cups and unused 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 must be utilized in the practice of tattooing.

a. Each operator is required to scrub his or her hands thoroughly before commencing tattooing on the customer's skin.

b. If the customer's skin is to be shaved, the skin shall be washed with a cleansing, medicated soap before shaving. A safety razor shall be used. A new blade shall be used for each customer. 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 customer only and then must be discarded.

c. The skin area to be tattooed shall be prepared by thoroughly washing the area with 70 percent isopropyl alcohol or other method approved by the Health Commissioner.

d. Single-use gauze pads, cloths, and towels shall be used in the skin cleaning and preparation process.

e. Petroleum jelly used for applying stencils 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. After completing work on any person, the tattooed area shall be washed with 70 percent isopropyl alcohol. A dry, sterile gauze dressing shall be used to cover the tattooed area. Use of medicated ointment on the tattooed area is permitted.

(d) General Supplies.

1. All tattooing establishments shall have clean, laundered towels, washcloths, and disposable paper towels in sufficient quantity for the sanitary operation of the practice of tattooing.

2. A clean towel and washcloth shall be used for each customer.

3. Clean towels and washcloths shall be stored in a closed, dust-proof container.

4. Soiled towels and washcloths shall be stored in an approved covered container.

5. All operators 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.

(e) Operator Requirements.

1. The operator shall be free of communicable diseases that may transmitted by the practice of tattooing;

2. Operators with open sores or skin infections on the hand or hands shall not be permitted to engage in the practice of tattooing;

3. The operator shall not use tobacco in any form while administering the tattoo;

4. The operator shall wash his/her hands thoroughly with soap and water before any skin preparation or tattooing; the hands shall be dried with individual single-service towels;

5. Physical examination of operators:

a. The Health Commissioner shall have the power to require any tattooer to submit to a practicing physician for a physical examination whenever the tattooer is suspected of having any infectious or contagious disease that may be transmitted by the practice of tattooing. The expense of the physical examination shall be paid by the tattooer.

b. Any tattooer notified to appear for a physical examination, as may be required by the preceding subsection, shall immediately cease working as a tattooer and shall not be allowed to work thereafter as a tattooer until he or she shall have first received a certificate in writing from a practicing physician that he or she is not inflicted with any infectious or contagious condition or disease that may be transmitted by the practice of tattooing.

(f) Customers.

1. It shall be unlawful for any person to tattoo any person under the age of 18 years.

2. Inquiry shall be made and no tattooing 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 months.

3. Tattooing 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.

(4) OTHER PROVISIONS.

(a) Record Retention. Records shall be kept of all tattoos administered, including the name of customer, date, time, identification of tattoo, and operator's name. Records shall be kept on the premises of the tattoo shop where tattoos are administered. These records shall be available for inspection for a period of six months after the date the tattoo is applied.

(b) Penalties. Any person found to have violated any provision of this section shall be subject to a fine of not less than $50 and not more than $500.

(c) Severability. If any section, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court, such decision shall not affect the validity of the remaining portions of this ordinance.

GENERAL ORDINANCE NO. 13-13

AN ORDINANCE
CREATING SECTION 15.68,
GREEN BAY MUNICIPAL CODE,
RELATING TO BUILDING MAINTENANCE

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 15.68, Green Bay Municipal Code, is hereby created to read as follows:

15.68 BUILDING MAINTENANCE

(1) HAZARDOUS CONDITIONS. A person who owns, leases or occupies a building shall keep the building from structural or other conditions that constitute a substantial hazard to the health or safety of its occupants, or creates an unreasonable risk of personal injury as a result of any reasonably foreseeable use of the building other than negligence by an occupant.

(2) COMMON AREAS. A person who owns a commercial building and leases the building to multiple tenants shall keep all common areas of the building maintained in a manner that is safe, functioning, sanitary, and undamaged.

(3) BUILDING EXTERIOR. A person who owns a building shall keep all exterior and weatherproofing components maintained in a manner that is safe, functioning, cleanable, and undamaged.

