

DAVIS COUNTY BOARD OF HEALTH

BODY ART REGULATION



Davis

C O U N T Y
HEALTH
DEPARTMENT

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1.0 PURPOSE

The purpose of this regulation is to preserve, promote, and protect the public health, safety, and general welfare of residents and visitors in Davis County by establishing standards for sanitation in body art facilities.

2.0 SCOPE

This regulation is applicable to all body art facilities and operators within all incorporated and unincorporated areas of Davis County.

3.0 AUTHORITY AND APPLICABLE LAWS

This regulation is adopted under the authority of the Davis County Board of Health in accordance with Utah Code Annotated (UCA) Section 26A-1-121.

The provisions of Utah Administrative Code:
Chapter R392-701. Body Art Facility Sanitation;

4.0 DEFINITIONS

- 4.1 DEPARTMENT: The Davis County Health Department.
- 4.2 OPERATOR: Any individual who controls, operates, manages, conducts, or performs body art at a body art facility, mobile body art facility, or temporary body art facility.
- 4.3 PERSON: Any individual, firm, corporation and its officers, association, partnership, cooperative, trustee, executor of an estate, governmental agency or any other legal entity recognized by law, in the singular or plural.

5.0 REGULATION

5.1 Right of Entry

A representative of the Department shall be allowed access to the regulated premises after providing proper identification.

5.2 Operating Permit

A person shall not operate a body art facility, organize a temporary body art event, or perform body art without a valid operating permit issued by the Department.

5.2.1 Validity.

Operating Permits shall be valid for the following periods of time:

- 5.2.1.1 Body Art Facility one year;
- 5.2.1.2 Temporary Body Art Facility up to 14 consecutive days;
- 5.2.1.3 Temporary Body Art Event up to 14 consecutive days.

5.2.1.4 The Department may close any body art facility that fails to meet the requirements of these regulations or operates without a permit.

5.2.2 Renewal.

An operating permit for a body art facility shall be renewed at least 30 days prior to expiration each year.

5.2.3 Late Fee.

A late fee may be assessed for failure to renew an operating permit prior to its expiration and every 30 days thereafter.

5.2.4 Permit Contact Information.

A permit holder shall notify the Department in writing within ten days of any change in contact information.

5.2.5 Permits Not Transferable.

A permit may not be transferred from one person to another person or from one location to another location.

5.3 Temporary Body Art Facility

5.3.1 Application.

A Temporary Body Art Facility application must be submitted at least 14 days prior to operation.

5.3.2 Late Fee.

A late fee may be assessed for submitting an application less than 14 days prior to the event.

5.4 Temporary Body Art Event

5.4.1 Requirement.

Any public or private event in which four or more Temporary Body Art Facility permits are issued, requires a Temporary Body Art Event permit.

5.4.2 Application.

A Temporary Body Art Event application must be submitted at least 30 days prior to the start of the event.

5.4.2.1 The Department may deny any application for an event where an application is submitted less than 30 days in advance.

5.4.3 Event Plans.

The operator shall submit plans as part of the application including:

5.4.3.1 a site plan with the location of all temporary body art facilities, restrooms, handwash stations, and any other facilities shared by multiple temporary body art facilities;

5.4.3.2 a plan for the monitoring and filling of all handwash stations with potable water;

5.4.3.3 a plan that details how all wastewater and waste materials will be stored, collected and disposed of.

5.4.4 Department Approval.

The Department may require any modifications to the plans deemed necessary to protect public health before approving a permit.

5.4.5 Event Operation.

The operator shall follow the plan approved by the Department for the duration of the Temporary Body Art Event.

5.4.5.1 Any request to deviate from the approved plan shall be submitted to the Department in writing.

5.5 Enforcement

It is unlawful for any person to fail to comply with this regulation or to interfere with the Department in the performance of its duties.

5.5.1 Closed to Operations.

A body art facility or temporary body art facility may be closed by the Department if the body art facility is operating with an imminent health hazard present.

5.5.2 Follow-Up Inspection.

A follow-up inspection fee may be required for any notice issued by the Department.

5.5.3 Suspension of a Permit.

A body art facility or temporary body art facility's operating permit may be suspended if the facility has violated any provision of this regulation.

5.5.3.1 A body art facility or temporary body art facility with a suspended permit may resume operations only after receiving approval from the Department.

5.5.4 Notice of Violation.

A notice of violation may be issued to any person operating a body art facility or temporary body art facility without a valid permit as required by this regulation.

5.5.5 Revocation of a Permit.

The Davis County Board of Health may revoke an operating permit if the body art facility is in violation of any of the provisions of this regulation.

6.0 PENALTY

**6.1 Criminal Penalties Pursuant to UCA Section 26A-1-123
Pursuant to UCA Section 26A-1-123:**

- 6.1.1 Any person who is found guilty by a court of: violating any of the provisions of this regulation; or violating, disobeying, or disregarding any notice issued under this regulation is guilty of a class B misdemeanor;
- 6.1.2 Any person who is found guilty of a subsequent similar violation within two years of the initial violation is guilty of a class A misdemeanor;
- 6.1.3 Each day such violation is committed or permitted to continue shall constitute a separate violation;
- 6.1.4 Conviction under this section does not relieve the person convicted from civil liability.

6.2 Civil and Administrative Penalties

- 6.2.1 Any person who violates any of the provisions of this regulation or violates, disobeys, or disregards any notice issued under this regulation shall be subject to the payment of costs incurred in the enforcement of any violation or notice issued, including costs attributable to any involved local agencies;
- 6.2.2 A penalty pursuant to the provisions of UCA Subsection 26-23-6(2).
- 6.2.3 A penalty pursuant to the provisions of UCA Section 19-5-115.
- 6.2.4 The exercise of civil and administrative penalties shall be subject to the Department's Adjudicative Hearing Procedures Regulation.

7.0 SEVERABILITY

If any provision, clause, sentence, or paragraph of this regulation or the application or circumstances shall be held invalid, such invalidity shall not affect the other provisions or applications of this regulation. The valid part of any clause, sentence, or paragraph of this regulation shall be given independence from the invalid provisions or application, and to this end, the provisions of this regulation are declared to be severable.

8.0 FEES

- 8.1 Plan Review: \$250.00
- 8.2 Operating Permits:
 - 8.2.1 Body Art Facility: \$200.00
 - 8.2.2 Temporary Body Art Facility: \$100.00
 - 8.2.3 Temporary Body Art Event: \$250.00
- 8.3 Miscellaneous:
 - 8.3.1 Follow-Up Inspection: \$100.00
 - 8.3.2 Late Fee: \$100.00

IN WITNESS WHEREOF, the Davis County Board of Health has passed, approved and adopted this regulation this 10th day of May, 2005.

Effective date: May 10, 2005

Revised and Amended: May 13, 2008

Revised and Amended: May 8, 2012

Revised and Amended: August 8, 2017

Repealed and Reenacted: February 11, 2025

Davis County Board of Health

Signed: _____
Brandon Hatch
Board Chairman

Attest: _____
Brian Hatch, M.P.H.
Director of Health