

CHAPTER 28

ENVIRONMENTAL HEALTH

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SUBCHAPTER I
GENERAL PROVISIONS

28.001 Title. This ordinance may be cited as the Sauk County Environmental Health Ordinance.

28.002 Effective date. This ordinance shall become effective upon its adoption by the Sauk County Board of Supervisors.

28.003 Purpose. The purpose of this ordinance is to protect the public health, safety, welfare, and environment for the people and communities of Sauk County, in cooperation with state and federal authorities and specifically the following:

(1) Define words, terms, and phrases contained in this ordinance which are essential to the understanding, administration, and enforcement of this ordinance.

(2) Authorize the Sauk County Health Department to become the designated agent of the State of Wisconsin Department of Agriculture, Trade, and Consumer Protection for the purpose of establishing permit fees, issuing permits, collecting samples, making investigations of retail food establishments, and enacting local regulations governing these establishments.

(3) Protect the public health by preventing the spread and transmission of disease through the processes of tattoo application, body piercing, or both.

(4) Provide for the administration and enforcement of this ordinance and establish penalties for its violation.

(5) Prevent the spread of communicable diseases.

(6) Prevent the continuance of public nuisances.

(7) Assure compliance with state and county air quality standards.

(8) Assure that insects and rodents do not create a public nuisance or health hazard.

(9) Assure that surface and ground water meet state and county regulatory standards.

(10) Assure that solid waste is handled, stored, and disposed of according to state and county regulatory standards.

(11) Assure that citizens are protected from hazardous, unhealthy, or unsafe substances.

(12) Assure protection against food borne illness.

(13) Assure that all public facilities that require a license or permit under this ordinance or Wisconsin Administrative Code, adopted by reference in this ordinance, comply with state and county regulations.

(14) Provide guidance to the health officer for enforcement of public facilities not in compliance with this ordinance and state regulations.

28.004 Administration. This ordinance shall be administered by the health department under the guidance of the board of health, in cooperation with state agencies. The Sauk County Health Officer shall have the power to ensure compliance with the intent and purpose of this ordinance by any means authorized by the law. The health officer may designate in writing other employees of the health department as designees to carry out the responsibilities of this ordinance. These designees shall have those powers designated by the health officer and may include any power or duty of the health officer.

28.005 Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of Sauk County, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes or other county ordinance.

28.006 Authority. This ordinance is adopted pursuant to the authority granted by law including Wis. Stat. §§59.70, 59.54, 66.0119, 66.0417, 66.115, 95.50(3), 97.41, 125.68(5), and 68, 75, 173, 250, 251, 252, 254, 66.122, 141.01(10), 143.03 146.14 Wis. Admin Code ch.

SPS 361 to SPS 365, 526, and 823, and as further updated or modified by law.

28.007 Severability. Each section, paragraph, sentence, clause, word, and provision of this ordinance is servable, and if any provisions shall be held unconstitutional or invalid by a decision of any court or other tribunal having jurisdiction for an reason, such decisions shall not affect the remainder of this ordinance nor any part, other than that clearly intended to be affected by such decision.

28.008 Jurisdiction. The jurisdiction of this ordinance shall include all air, land, and water; both surface and ground; within Sauk County.

SUBCHAPTER II

DEFINITIONS

28.009 Word usage. For the purposes of this ordinance, certain words and terms are used as follows:

(1) Words used in the present tense include the future.

(2) Words in the singular include the plural.

(3) Words in the plural include the singular.

(4) The word "shall" is mandatory and not permissive.

(5) Words and phrases not defined in this subchapter shall be construed according to common and approved usage, but technical words and phrases and others that have a peculiar meaning shall be construed according to the peculiar meaning unless such construction would produce a result inconsistent with the manifest intent of this ordinance.

(6) All definitions as set forth in Wis. Stat. chs. 68, 97, 125, and 251, Wis. Stat. § 66.0417, Wis. Admin Code ch. ATCP 75, DHS 140, and SPS 361 to SPS 365 are incorporated in this ordinance by reference and shall be construed, read, and interpreted as if fully set forth in this subchapter until amended, and then shall apply as amended.

28.010 Definitions. For the purposes of this ordinance, certain words and terms are defined as follows:

(1) "Annual food sales" means the total gross retail food sales at a retail food establishment for the previous 12 months.

(2) "Annual permit fee" means a fee for on-site inspection of the entire facility and one follow-up inspection to determine that establishments identified in subch. III are compliant with the statutes and administrative codes that govern their operation.

(3) "Antiseptic" means a chemical that kills or inhibits the growth of organisms on skin or living tissue.

(4) "Autoclave" means an apparatus that is registered and listed with the federal food and drug administration for sterilizing articles by using superheated steam under pressure.

(5) "Board of health" means the Sauk County Board of Health.

(6) "Body pierce" as a verb, means to perforate any human body part or tissue, except an ear, and to place a foreign object in the perforation to prevent the perforation from closing.

(7) "Body piercer" means a person who performs body piercing on another person at that person's request.

(8) "Body piercing" means perforating any human body part or tissue, except an ear, and placing a foreign object in the perforation to prevent the perforation from closing. .

(9) "Body piercing establishment" means the premises where a body piercer performs body piercing.

(10) "Building or structure" means a building or structure having walls and a roof erected or set upon an individual foundation or slab constructed base designed or used for the housing, shelter, enclosure, or support of persons, animals or property of any kind. This definition includes mobile homes.

(11) "Combined tattoo and body piercing establishment" means the premises where a tattooist or body piercer performs a tattoo or body piercing.

(12) "Combined temporary tattoo and body piercing establishment" means the premises where a tattooist or body piercer

performs a tattoo or body piercing for a maximum of 7 days.

(13) "County" means Sauk County, Wisconsin.

(14) "Cleaning" means the removal of foreign material from objects, normally accomplished with detergent, water, and mechanical action.

(15) "Disinfectant" means a chemical that is capable of destroying disease-causing organisms on inanimate objects, with the exception of bacterial spores.

(16) "Duplicate permit fee" means a fee for the replacement of an original permit.

(17) "Health department" means the Sauk County Health Department.