(4) INSUFFICIENT REPAIRS. A person who owns a building shall ensure all repairs to the building are performed in a workmanlike manner. Workmanlike manner includes, but is not limited to:

(a) The use of materials that has a consistent texture, color, quality, or appearance with adjacent materials.

(b) The complete performance of a job which does not leave unfinished edges, exposed nails/screws, loosely attached materials, or similar conditions.

(5) NOTICE OF VIOLATIONS TO PROSPECTIVE PURCHASERS. An owner of real property shall give notice to any prospective purchaser that a notice has been issued concerning a building code violation, where the condition giving rise to the notice of violation has not been corrected.

SECTION 2. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this _____ day of _____, 2013.

APPROVED:

_____
Mayor

ATTEST:

_____
Clerk

JLM:bc

06/18/13

MISCELLANEOUS ORDINANCE NO. 2-13

AN ORDINANCE
ADOPTING AN AMENDMENT TO THE
SMART GROWTH 2022 COMPREHENSIVE PLAN
OF THE CITY OF GREEN BAY PERTAINING TO
PROPERTY GENERALLY LOCATED IN THE 820 - 1020
BLOCKS OF BADER STREET AND THE
2060 - 2220 BLOCKS OF MANITOWOC ROAD
(CPA 13-01)

WHEREAS, pursuant to §§62.23(2) and (3), Wis. Stats., the City of Green Bay is authorized to prepare, adopt, and amend a comprehensive plan as defined in §66.1001(4)(a), Wis. Stats.; and

WHEREAS, the Common Council of the City of Green Bay has adopted written procedures (known as the Public Participation Plan for Periodic Comprehensive Plan Amendments) designed to foster public participation in every stage of the preparation of periodic comprehensive plan amendments required by §66.1001(4)(a), Wis. Stats.; and

WHEREAS, the Plan Commission of the City of Green Bay, by a majority vote of the entire Commission recorded in its official minutes, has adopted a resolution recommending the Common Council adopt Comprehensive Plan Amendment CPA 13-01; and

WHEREAS, the City of Green Bay has held at least one public hearing on this ordinance in compliance with the requirements of §66.1001(4)(d), Wis. Stats. It is the Common Council's belief that this comprehensive plan amendment is necessary and consistent with the overall goals, policies, and other related elements of the plan.

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. The Common Council has adopted the Smart Growth 2022 Comprehensive Plan for the purpose of guiding future land-use decision making, but recognizes that from time to time amendments may be necessary to reflect changes in the land use and planning needs of the community.

SECTION 2. The Common Council does hereby enact this ordinance to formally adopt Comprehensive Plan Amendment CPA 13-01 pursuant to §66.1001(4)(c), Wis. Stats. A copy of the comprehensive plan amendment is attached to this ordinance.

SECTION 3. This ordinance shall take effect upon passage by a unanimous vote of the Common Council and publication as required by law.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2013.

APPROVED:

