

PUBLIC NOTICE

Ordinance No. 65 Tanning Facilities

ORDINANCE NO. 65 TANNING FACILITIES

I. Title: Rules relating to minimum requirements for tanning facilities in Wright County, Iowa and providing penalties for violations thereof.

II. Purpose: The purpose of this Ordinance is to adopt Chapter 641-46 of the Iowa Administrative Code, to disseminate other rules relating to tanning facilities, and to provide for the enforcement thereof. Chapter 641-46 of the Iowa Administrative Code entitled "Minimum Requirements for Tanning Facilities," including any future amendments thereto, is hereby adopted and incorporated by this reference as if fully set forth herein.

III. Rules: These rules are applicable only to tanning facilities located within Wright County, Iowa, which are required to either obtain or maintain all applicable permits for their tanning beds. Iowa Department of Health and Humans Services is responsible for licensing and renewals of all tanning beds. Wright County Environmental Health, in compliance with Iowa Administrative Code 641-Chapter 46, is responsible for inspections.

A. Inspections. Inspections shall be performed by the Wright County Environmental Health Administrator.

1. All establishments shall have a routine inspection done annually. Routine inspections shall be performed by a competent Environmental Health Inspector.

2. When violations are noted during the inspection, the steps needed to correct them shall be reviewed with the person in charge of the establishment. If corrections are made while the inspector is on site, such shall be noted on the inspection form.

3. If critical items are noted during the inspection, one of the procedures must be followed;

a. Observe and document correction at the time of inspection.

b. Conduct a physical recheck of the facility within 30 days to verify correction.

4. Following the inspection, an exit interview shall be performed with the person in charge. This person shall sign and receive the inspection report. If a recheck is required, the person will also be informed of this requirement.

5. All inspection reports shall be on kept on file at the establishment.

6. Any other communications shall be kept on file as well, such as tests, complaint forms, and other communications with the establishment.

B. Inspection Cost.

1. An inspection cost of \$35.00 per tanning device shall be billed to the permit holder up to a maximum of \$350.00 per facility.

2. Inspection cost shall be due upon receipt of payment due.

3. Inspection cost not received within 45 days of the date of billing will be assessed a \$35.00 penalty for each month or fraction thereof

that the bill is delinquent.

4. A penalty of \$35.00 per facility may be assessed for the following:

a. Failure to respond to a notice of violation within 30 days of the date of inspection.

b. Failure to correct violations cited during the inspection.

5. Inspections shall include the following areas: proper operation and maintenance of devices, review of required records and training documentation, operator understanding and competency, and the requirement of these rules.

IV. Enforcement

1. If an inspection reveals that a violation has not been corrected, it shall be noted on the inspection form and the operator may be given an additional 30 days to make the corrections. If at that time corrections are still not made, a letter of enforcement may be sent to the owner.

2. When a person is in violation of county rules/regulations, the Environmental Health Administrator will work with the individuals to come into compliance.

3. After confirming with the Wright County Board of Health and Wright County Attorney, the Environmental Health Administrator may issue a citation or use court action when necessary. All appeals shall be done according the Wright County Board of Health Policy.

V. Penalties

Any person, firm, partnership, corporation, landowner, or other entity who violates any regulation in or any provision of this Ordinance or of any amendment or supplement thereto shall be guilty of a simple misdemeanor which is punishable by a fine of at least \$150.00 not more than \$855.00 or by imprisonment of not more than thirty (30) days and/or shall be guilty of a county infraction punishable by a civil penalty of not more than \$750.00 or if the infraction is a repeat offense by a civil penalty not to exceed \$1,000.00 for each repeat offense. Each day that a violation occurs or is permitted by the defendant constitutes a separate offense.

VI. Severability Clause

If any section, provision, or part of this Ordinance shall be judged invalid or unconstitutional, such adjudication shall not affect the validity of this Ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

VII. Enforcement

This Ordinance shall be enforced in its entirety by Wright County Board of Health.

VIII. Effective Date

This Ordinance shall be in full force and effect after its final passage, approval, and publication as provided for by the Code of Iowa.

PASSED by the Wright County Board of Health on March 21, 2023.

PASSED AND ACCEPTED Wright County Board of Supervisors on April 10, 2023.

Date Attested _____