(18) "Health director" means the director of the health department.

(19) "Health officer" means a public official charged with the administration, enforcement, and interpretation of the Sauk County Environmental Health Ordinance.

(20) "Food" means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

(21) "Food processing" means the manufacture or preparation of food sale through the process of canning, extracting, fermenting, distilling, pickling, freezing, baking, drying, smoking, grinding, cutting, mixing, coating, stuffing, slicing cheese and lunch meat, popping popcorn, scooping ice cream, packing, bottling or packaging, or through any other treatment or preservation process.

(22) "Hot water" means water at a temperature of 110°F or higher.

(23) "Health hazard" means a substance, activity, or condition that is known to have the potential to cause acute or chronic illness or death if exposure to the substance, activity, or condition is not abated or removed.

(24) "Immediate health hazard" means a health hazard which should, in the opinion of the health officer, be abated or corrected immediately, or not later than within a 24-hour period, to prevent possible serve damage to human health or the environment.

(25) "Inspection fee" means the fee to conduct an inspection without the intent of licensing an establishment.

(26) "Late fee" means a fee that is charged for failure to comply with the time frame specified in the applicable statute and administrative code for completion and submission of the required application, renewal, or inspection of a permit to the health department.

(27) "Large processing, non-potentially hazardous establishment" means a retail food establishment where there is food processing of non-potentially hazardous (time/temperature control for food safety) food only present. Annual food sales for this establishment are greater than \$25,000.00.

(28) "Large processing, potentially hazardous establishment" means a retail food establishment where there is processing of food that is potentially hazardous because of time and temperature controls required for safe processing, and where the annual sales for the establishment are in excess of \$1,000,000.

(29) "Licensing year" means the 12-month period from July 1 through the next following June 30.

(30) "Limited food service," means the serving of only individually wrapped, hermetically sealed, single-food servings by a licensed processor with preparation on the premises limited to heating and serving with single-service articles.

(31) "Mobile retail food establishment vehicle" means a retail food establishment operating from a moveable vehicle, push cart, trailer or boat which periodically or continuously changes location and wherein retail food is sold to the consumer for consumption, excepting those vehicles used in delivery of pre-ordered food prepared in a licensed food establishment.

(32) "Mobile retail food establishment, not engaged in food processing" means a mobile retail food establishment that meets the requirements of a not-engaged-in-food-processing establishment.

(33) "Mobile retail food service base" means a service base for mobile retail food establishments to clean, store, and service.

(34) "Not engaged in food processing" means a retail food establishment where there is no food processing, and there is the sale of prepackaged potentially hazardous (time/temperature control for food safety) food to consumers.

(35) "Operator" means the owner, person responsible to the owner, or other person engaged in the management of a public facility.

(36) "Outdoor grilling" means the cooking of food on an outdoor grill on the premises of a retail food establishment. The purpose of outdoor cooking shall not increase the production capability of the restaurant kitchen by circumventing codes applicable to indoor cooking facilities. Hot holding shall be limited to what can be held on the cooking unit.

(37) "Patron" means a person receiving a tattoo or body piercing.

(38) "Permit" refers to a document issued by the environmental health division of the Sauk County Health Department to allow the operation of a public facility. Permit is synonymous with the term license.

(39) "Person" means any individual, firm, institution, corporation, society, or other entity.

(40) "Pollution" means the contaminating or rendering unclean or impure of the air, land, or waters of the county, or the introduction of any substance that causes injury to public health, is harmful to the commercial or recreational use of the air, land, or waters of the county, or is deleterious to fish, bird, animal, or plant life.

(41) "Potentially hazardous food (time/temperature control for food safety)" means:

(a) A food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation.

(b) "Potentially hazardous food (time/temperature control for food safety)" includes the following:

1. An animal food that is raw or heat-treated.

2. A plant food that is heat-treated or consists of raw seed sprouts.

3. Cut melons.

4. Cut leafy greens.

5. Cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that

they are unable to support pathogenic microorganism growth or toxin formation.

6. Garlic in oil mixtures that are not acidified or otherwise modified at a food processing plant in a way so that they are unable to support pathogenic microorganism growth or toxin formations.

7. Except as specified in subd. (c) 4. of this definition, food that, because of the interaction of its A_w and pH values, is designated as product assessment required in Tables A and B of this definition:

A. Interaction of pH and A_w for control of spores in food heat-treated to destroy vegetative cells and subsequently packaged.			
A_w values	pH values		
	4.6 or less	>4.6-5.6	> 5.6
< 0.92	Non-PHF*/non-TCS food **	Non-PHF/non-TCS food	Non-PHF/non-TCS food
> 0.92-.95	Non-PHF/non-TCS food	Non-PHF/non-TCS food	PA **
> .95	Non-PHF/non-TCS food	PA	PA

* PHF means potentially hazardous food
 ** TCS food means time/temperature control for safety food
 *** PA means product assessment required

B. Interaction of pH and A_w for control of vegetative cells and spores in food not heat-treated or heat-treated but not packaged.				
A_w values	pH values			
	< 4.2	4.2-4.6	> 4.6 - 5.0	> 5.0
< 0.88	Non-PHF*/non-TCS food **	Non-PHF/non-TCS food	Non-PHF/non-TCS food	Non-PHF/non-TCS food
.88 - .90	Non-PHF/non-TCS food	Non-PHF/non-TCS food	Non-PHF/non-TCS food	PA **
> 90 - .92	Non-PHF/non-TCS food	Non-PHF/non-TCS food	PA	PA
>.92	Non-PHF/non-TCS food	PA	PA	PA

* PHF means potentially hazardous food
 ** TCS food means time/temperature control for safety food
 *** PA means product assessment required

(c) “Potentially hazardous food (time/temperature control for safety food)” does not include the following:

1. An air-cooled, hard-boiled egg with shell intact, or an egg with shell intact that is not hard-boiled but has been pasteurized to destroy all viable salmonellae.

2. A food in an unopened, hermetically sealed container that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution.

3. A food that because of its pH or A_w value, or interaction of A_w and pH values, is designated as a non -PHF/non-TCS food in Table A or B of this definition.