_____
Mayor

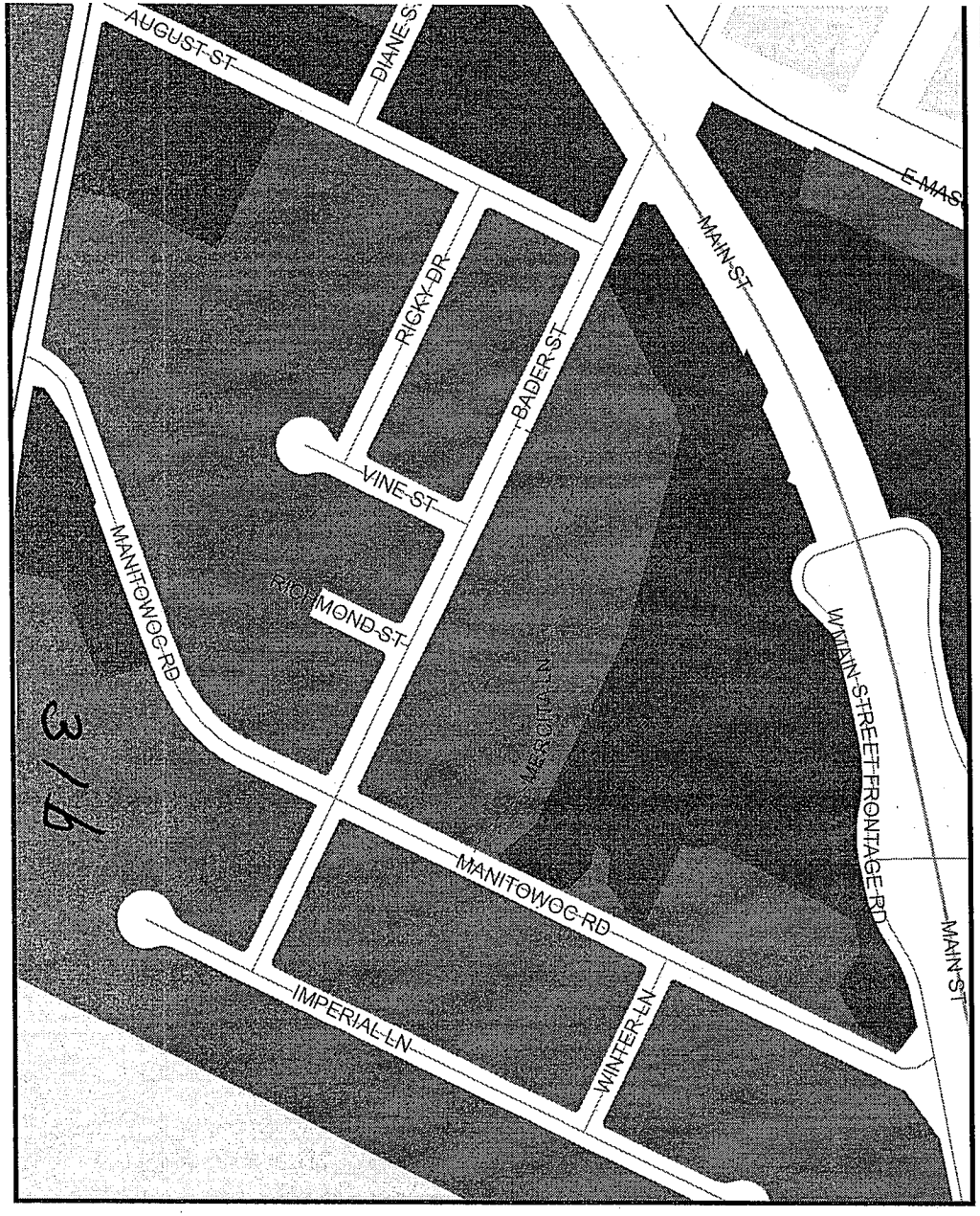
ATTEST:

