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Kelly L. Spees, Recorder, Jefferson County Iowa



Jefferson County Tanning Ordinance

Recorder's Cover Sheet

Preparer Information: Jefferson County Attorney, 51 W. Hempstead Ave., Fairfield, IA
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Return Document To: Jefferson County Auditor, 51 E. Briggs Ave., Fairfield, IA 52556

Between:

Jefferson County, Iowa
51 E. Briggs Ave.
Fairfield, Iowa 52556

AN ORDINANCE AMENDING JEFFERSON COUNTY CODE OF ORDINANCES, ADDING CHAPTER 2-16 ESTABLISHING MIMIMUM REQUIREMENTS FOR TANNING FACILITIES AND ADOPTING IOWA ADMINSTRATIVE CODE 641-CHAPTER 46.

BE IT ENACTED BY THE JEFFERSON COUNTY BOARD OF SUPERVISORS THAT:

I. Amendment. The Jefferson County Code of Ordinances is amended by adding Chapter 2-16, which states:

“Chapter 2-16. TANNING FACILITIES REQUIREMENTS.

SECTION 1. Adoption of Rule. Iowa Administrative Code 641-Chapter 46, “Minimum Requirements for Tanning Facilities”, and all future amendments are hereby adopted by reference.

SECTION 2. Purpose. This chapter provides for the regulation of tanning facilities and devices used for the purpose of tanning human skin through the application of ultraviolet radiation. This includes, but is not limited to, public and private businesses, hotels, motels, apartments, condominiums, and health and country clubs.

The Jefferson County Board of Health or its agent shall rules stipulate minimum safety requirements relating to the operation of tanning devices; qualifications for tanning facility operators; and procedures for inspection and enforcement. Tanning facilities which are in compliance with these rules are not relieved from the requirements of any other federal and state regulations or local ordinances.

SECTION 3. Inspections.

1. *Inspections.*
 - a. Inspections shall be conducted annually.
 - b. 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 requirements of these rules.
 - c. A special inspection shall be conducted when warranted by a complaint from the public.
 - d. The Health Officer shall have access at all reasonable times to any tanning facility to inspect the facility to determine if this chapter is being violated.
2. *Fees*
 - a. Fees to be collected by Jefferson County Environmental Health for testing, inspections, evaluations, and other services necessary for carrying out the provisions of this Ordinance shall be \$40 for each tanning device with a maximum of \$400 per facility.
 - b. Inspection cost shall be due upon receipt of payment due.
 - c. Fees for inspection costs not received within 45 days of the date of billing will be assessed a \$25 penalty for each month or fraction thereof that the bill is delinquent.
 - d. A penalty fee of \$40 per facility may be assessed for the following:

1. Failure to respond to a notice of violation within 30 days of the date of the inspection.
2. Failure to correct violations cited during the inspection.

SECTION 4. Training of Operators.

1. No individual shall begin functioning as an operator unless the individual has satisfactorily completed a training program.
2. Operators shall be at least 16 years of age.
3. Operators shall complete the required training and testing every five years.

SECTION 5. Testing Cost. Owner/operators shall pay a fee of \$25.00 each time a tanning owner/operator test is taken to complete the required training and testing as an owner/operator.

SECTION 6. Penalties. Any violation of this chapter shall be a county infraction which is punishable by a civil penalty of not more than \$750.00 per violation. A second or subsequent infraction is a repeat offense, punishable by a civil penalty not exceeding \$1,000.00 per violation. Each day that a violation of this chapter continues shall constitute a separate and distinct offense and shall be punishable as such.

SECTION 7. Applicable. The provisions contained herein apply to tanning facilities within unincorporated and all incorporated places in Jefferson County, Iowa.”

II. Severability Clause. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this document, which are separable from the unlawful provision shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

III. Publication, Hearing, Approval, Adoption, and Filing of:

AN ORDINANCE AMENDING JEFFERSON COUNTY CODE OF ORDINANCES, ADDING CHAPTER 2-16 ESTABLISHING MIMIMUM REQUIREMENTS FOR TANNING FACILITIES AND ADOPTING IOWA ADMINSTRATIVE CODE 641-CHAPTER 46.

Public hearing notice (Board of Health) published on November 14, 2019 in

The Fairfield Ledger and the Clarion Plainsman

Public hearing on November 21, 2019 at 6:45 pm

Adopted by the Board of Health:


Stephen Burgmeier
Jefferson County Board of Health

November 21, 2019

Date

Public hearing notice (Board of Supervisors) published on December 12, 2019, in The Fairfield Ledger and Clarion-Plainsman and January 2, 2020

First Reading on December 23, 2019.

Second Reading on January 6, 2020.

Third Reading on waived, 2020.

Approved by the Board of Supervisors on this 6th day of January, 2020.

[Signature]
Chairperson
[Signature]
Supervisor
320
[Signature]
Supervisor

Attest: [Signature]
County Auditor

Publication of full text on January 16, 2020, in The Fairfield Ledger and Clarion-Plainsman