4. A food that is designated as product assessment required in Table A or B of this definition and has undergone a product assessment showing that the growth or toxin formation of pathogenic microorganisms that are reasonably likely to occur in that food is precluded due to the following:

a. Intrinsic factors including added or natural characteristics of the food such as preservatives, antimicrobials, humectants, acidulants, or nutrients.

b. Extrinsic factor including environmental or operational factor that affect the food such as packaging, modified atmosphere such as reduced oxygen packaging, shelf life and use, or temperature range of storage and use.

c. A combination of intrinsic and extrinsic factors.

5. A food that doesn’t support the growth or toxin formation of pathogenic-microorganisms in accordance with any of the subds. (c)1. to 4. of this definition even though the food may contain a pathogenic microorganism, or chemical, or physical contaminant at a level sufficient to cause illness or injury.

(42) “Public” means affecting or having the potential to affect the people or environment outside the limits of an individual’s personally occupied structure or all persons outside of an individual’s personally owned or occupied structure.

(43) “Public building” means any structure used in whole or in part as a place of resort, assemblage, lodging, trade, traffic,

occupancy, or use by the public. In most cases, anything other than a 1 or 2 family residence.

(44) “Public facility” means any facility used by the public that requires a license or permit under this ordinance or a state code adopted by reference in this ordinance.

(45) “Public health nuisance” or similar or related words used within this ordinance means:

(a) Whoever by their act or failure to perform a legal duty, intentionally maintains or permits a condition that unreasonably injures or endangers the safety or health of the public, and whoever causes or maintains any source of filth or sickness, has committed a public health nuisance.

(b) The following, except to the extent as incorporated into approved agricultural practices, it not being the intent of this ordinance to regulate approved agricultural practices, are hereby expressly declared to be public health nuisances without limitation by reason of such enumeration:

1. Failure to keep waste, refuse, or garbage in an enclosed building or properly contained in a closed container designed or reasonably adapted for such purpose.

2. Allowing any discharge into the environment of toxic or hazardous substances in any form in such concentrations or for such length of time as to endanger the public health.

3. Causing or allowing the pollution of any well, cistern, spring, ground water, lake, canal, or body of water by sewage or industrial wastes, fertilizers, toxic pesticides, or other substances harmful to human beings.

4. Causing or allowing any accumulation of carcasses of animals, birds, fish, or fowl not intended for human consumption which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death, in accordance with Wis. Stats. § 95.

5. Causing or allowing unreasonable accumulation of decayed animal or vegetable matter, trash, rubbish, garbage, rotting lumber, packing material, scrap metal, tires, or any other substances in which flies, mosquitoes, disease, carrying insects, rats, or other vermin can breed, live, nest, or seek shelter.

6. Maintaining a building or structure which is dilapidated, neglected, or out-of-repair so as to be dangerous, unsafe, unsanitary, or

otherwise unfit for use, and for which no appropriate precautions to prevent entry by persons, such as posting fencing or closure of entrance ways, have been taken.

7. Failing to comply with any law or regulation regarding sanitation and health including:

a. Water supplies, including wells and surface waters.

b. Waste disposal.

c. Storage of chemical pesticides or herbicides.

d. Public buildings.

8. Causing or allowing improper sewage disposal facilities to be operated, or causing or allowing the effluent from any cesspool, septic tank, drain field, or sewage disposal system to discharge upon the surface of the ground or into any body of water.

9. Maintaining a hole or opening caused by an improperly abandoned cistern, septic system, dug well, driven well, drilled well, foundation, mine shaft, or tunnel, including an improperly abandoned, sealed, barricaded, or backfilled excavation for which no proper precautions to prevent entry such as posting or fencing have been taken. In addition to direct hazard to human welfare, this subsection is intended to prevent contamination of ground water supplies.

(46) “Practitioner” means a tattooist or body piercer.

(47) “Pre-inspection fee” means the fee associated with the required inspection necessary to determine compliance at the time of starting a new business, change-in-operator, or major alterations of establishment or its processes.

(48) “Premises” means a building, structure, area, or location where tattooing or body piercing are performed or where a retail food establishment, either mobile or fixed, conducts its sale to its consumers.

(49) “Re-inspection fee” means a fee structure for the subsequent inspections needed to address compliance issues with the statutes and administrative codes that govern a respective establishment. The fee for a re-inspection shall be a set fee, determined by the board of health. Re-inspections are conducted due to one or more of the following:

(a) Uncorrected critical violations.

(b) More than 10 total violations.

(c) Repeat violations from previous inspections.

(d) A complaint investigation identifying unsatisfactory conditions that require later re-inspection.

(50) “Retail food establishment” means any of the following, but does not include a restaurant or the establishment holding a permit to the extent that the activities of the establishment are covered by that permit:

(a) A permanent or mobile food processing facility where food is processed primarily for direct retail sale to consumers at the facility.

(b) A mobile facility from which potentially hazardous food is sold to customers at retail.

(c) A permanent facility from which food is sold to consumers at retail, whether or not that facility sells potentially hazardous food or is engaged in food processing.

(51) “Sharps container” means rigid puncture-resistant labeled containers made of materials including metal or rigid plastic, designed to prevent the loss of the contents, labeled with visible bio-hazard emblem or with the visible words “bio-hazard”, “sharps”, or “infectious waste”.

(52) “Sharps waste” means waste consisting of medical equipment or clinical laboratory articles that may cause punctures or cuts, including hypodermic needles, syringes with attached needles, and lancets, whether contaminated, unused, or disinfected.

(53) “Small processing, potentially hazardous establishment” means a retail food establishment where there is processing of food that is potentially hazardous because of time and temperature controls required for safe processing, and where the annual sales for the establishment are between \$25,000 and \$1,000,000.

(54) “Sterilization” means the killing of all organisms and spores through use of an autoclave operated at a minimum of 250°F (121°C) at pressure of at least 15 pounds per square inch for not less the 30 minutes or through the use of an autoclave approved by the health department that is operated at different temperature and pressure levels but is equally effective in killing all organisms and spores.

(55) “Tattoo” as a verb, means to insert pigment under the surface of the skin of a person by pricking with a needle or otherwise, so as to produce an indelible mark or figure through the skin.