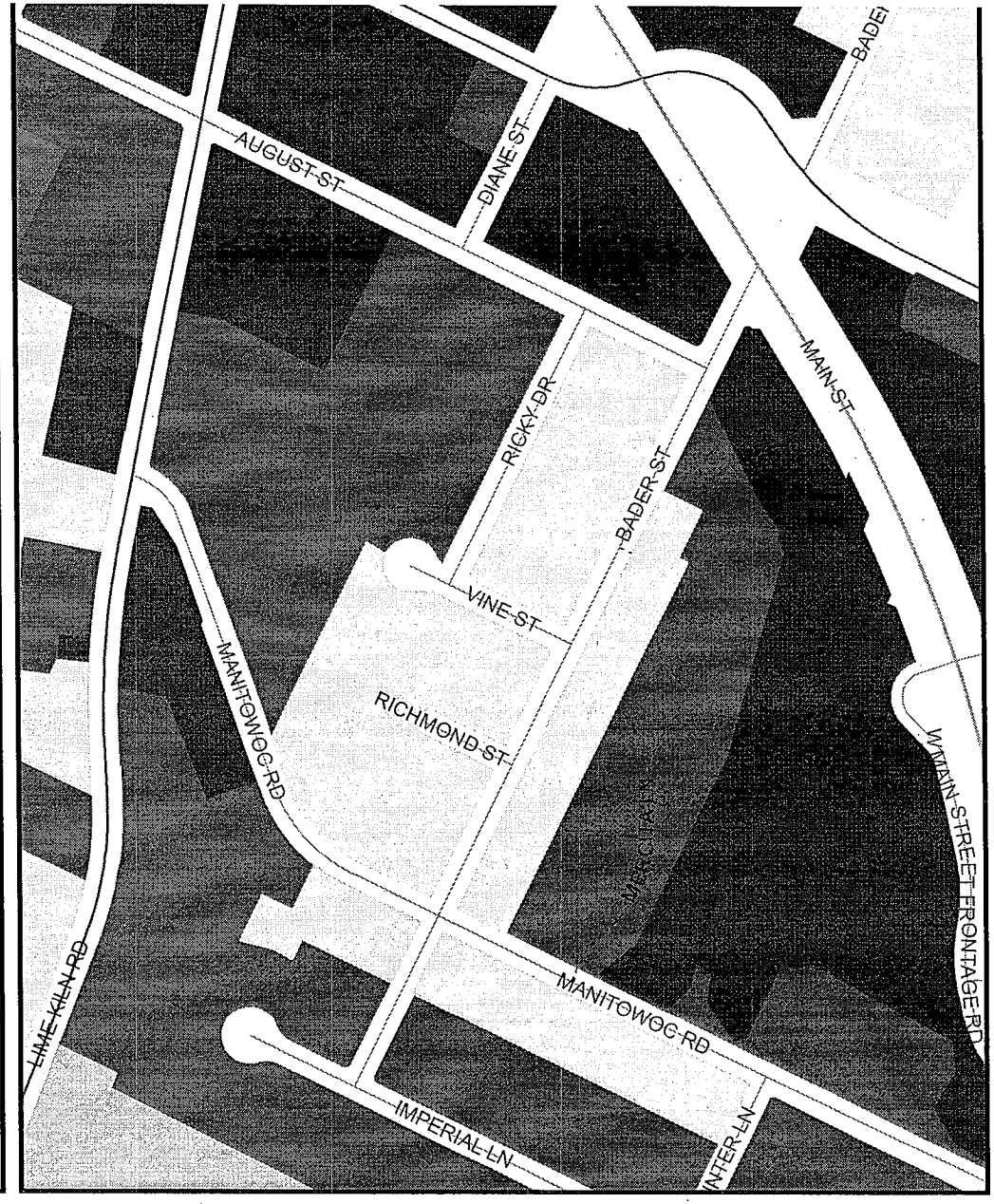
_____
Clerk

bc

Enclosure – Map

07/30/13





Current Comprehensive Plan Land Use Recommendation

Proposed Land Use Amendment

Proposed Comprehensive Plan Amendment (CPA 13-01): A request to revise the 820 to 1020 Blocks of Bader Street and the 2060 to 2220 Blocks of Manitowoc Road, from Medium/High Density Housing to Low Density Housing (Figure 22-5).

Legend

- Low Density Housing
- Commercial
- Medium/High Density Housing

N

100 50 0 100 200 Feet

This is a compilation of records and data located in various City of Green Bay offices and is to be used for reference purposes only. City of Green Bay is not responsible for any inaccuracies or unauthorized use of the information contained within. No warranties are implied.
Map prepared by City of Green Bay Planning Department. P. N. June 2013. X:\Planning\City\DATA_GIS\City Actions\ COMP PLAN AMEND\CPA 13-01

3 of 4