(56) “Tattoo establishment” means the premises where a tattooist performs a tattoo.

(57) “Tattooist” means a person who performs tattoos on another person at that person’s request.

(58) “Temporary tattoo establishment” means a single building structure, special event, area or location where a tattooist performs tattooing for a maximum of 7 days.

(59) “Temporary body piercing establishment” means a single building structure, special event, area or location where a body piercer performs body piercing for a maximum of 7 days.

(60) “Temporary retail food establishment” means a retail food establishment that operates at a fixed location in conjunction with a single event such as a fair, carnival, circus, public exhibition, anniversary sale, or occasional sales promotion for a period of no more than 14 consecutive days or less.

(61) “Toxic or hazardous substance” means any chemical or biological material that is, or has the potential to create, a public health hazard.

(62) “Very small processing, non-potentially hazardous establishment” means a retail food establishment where there is processing of food that is potentially hazardous because of time and temperature controls required for safe processing, and where the annual sales for the establishment are less than \$25,000.

(63) “Very small processing, potentially hazardous establishment” means a retail food establishment where there is processing of food that is potentially hazardous because of time and temperature controls required for safe processing, and where the annual sales for the establishment are less than \$25,000.

SUBCHAPTER III

PROCEDURES AND ADMINISTRATION

28.011 Responsibilities and powers. (1) GENERAL PROVISIONS. (a) If any city or village becomes an agent under Wis. Stat. § 254.69, then the provisions of this ordinance shall not apply in that jurisdiction.

(2) RESPONSIBILITIES OF HEALTH OFFICERS OR DESIGNEES. (a) To insure compliance with the purpose, requirements, and intent of this ordinance and of Wis. Stat. ch. 251.06.

(b) To issue and deny permits as provided by this ordinance.

(c) To maintain records of permits issued, inspections made, work approved, and other official actions.

(d) To enforce the provisions of this ordinance.

(3) POWERS. The health officer or designee shall have all the powers necessary to enforce the provisions of this ordinance without limitation by reason of enumeration including the following:

(a) To enter any structure or premises at a reasonable time for the purpose of performing necessary duties and to secure a court order to accomplish the purpose, if necessary.

(b) To order abatement or correction of any public nuisance or health hazard in compliance with this ordinance or state statutes.

(c) To issue a permit for any public facility as provided for in this ordinance.

(d) To withhold issuances of a permit pursuant to this ordinance where the applicant, owner, or licensed contractor is in violation of this ordinance and to prohibit the use of any public facility requiring a permit under this ordinance, until it has been inspected and approved.

(e) To revoke the permit of or prohibit the use of a public facility that has been determined to present a potential health hazard or is in non-compliance with this ordinance.

(f) To delegate the responsibilities of administration and enforcement of this ordinance to a registered environmental health sanitarian or another person qualified in the field of public health.

(g) Any other action authorized by law to ensure compliance with the purpose and intent of this ordinance.

28.012 Administrative regulation. The authority to implement policies consistent with this ordinance is vested with the board of health. Policies will be promulgated as follows:

(1) The health director shall prepare draft policies and present those policies at least 20 days prior to adoption at a meeting of the board of health. Public comment on the draft policies shall be accepted.

(2) The health director shall consider the comments submitted, report to the board of health regarding any comments received, report whether the comments were incorporated into the draft policy, and provide an explanation why they were or were not incorporated. The board of health may consider the policy for adoption at their next meeting following the expiration of the 20-day period.

28.013 Application. Application for permits shall be filed with the health department on forms developed and provided by the health department, stating the name and the address of the proposed applicant and operator, and the address and location of the proposed establishment, together with any such other information as may be required. The health department shall issue the permit only after an investigation or inspection of the premises is completed and certifies that the condition of the premises comply with the provision of this ordinance and the licensee demonstrates competence in the maintenance of sanitary conditions. The premises and equipment must be in compliance with the adopted state regulation and this ordinance before a permit will be issued. In accordance with s. 28.019 of this ordinance, the health department shall either approve or deny the application within 30 days after receipt of a complete application.

28.014 Fees. (1) Fees for permits required by this ordinance shall be authorized through a fee schedule approved and periodically reviewed by the board of health.

(2) The following permit fees are established by the board of health and shall be

paid before any permit is issued. The required annual permit fees are as follows:

(a) Retail food establishments addressed in subch. V:

1. Not engaged in food processing establishment.
2. Very small processing, non-potentially hazardous establishment.
3. Large processing, non-potentially hazardous establishment.
4. Very small processing, potentially hazardous establishment.
5. Small processing, potentially hazardous establishment.
6. Large processing, potentially hazardous establishment.
7. Mobile retail food establishment.
8. Mobile retail food establishment, not engaged in food processing.
9. Mobile retail food establishment service base.
10. Temporary retail establishment, 7 day.

(b) Tattoo and body piercing establishments addressed in subch. VI.

1. Tattoo establishment.
2. Body piercing establishment.
3. Combined tattoo and body piercing establishment.
4. Temporary tattoo establishment .
5. Temporary body piercing establishment.
6. Temporary tattoo and body piercing establishment.

(c) There shall be a fee assessed for any duplicate permit applied for under the subchapter.

(3) The following fees are established by the board of health and must be paid before any permit is issued. The required fees are as follows:

(a) Retail food establishments addressed in subch. V:

1. The health department shall not issue a permit to a person intending to operate a new public facility or to a person intending to be the new permit holder of an existing public facility covered in s. 28.014(2)(a) 1. to 9. without a pre inspection fee. Pre inspection fees are not applicable to temporary retail food establishments.

2. Temporary retail establishments which conduct business in Sauk County that are

licensed outside of Sauk County are subject to the provision of this subsection, and will be inspected and charged an inspection fee to cover the cost of inspection. The fee charged shall not exceed the actual, direct costs incurred by the health department in conducting the inspection.

3. The health department shall issue a late fee to an existing public facility covered in s. 28.014(2)(b) 1. to 9. when the annual permit renewal payment is received after the end of the licensing year. Late fees are not applicable to temporary retail food establishments.

4. The health department shall issue a re-inspection fee to an existing public facility covered in s. 28.014(2)(a) 1. to 9. when necessary to determine compliance with repeating, excessive, or immediate health hazard violations. Re-inspection fees are not applicable to temporary retail food establishments.

(b) Tattoo and body piercing establishments addressed in subch. VI:

1. The health department shall not issue a permit to a person intending to operate a new public facility or to a person intending to be the new permit holder of an existing public facility covered in s. 28.014(2)(b) 1. to 3. without a pre inspection fee. Pre inspection fees are not applicable to temporary tattoo and body piercing establishments.

2. The health department shall issue a late fee to an existing public facility covered in s. 28.014(2)(b) 1. to 3. when the annual permit renewal payment is received after the end of the licensing year. Late fees are not applicable to temporary tattoo and body piercing establishments.

3. The health department shall issue a re-inspection fee to an existing public facility covered in s. 28.014(2)(b) 1. to 3. when necessary to determine compliance with repeating, excessive, or immediate health hazard violations. Re-inspection fees are not applicable to temporary tattoo and body piercing establishments.

(3) No annual permit will be renewed after the last day of the licensing year unless payment of the annual permit renewal and the late fee is received by the health department on or before September 1. No person may conduct, manage, maintain, or operate any of the public facilities requiring annual permits if the person

has not been issued a current permit; or, in the case of renewal of an annual permit, if the person has not renewed the permit on or before September 1.

28.015 Licensing and permits. (1) PERMITS.

(a) No permit shall be issued without compliance with this ordinance and applicable state regulations as adopted by reference. The person issued an annual health department permit for a public facility shall be responsible for compliance with this ordinance and subject to enforcement action for noncompliance with this ordinance.

(b) The issuance of a permit may be conditional upon the permit licensee 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. Before a person may legally operate a public facility where the permit has been voided, the person must reapply for a permit and accompany the application with the appropriate permit and pre inspection fee, where applicable in accordance with this subchapter, and have the facility re-inspected and approved by the health department.

(c) Permits are not transferable and shall only apply to the named person and premises listed on the license.

(d) A permit may be issued or renewed upon payment of the required fees and a satisfactory inspection of the premises.

(e) A permit may not be issued until all annual permit fees and pre inspection fees have been paid, where applicable.

(f) Such permits issued for the licensing year shall expire as follows:

1. On June 30 of each year following their issuance, except that an initial permit may be issued beginning on April 1 for a maximum length of 15 months, expiring on the second June 30 following issuance.

2. Except for tattoo and body piercing permits, which shall be valid from a period of one year, from July 1 to June 30.

(g) The permit shall not be transferable to a location other than the one for which it was issued, nor shall a permit be transferred from one operator to another unless expressly authorized by this ordinance, state statute, or

administrative code. As to location, temporary permits may be transferred.

(2) RETAIL FOOD ESTABLISHMENT. (a) A person may not operate a retail food establishment without first obtaining a permit from the health department.

(b) Operators or permit licensees of temporary retail food establishment whom the health department has found to be uncooperative by evidence of failing to allow inspections, failure to remedy violations or other specific and documented violations, or operator or permit licensees who are habitual violators of this ordinance, may be denied a permit to operate.

(c) Temporary permits may be transferred to a premises other than that for which it was issued. The permit licensee must notify the health department prior to the transfer, and the transfer is subject to the approval of the new premises by the health department prior to operating at the new premises.

(d) With the exception of those establishments defined under this section as “temporary”, 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.

(3) TATTOO AND BODY PIERCING ESTABLISHMENT. (a) No person may tattoo or body pierce another person, use or assume the title of tattooist or body piercer, or designate or represent themselves as a tattooist or body piercer unless the person has obtained a practitioner license from the Wisconsin Department of Health Services. Application for the license shall be made pursuant to Wisconsin Department of Health Services regulation, and the applicable fee shall be paid when submitting the application.

(b) A person may not engage in the practice of tattooing or own or operate a tattoo establishment in Sauk County without first applying for and receiving a permit from the Sauk County Health Department.

28.016 Public display of permits. Every establishment required to obtain a permit pursuant to this ordinance shall prominently display the permit at all times in a conspicuous, public place.

28.017 Temporary orders. Whenever, as the result of an investigation or inspection, the health officer has reasonable cause to believe that an immediate health hazard exists on a premises covered by this ordinance, the health officer may issue a Temporary Order in accordance with Wis. Stat. §66.0417 (2).

28.018 Enforcement. (1) The provisions of this ordinance shall be enforced by employees of the Sauk County Sheriff's Department, the Sauk County Health Department, the designees of these departments, or other persons authorized by the board of supervisors. Non-compliance with the ordinance or with a temporary order from the health officer or designee shall be cause for enforcement action under this section of this ordinance.

(2) This ordinance may be enforced by citation or civil forfeiture and the Sauk County Corporation Counsel is authorized to prosecute violations of this ordinance. Any person, business, corporation, property owner, or other entity violating this ordinance may be issued a citation in which case punishment shall occur for forfeiture provided in Sauk Co. Code ch. 20. Failure to pay penalties in accordance with this ordinance may result in imprisonment in the Sauk County Jail.

(3) ACCESS. An authorized agent of the health department shall be permitted to enter the public facility at any time in order to ensure that the provisions of this ordinance are being met. If violations are found, an order to correct shall be given to the owner or operator, in writing, noting specific changes that must be made in order to bring the facility into compliance. The order shall set forth the time period by which corrections must take place. In accordance with s. 28.019 of this ordinance, failure to correct may result in suspension of the establishments permit to operate, and may invoke the penalty provisions of this ordinance.

28.019 Denial, suspension, or revocation of license. The health officer may deny any license application or suspend or revoke any license issued under this ordinance for noncompliance with this ordinance and regulations, rules, and laws adopted by reference under this ordinance. The following procedure

shall be followed in the denial, suspension, or revocation of any permit issued under this subchapter.

(1) A decision by the health officer or designee, to deny, suspend, or revoke a license shall be in writing and shall state, with specificity, the reasons for the health officer's decision and shall state any applicable statutes, ordinances, rules, regulations, or orders which may have been violated. The health officer shall send a copy of the written decision to the licensee or applicant by mail or by personal service within 30 days of receiving the initial application. The notice shall inform the licensee or applicant of the right to have this decision reviewed and the procedure for such review.

(2) Any licensee or applicant aggrieved by a decision of the health officer to deny, suspend, or revoke a license may have the decision reviewed and reconsidered by a written request mailed or delivered to the health officer within 30 working days of receipt of the notice of the health officer's or designee's decision. The written request for review and reconsideration shall state the grounds upon which the person aggrieved contends that the decision should be reversed or modified.

(3) Within 15 working days of receipt of the request for review and reconsideration, the health officer shall review the initial determination. The health officer may affirm, reverse, or modify the initial determination. The health officer shall mail or deliver to the licensee or applicant a copy of the officer's decision on review, and shall state the reasons for such decision. The decision shall advise the licensee or applicant of the right to an administrative appeal, the time within which appeal shall be taken, and the office or person with whom the appeal shall be filed.

(4) A licensee or applicant who wishes to appeal a decision made by the health officer on review must file a notice of appeal within 30 days of delivery of the notice of the health officer's decision on review. The administrative appeal shall be filed or mailed to the health officer. The health officer shall immediately file the notice of appeal with the board of health.

(5) A licensee or applicant shall be provided a hearing on appeal within 15 days of receipt of the request for an administrative

appeal. The health officer shall serve the licensee or applicant with notice of hearing by mail or personal service at least 10 days before the hearing.

(6) The hearing shall be conducted before the board of health and shall be conducted in accordance with the procedures outline in Wis. Stat. §68.11(2) and (3).

(7) Within 20 days of the hearing, the board of health shall mail or deliver to the licensee or applicant its written determination stating the reasons for the determination.

(8) A decision by the health officer upon a request for review and reconsideration which is not appealed to the board of health, or a decision by the board of health on an appeal of a decision by the health officer of a request for review and reconsideration, shall be a final determination under Wis. Stat. §68.12(2).

(9) Any party to a proceeding resulting in a final determination may seek review of the final determination by certiorari within 30 days of receipt of the final determination per Wis. Stat. § 68.13.

28.020 Violation and penalties. (1) Any person who violates and refuses to comply with any provision of this ordinance shall be subject to a citation and respective forfeiture as established in Sauk Co. Code ch. 20 for each offense. The health officer or authorized representative may issue citations using the standard citation form used by Sauk County. Citations may be served in person or sent by certified mail. The health officer may also, or alternatively, revoke or amend any applicable permit. Each day a violation exists or continues shall be considered a new and separate offense.

(2) The Sauk County Corporation Counsel may seek enforcement of violations of this ordinance in Sauk County Circuit Court or any other court of competent jurisdiction. A court may enforce this ordinance through injunctive relief.

(3) Any person or entity violating this ordinance, or any rule promulgated in this subchapter or incorporated by reference, shall forfeit according to sub. (4) described as follows:

(4) Forfeiture amounts for licensed public facilities.

Type of Penalty	Minimum forfeiture per day	Maximum forfeiture per day
Retail Food Establishment	\$25	\$200
Tattoo and Body Piercing	\$500	\$2,000

(5) Forfeitures are exclusive of any fees or costs imposed pursuant to the Wisconsin Statutes.

(6) Violations of this ordinance pertaining to a tattoo establishment, or a body-piercing establishment, are considered an immediate and present danger to the public health and welfare. Unpermitted or unsanitary operation of a tattoo or body piercing business shall be deemed to cause irreparable harm. Violations of this ordinance may be enjoined without prejudice to seek forfeiture for the violations involved. Upon conviction of a second or subsequent violation, the license of an establishment and practitioner may be suspended for up to a period of 3 years.

SUBCHAPTER IV

PUBLIC HEALTH NUISANCE

28.021 Applicability. This subsection shall apply to all unincorporated areas of Sauk County.

28.022 Enforcement of public nuisances. (1) Whenever, in the judgment of the director, it is determined upon investigation that a public health nuisance in violation of this ordinance is being maintained or exists within Sauk County, the director may issue a written order of abatement ordering the person committing or maintaining the nuisance to terminate and to abate it and to remove the conditions or remedy the defects creating the nuisance. The order of abatement shall be served upon the person committing or maintaining the nuisance in the manner set forth for service of a summons in Wis. Stat. ch. 801, or by certified mail if that person resides outside of Sauk County. If the premises are not occupied and the address of the

owner is unknown and cannot be determined with due diligence, service on the owner may be accomplished by positing a copy of the order of abatement in a prominent place on the premises. The order of abatement shall require the owner or occupant of such premises, or both, to take reasonable steps within a reasonable period of time, as specified by the director in the order, to abate and remove the nuisance. Except in cases of emergency, special inspection warrants shall be obtained from the Sauk County Circuit Court in accordance with Wis. Stat. § 66.0119, for inspection of personal or real properties which are not public buildings or for inspection of portions of public buildings which are not open to the public where consent to entry for inspection purposes is refused.

(2) When the order for abatement has not been complied with, the noncompliance shall be reported to the Sauk County Corporation Counsel, who is hereby delegated the duty of prosecuting violations of this ordinance referred in this subchapter. The Sauk County Corporation Counsel shall take steps as that officer deems appropriate, to enforce this ordinance and the order for abatement and to abate the nuisance and to enjoin the future continuation of the nuisance. All violations of the the ordinance shall be subject to a forfeiture of not less than \$50 and not more than \$200 per offense, together with applicable penalty assessments and the taxable costs of prosecution, and the court may also grant injunctive relief. Failure to comply with an order of abatement issued under this ordinance shall constitute a violation of this ordinance, and each day of continued violation shall constitute a separate offense. Failure to pay any penalties imposed by the court in accordance with this ordinance, may result in imprisonment in the Sauk County Jail.

(3) In the case of a violation of this ordinance caused by improper sewage disposal facilities, Sauk County by its officers, agents, or employees may enter upon the property and abate or remove the nuisance or may contract to have the work performed in a manner approved by the Wisconsin Department of Industry, Labor and Human Relations, and the cost thereof may be recovered from the person causing or permitting the violation of this ordinance, or the cost may be paid by the Sauk County Treasurer

and the amount, after being paid by the treasurer, shall be filed with the municipal clerk, who shall enter the amount on the tax roll as special tax on the lands upon which such nuisance was abated and this tax shall be collected as are other taxes. As to any other violation of this ordinance, Sauk County may act to abate the nuisance and the county may recover the cost thereof in a suit of law.

SUBCHAPTER V

FOOD PROTECTION

28.023 Applicability. The provision of this subchapter shall apply to the owner and operator of any retail food establishment in both the incorporated or unincorporated areas of Sauk County, unless a city or village enters into a separate agreement pursuant to Wis. Stat. §97.41 with the State of Wisconsin Department of Agriculture, Trade and Consumer Protection to become a designated agent for the purposes designated in subch. III.

28.024 Regulations, rules, and laws adopted by reference. (1) The applicable laws, rules, and regulations as set forth in Wis. Stat. chs. 68, 97, 125, 251, Wis. Stat. § 66.0417, Wis. Admin. Code ch. ATCP 75, ATCP 97, and SPS 361 to 365 are incorporated in this regulation by reference and they shall be construed, read, and interpreted as fully set forth in this ordinance until amended, and then shall apply as amended. The expressed provisions of this ordinance shall control where more restrictive.

(2) Parts of some of the State Administrative Code enumerated in sub. (1) of this section may not be incorporated in this ordinance. These exceptions may be specified in the beginning of the section of this ordinance that deals with the subject matter of the code in question.

28.025 Non-compliance. Non-compliance with the provision of this ordinance and Wis. Admin. code ATCP 75 and ATCP 97 will be cause for enforcement under subch. III of this ordinance.

SUBCHAPTER VI

REGULATION OF TATTOO ARTISTS,
TATTOO ESTABLISHMENTS, BODY
PIERCERS, AND BODY PIERCING
ESTABLISHMENTS

28.026 Applicability. The provisions of this subchapter shall apply to all tattooist, body piercers, tattoo establishments and body piercing establishments within the boundaries of Sauk County.

28.027 Regulations, rules, and laws adopted by reference. (1) The applicable laws, rules, and regulations as set forth in Wis. Stat. chs. 68 and 251, Wis. Stat. § 66.0417, and Wis. Admin. Code ch. DHS 173 and SPS 361 to 365 are incorporated in this regulation by reference and they shall be construed, read, and interpreted as fully set forth in this ordinance until amended, and then shall apply as amended. The expressed provisions of this ordinance shall control where more restrictive.

(2) Parts of some of the State Administrative Code enumerated in sub. (1) of this section may not be incorporated in this ordinance. These exceptions may be specified in the beginning of each section of this ordinance that deals with the subject matter of the code in question.

28.028 Health and sanitary requirements. (1) ESTABLISHMENT. (a) Tattooing and body piercing shall be performed by a practitioner in a business establishment that is completely separated from any living quarters by a solid, permanent partition. A solid door leading to the living quarters shall be permitted, provided it remains closed during business hours.

(b) The entire premises of the establishment, and all facilities used in connection with the establishment, shall be maintained in a clean, sanitary, vermin free condition and in good repair. Antiseptic procedures shall be followed to insure physical cleanliness and sanitation.

(c) The establishment shall have potable hot and cold water under pressure.

(d) The establishment shall be equipped with toilet and hand washing facilities which are

connected to water and sewage disposal systems. Hand washing lavatories shall be supplied with cleansing compound and single service towels. At least one additional hand washing facility shall be located within the immediate area of the procedure area.

(e) The establishment, including the immediate area where the procedure is to be performed, shall be adequately lighted and ventilated.

(f) Floors in the immediate area where the procedure is to be performed shall have nonporous, smooth, washable surfaces, and shall be maintained in a clean condition. Carpeting is prohibited.

(g) Approved waste containers with nonabsorbent, durable plastic liners shall be used for all tissues, towels, gauze pads, and other similar items used on the patron. Bio-hazardous waste shall be disposed of in an acceptable manner. Needles and razors shall be disposed of in a Sharps container. Other contaminated wastes should be incarcerated or autoclaved prior to disposal.

(h) No person other than the patron shall be present in the immediate vicinity of the area in which tattoos or body piercings are administered unless authorized by the practitioner to be there.

(i) Smoking or consumption of food or drink shall not be allowed in the immediate area where the procedure is being performed. The patron may consume a soft drink.

(j) No animals, except guide dogs for visually or hearing impaired persons, shall be permitted in an establishment.

(k) The health officer shall have the authority under the Sauk Co. Code, to inspect any establishment under the provision of this ordinance for the purpose of determining compliance with any of the terms of this ordinance.

(2) EQUIPMENT. (a) *General.* 1. All establishments shall be equipped with an autoclave approved for use in sterilizing instruments to be used on humans, and which is in good working order and which is manufactured with temperature and pressure gauges marked as visible on the outside of the unit. Sterilization tape, or similar indicator, shall be used with each batch autoclaved or dry

sterilized to monitor functioning of the sterilization unit.

2. All pigments, dyes, and instruments used in the practice of tattooing, if not sterilized by the manufacturer and maintained in a condition to prevent contamination, shall be sterilized before use by the establishment.

3. Any dye or ink in which needles were dipped shall not be used on another person. Ink cups shall be for single patron use.

4. Needles shall be used on only one customer and then properly discarded.

5. Needles may be reused during the same session on the same person by rinsing them under running tap water followed by rinsing them in 70% isopropyl alcohol or other method approved by the health officer.

6. All instruments shall be thoroughly cleaned before being sterilized. This may be done with an ultrasonic cleaner or with a probe, needle, 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 the health officer.

7. 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 disinfection solution. The health officer shall supply all licensed establishments with a list of approved sterilizing and disinfection solutions.

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

9. Engineering and work practice controls shall be utilized to eliminate or minimize exposure to blood and body fluids. Extraordinary care must be taken to avoid accidental wounds from sharp instruments contaminated with blood or body fluids and to avoid contact with open skin lesions. Used sharps shall be disposed of in a sharps container designed for this purposes. Needles shall not be broken, bent, or recapped.

(b) *Stencils.* 1. No stencil may be used unless it is sterile.

2. Plastic stencils shall be thoroughly cleaned after each used and sanitized by immersion for 10 minutes in a chlorine disinfectant solution prepared by mixing one tablespoon of household bleach containing 5% 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% isopropyl alcohol solution.

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

(c) *Ink and Pigments.* 1. All inks and pigments shall be obtained from sources recognized as safe. Information indicating the sources of all inks and pigments shall be available to the health department upon request.

2. Only sterile inks or pigments shall be used, and they shall be dispensed from sterile bottles and containers.

3. 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.

(3) SKIN PREPARATION. (a) The following aseptic techniques shall be utilized in the practice of tattooing and body piercing:

1. Practitioners shall wash their hands thoroughly with hot water and soap before gloving prior to each patron. Hands shall be dried with individual paper towel. Practitioners shall wear single-use sterile gloves during the procedure and shall discard the gloves at the end of the procedure.

2. If the patron'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 in a sharps container after each use. If reusable blade holders are used, they may be used on only one customer and then must be discarded. Disposal of all regulated waste shall be in accordance with applicable federal, state, and local regulation.

3. The skin area to be tattooed or pierced shall be prepared by thoroughly washing the area with 70% isopropyl alcohol or other method approved by the health officer. The solutions shall be applied with sterile cotton or sterile gauze or sprayed on.

4. Single-use gauze pads, cloths, and towels shall be used in the skin cleaning and preparation process. Such materials shall be discarded after use.

5. Petroleum jelly used for applying stencils shall be dispensed from a single-use disposable container, or dispensed with a sterile tongue blade or sterile applicator stick which shall be discarded after each use.

6. After completing work on any patron, the tattooed area shall be washed with 70% isopropyl alcohol. A dry, sterile gauze dressing shall be used to cover the tattooed area. Pierced areas shall be treated to ensure the prevention of infection.

(b) Tattooed or pierced patrons shall be provided with printed instructions regarding care during the healing process.

(4) GENERAL SUPPLIES. (a) All establishments shall have clean laundered towels, washcloths, and disposable paper towels in sufficient quantity.

(b) A clean towel and washcloth shall be used for each customer.

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

(d) Soiled towels and washcloths shall be stored in an approved covered container.

(e) All practitioners shall wear clean, washable outer clothing.

(f) The procedure table or chair and supply tables shall be constructed of materials capable of being easily and thoroughly cleaned.

(g) Any materials or supplies having made contact with the blood or body fluid of any person, or with an instrument which has had such contact, shall be deemed contaminated and must be disposed of unless it may be sterilized and reused under the specific provision of this ordinance.

(5) PRACTITIONER REQUIREMENTS. (a) Practitioners with open sores, rashes, lesions, boils, or skin infections shall not be permitted to engage in the practice of tattooing or body piercing.

(b) No tattooist or body piercer may work while under the influence of alcohol or any mind-altering drug. Tobacco products may not be used while performing an actual procedure.

(c) Practitioners shall wash their hands thoroughly with soap and water before any skin preparation or procedure; the hands shall be dried with individual single-service towels. Single-service disposable rubber gloves and a disposable single-service face mask shall be worn throughout the entire procedure.

(d) *Physical Examinations of Practitioners.*

1. The health officer shall have the power to require any practitioner to submit to a physician for a physical examination whenever the practitioner is suspected of having any infections or contagious disease. The expenses of the physical examination shall be paid by the practitioner.

2. Any practitioner notified to appear for a physical examination as may be required by the preceding subsection, shall immediately cease working as a tattooist or body piercer and shall not be allowed to work in that capacity until the practitioner has first received a certificate in writing from a practicing physician that states the practitioner is not inflicted with any infectious or contagious condition or disease that may be transmitted by the practice of tattooing or body piercing.

(6) PATRONS. (a) It shall be unlawful for any person to tattoo an individual under the age of 18 years.

(b) No person under 16 years of age may be body pierced.

(c) No person 16 or 17 years of age may be body pierced unless an informed consent form has been signed by their parent or legal guardian in the presence of the operator.

(d) Inquiry shall be made, and no tattooing shall be performed, on an individual who is suspected of having jaundice or hepatitis or who has recovered from jaundice or hepatitis within the preceding 6 months.

(e) Tattooing or body piercing shall not be performed on an individual in an area with an evident skin infection or other skin disease or condition, including rashes, pimples, boils or infections.

(f) Tattooing or body piercing shall not be performed on any patron who appears to be

under the influence of alcohol or any mind-altering drug.

28.029 Records maintained. Records shall be kept of all tattoos and piercings administered, including the name of customer, date, time, identification of tattoo if applicable, and practitioner's name. Records shall be kept on the premises of the establishment where administered. These records shall be available for inspection for a period of 5 years after the date of the procedure.

28.030 Non-compliance. Non-compliance with the provisions of this ordinance and Wis. Admin. code DHS 173 or NR 526 will be cause for enforcement under subch. III of this ordinance.

Previously Chapter 28 – As adopted by the Sauk County Board of Supervisors on February 20, 1996. Repealed and recreated by the Sauk County Board of Supervisors on January 19, 1999 – Ordinance No. 13-99. Amended by the Sauk County Board of Supervisors on June 16, 2009 – Ordinance No. 74-09. Amended by the Sauk County Board of Supervisors on March 20, 2012 – Ordinance No 5-2012. Previously Chapter 29 – Adopted by the Sauk county Board of Supervisors on May 15, 1990. Amended by the Sauk County Board of Supervisors on February 20, 2 1996. Previously Chapter 44 – As adopted by the Sauk County Board of Supervisors on April 17, 2007 – Ordinance No. 51-07. Amended by the Sauk County Board of Supervisors on April 16, 2013 – Ordinance No. 07-13. Chapter 28, 29, & 44 repealed and recreated as Ch. 28 by the Sauk County Board of Supervisors on December 16, 2014 – Ordinance No. ___ - 14.

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